

Humanitarian Assistance

IMPROVING U.S.-EUROPEAN COOPERATION



Julia Steets and Daniel S. Hamilton, Editors

Humanitarian Assistance: Improving U.S.-European Cooperation

Edited by

Julia Steets *and* Daniel S. Hamilton

You can access all individual chapters of this book, as well as other publications created in the context of the Raising the Bar project, including an Action Paper, three Policy Papers and Conference Reports at:

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Cover Images

Left: USAID blankets being distributed by Mercy Corps wait to be loaded onto trucks at Chaklala airport on October 31, 2005 in Islamabad, Pakistan. Photo by Paula Bronstein/Getty Images.

Right: Rice is distributed as relief aid to internally displaced ethnic Tamils at a center in Valaichenai in government-held territory of northeastern Sri Lanka on December 9, 2006. Photo by John Moore/Getty Images.

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Foreword

This book analyzes the policies and approaches of the European Commission and the U.S. Government to humanitarian assistance and develops recommendations for enhancing transatlantic cooperation and mutual learning in this field.

The contributions to this book were created as part of the project “Raising the Bar: Enhancing Transatlantic Governance of Disaster Relief and Preparedness.” This project was mainly funded through the European Commission’s pilot program on transatlantic methods for handling common global challenges and was also supported by the German Federal Ministry for Economic Cooperation and Development (BMZ).

The “Raising the Bar” Project was designed to support enhanced cooperation and mutual learning in humanitarian assistance between the European Commission and the U.S. Government and to develop recommendations for the 2010 EU-U.S. summit. It was based on a broad network of relevant institutions on both sides of the Atlantic, led by the Global Public Policy Institute (GPPi) and the Center for Transatlantic Relations (CTR) at Johns Hopkins University, and closely involving the International Rescue Committee (IRC), Groupe Urgence, Réhabilitation, Développement (Groupe URD), Welthungerhilfe and Development Assistance Research Associates (DARA) as partner organizations. The findings of the project are based on the insights of 16 field-level case studies that were commissioned for the project. Decision-makers and experts in humanitarian assistance from both sides of the Atlantic were actively involved in the project through a series of Transatlantic Dialogues on Humanitarian Action, the project’s Steering Committee, as well as a series of other discussion events.

The chapters in this volume describe the current state of the transatlantic relationship in humanitarian assistance and pay particular attention to four central questions:

- How could the transatlantic partners promote the linking of relief, rehabilitation, and development?
- How could the transatlantic partners improve humanitarian performance through the implementation of lessons learned?
- What role does business play – and how could it be more effective – in disaster relief and preparedness?
- How could the transatlantic partners improve civil-military engagement when responding to disasters?

The 16 case studies in this book were created to help address these questions. The case studies focus mainly on humanitarian assistance to third countries, but they also include a domestic emergency situation that holds important lessons for emergency response and preparedness. The case studies cover diverse regional settings ranging from the U.S. to Indonesia, as well as different types of crises, including natural disasters, complex emergencies, and protracted crises. Table 1 provides an overview of study group topics and related case studies.

Table 1. “Raising the Bar” Study Groups and Case Studies

Study Group	Case Study Focus
Improving Humanitarian Performance through the Implementation of Lessons Learned	Enhancing Gender Programming – Nepal Enhancing Gender Programming – Darfur Strengthening Local Capacity – Nicaragua Strengthening Local Capacity – Occupied Palestinian Territories
Linking Relief, Rehabilitation and Development	Southern Sudan The Democratic Republic of Congo (Northern Kivu) Afghanistan Chad
Business Engagement in Humanitarian Action	Commercial business engagement in emergency response Commercial business engagement in emergency preparedness Humanitarian assistance and corporate social responsibility Corporate social responsibility in emergency preparedness
Civil-Military Relations	The Democratic Republic of Congo (Kivu) The Balkans / Kosovo The 2004 Tsunami Hurricane Katrina

The “Raising the Bar” Project would not have been possible without the input and support of many individuals and organizations. The project team of the Global Public Policy Institute and the Center for Transatlantic Relations would especially like to thank all those who volunteered to contribute their knowledge and insights to the research process and the discussion events, including all case study authors, interview partners and, in no order of priority: Thorsten Benner, Esther Brimmer, Kate Burns, Per Byman, Claire Clement, James Darcy, Chantal de Jonge Oudraat, Kerstin Fähmann, François Grünwald, Walter van Hattum, Sarah Hughes, Jonathan Katz, Jenty Kirsch-Wood, Libby Jenke, Gretchen Losee, Johannes Luchner, Katrien Maes, Erika Mann, Maxie Matthiessen, Claudia Meier, Susanne Meier, Johanna Mendelson-Forman, Ursula Müller, Kathleen Newland, Riccardo Polastro, Béatric Pouligny, Katrin Radtke, Anne C. Richard, Ed Salazar, Martin Sprott, Lenka Stiburkova, Natalie Stiennon, Abby Stoddard, Astri Suhrke, H. Roy Williams, and Sir Nicholas Young.

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Authors write in their personal capacity and do not necessarily represent the views of their respective organizations or governments.

Julia Steets
Dan Hamilton

Part I: Introduction and Background

Chapter 1

Emergency Response and Preparedness as a Common Challenge for the EU and the U.S.

*Julia Steets*¹

Fighting in Sri Lanka and Gaza, ongoing conflicts in Sudan, renewed hostilities in the Democratic Republic of Congo, Hurricane Gustav, floods in India and China, the earthquake in Sichuan, and Cyclones Nargis and Sidr—these are only some of the better known events in recent memory that have wreaked havoc. The world has to deal with increasingly complex emergencies, a continuously high number of armed conflicts, as well as a rapidly increasing incidence of natural disasters in the wake of climate change. While the numbers fluctuate, an average of around 30 armed wars or internal conflicts has been counted each year since the end of World War II.² At the same time, the annual number of recorded natural and technological disasters has risen from around 30–40 after World War II to an average of well over 400 today, though some of this increase is due to improved reporting practices.³ Due to population growth, these crises are affecting ever more people.

Donors and relief agencies are struggling to prepare for and respond to these increasing numbers of emergencies. The European Union (EU) and the United States of America (U.S.) recognize that effective emergency relief and preparedness policies are crucial not only for protecting their own populations against hazards, but also for enhancing their images abroad, strengthening stability and security, and controlling migration. The transatlantic partners play a critical role in the current system of humanitarian assistance. Together, they provide almost two thirds of global humanitarian funding. Through their participation in and influence on multilateral and multi-stakeholder initiatives, they help to shape the norms and practices of the global humanitarian system. Moreover, they have an extensive field presence in countries repeatedly affected by crises, which enables them to have a direct impact on humanitarian activities on the ground.

¹ The author is grateful for the research inputs to this and the next chapter by Claire Clement.

² Armed conflict is defined as a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths. Based on this definition, the yearly average of armed conflicts was only 18 in the decades immediately following World War II. After the end of the Cold War, conflicts increased significantly to around 45 per year. Within the last decade, this number has come down again to 34.5, thus approaching the post-World War II average of 31. See Nils Petter Gleditsch, Peter Wallensteen, Mikael Eriksson, Margareta Sollenberg & Håvard Strand, “Armed Conflict 1946–2001: A New Dataset.” *Journal of Peace Research* 39(5): 615–637 (2002); and www.prio.no/CSCW/Datasets (last accessed February 23, 2009).

³ See EM_DAT: The OFDA/CRED International Disaster Database, available at www.emdat.be (last accessed February 23, 2009). The data base includes events that fulfil at least one of the following criteria: 10 or more people reported killed; 100 people affected; declaration of a state of emergency; call for international assistance. The trend is not only apparent in developing countries and emerging markets, but also in industrialized countries. For the US, for example, FEMA records an average of 55 declared emergencies over the last decade. In the 1950s and 1960s, an average of only 16 or 17 disasters were declared each year. See http://www.fema.gov/news/disaster_totals_annual.fema (last accessed February 23, 2009).

The EU and the U.S. are close partners in responding to emergencies on the ground. Yet, their approaches to humanitarian assistance differ, with the EU adopting a more principled and the U.S. a more pragmatic stance. Transatlantic cooperation in the field of humanitarian assistance is further hampered by political differences concerning issues such as food aid; a lack of transparency and mutual understanding with respect to the roles and responsibilities of the multiple agencies involved in humanitarian assistance; and the limited nature of current strategic dialogues between the two partners.

By working more closely together, the EU and the U.S. could learn from each other's experiences and improve their humanitarian policies and practices. Enhanced cooperation would also allow them to adopt more coherent policies and define a better division of labor, thus avoiding unnecessary duplication, as well as mutually counterproductive activities. Together, they would exert greater influence over the humanitarian system as a whole and could provide a valuable impetus for learning and reform.

The transatlantic partners currently have a window of opportunity for enhancing their cooperation in emergency relief and preparedness and for helping to improve the humanitarian system. This chapter argues that they should seize that opportunity, while the remainder of the book examines how and in which areas they can do so.

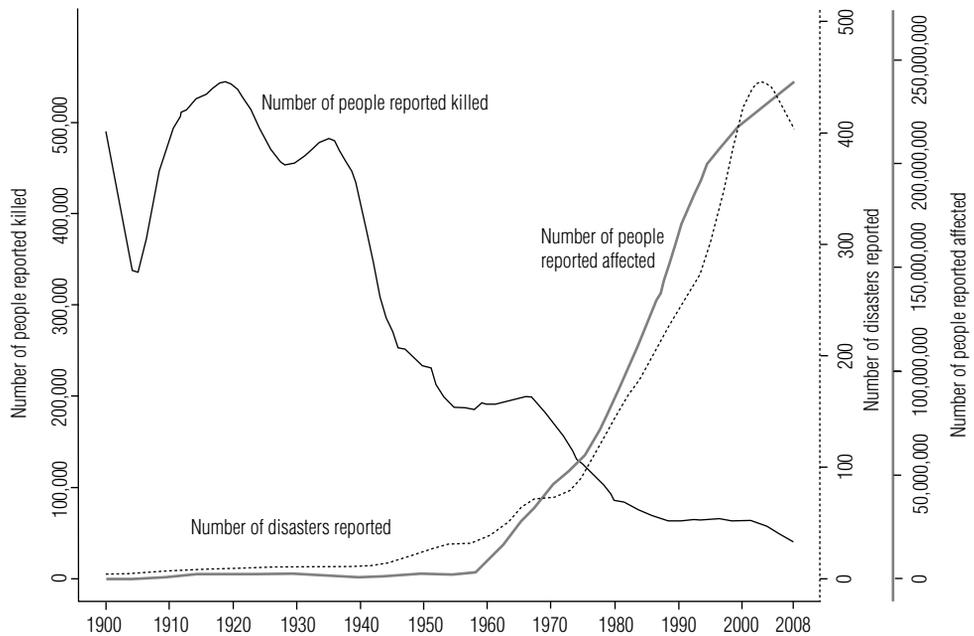
Achievements of the Humanitarian System

With growing need, changes on the world political stage, and an enhanced recognition of the strategic importance of humanitarian policy, humanitarian assistance has moved from the fringes to the center of political attention.⁴ A flurry of actors now populates what used to be the preserve of the International Red Cross and Red Crescent Movement and humanitarian Non-Governmental Organizations (NGOs). Most major donor governments now have institutions or departments, as well as policies for humanitarian assistance. Multilateral agencies and NGOs are joined by the military and business organizations in delivering humanitarian assistance. To deal with this growing institutional diversity, mechanisms aimed at assisting coordination have been created, most notably the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the Inter-Agency Standing Committee (IASC). The humanitarian system now commands an impressive amount of resources. For 2006, total humanitarian assistance was estimated at \$14.2 billion. Governments contributed \$9.2 billion, up from around \$500 million per year in the late 1970s, \$1 billion in the mid 1980s and \$2 billion in the early 1990s.⁵

These developments, coupled with slowly increasing professionalism among humanitarian agencies, have led to striking results. As the graph illustrates, the number of natural disasters

⁴ This and the following paragraphs draw heavily on Peter Walker and Daniel Maxwell, *Shaping the Humanitarian World* (Oxon and New York: Routledge, 2009), esp. pp. 136-153. See also Antonio Donini, et al, *The State of the Humanitarian Enterprise* (Medford and Addis Ababa: Feinstein International Center, 2008).

⁵ See Development Initiatives, *Global Humanitarian Assistance 2007/2008* (Somerset: 2008). For 2006, government contributions to humanitarian assistance amounted to roughly 9% of total foreign assistance budgets. The Financial Tracking System on OCHA records contributions reported by governments and recipient agencies. It contains lower figures and reports \$7.6 billion in 2006, \$7.8 billion in 2007, and \$11.9 billion in 2008. Available at <http://ocha.unog.ch/fts> (last accessed June 2009).

Figure 1. Trends in Natural Disasters (1900–2008)

(many of which are caused or triggered by humans), as well as the number of people affected by disasters, has been growing exponentially since the 1960s. Due to improvements in domestic and international emergency relief and preparedness systems, the number of people reported killed by these disasters has at the same time decreased significantly.

Challenges for Humanitarian Assistance

Despite these impressive achievements, humanitarian actors are confronted with important challenges. They need to step up their efforts and increase the effectiveness and efficiency of their activities to be able to assist the rapidly growing number of people affected by emergencies. Humanitarian donors and implementing agencies are, however, currently undergoing an identity crisis that undermines their ability to effectively address these challenges. This identity crisis results from developments that put humanitarian principles under pressure and reduce humanitarian space.

The humanitarian enterprise is built around a set of principles that enjoy almost universal support around the globe.⁶ These principles are:⁷

⁶ Donini, *op. cit.*, p. 9.

⁷ The following definition of the humanitarian principles draws on the principles of the Good Humanitarian Donorship Initiative.

- Humanity: Saving lives and alleviating suffering wherever it is found.
- Impartiality: Implementing actions solely on the basis of need, without discrimination between or within affected populations.
- Neutrality: Not favoring any side in an armed conflict or other dispute where humanitarian action is carried out.
- Independence: Safeguarding the autonomy of humanitarian objectives from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented.

They are reflected in international humanitarian law, based on the Geneva Conventions, and have been confirmed by United Nations General Assembly Resolution 46/182 (1991),⁸ the principles of the Good Humanitarian Donorship Initiative (2003), the European Consensus on Humanitarian Assistance (2007), and key humanitarian policy documents on both sides of the Atlantic. The principles have also been explicitly endorsed by the Group of 77 and China.⁹

While these principles are seen as constitutive by many humanitarian actors, recent developments have undermined them. Many humanitarian actors are struggling to follow the humanitarian imperative and to provide assistance impartially and on the basis of need. This is less due to dilemmas inherent in the principles of humanity and impartiality than to operational difficulties in translating the principles into practice and in delivering assistance in an effective and efficient way. These problems are linked to a learning disability that exists in most policy fields, but is particularly pronounced in humanitarianism. Humanitarian action often takes place in what Weiss and Hoffman have termed “the fog of humanitarianism.”¹⁰ Humanitarian organizations focus on crises and therefore tend to have a short-term orientation. Though increasing over recent years, the action-oriented mindset of humanitarianism traditionally puts a low premium on analysis, evaluation, and critical feedback. Learning is further inhibited by rapid staff turnover and resulting problems of knowledge management. Humanitarian organizations have sought to counter these problems by creating standards.¹¹ While these are beginning to show results, many humanitarian organizations continue to face difficulties when it comes to implementing lessons learned to respond more accurately, effectively, and efficiently to the needs of affected populations.

The notion of neutrality has become problematic in an era dominated by internal, asymmetric conflicts strongly involving and affecting civilian populations. Particularly in conflict situations and complex emergencies, which are primarily man-made, but also involve elements of natural disasters, a strict interpretation of the principle of neutrality prevents humanitarian organizations from addressing the root causes of emergencies and from dealing with issues

⁸ UN General Assembly Resolution 46/182 (1991) makes no reference to the principle of independence.

⁹ The Group of 77 and China endorse the principles of neutrality, humanity and impartiality as set out in resolution 46/182. Cf. e.g. Statement by Ambassador Nassir Abdulaziz Al-Nasser, Chairman of the Group of 77, before the General Assembly, 11 November 2004.

¹⁰ See T.G. Weiss and P.J. Hoffman, “The Fog of Humanitarianism: Collective Action Problems and Learning-Challenged Organizations,” *Journal of Intervention and Statebuilding* Vol. 1, No. 1, pp. 47-65 (2007).

¹¹ This includes for example the Sphere Project’s Humanitarian Charter and Minimum Standards in Disaster Response; and ALNAP’s Quality Proforma for humanitarian evaluations.

connected to social inequality, political suppression, or human rights violations. As a result, similar emergencies are recurring time and again, incurring a large human cost. At the same time, the appearance of neutrality has been critical to ensure that all parties respect humanitarian agencies, grant them access to difficult situations, and protect their security. A recent report on the situation of aid workers in insecure environments finds a marked increase in the number of attacks on aid workers in recent years. The report argues that this increase occurred not only because aid workers were perceived to be cooperating with Western political actors, but also because they were seen as part of a Western agenda.¹² Moreover, the rising financial stakes of the humanitarian enterprise have further encouraged taking aid workers hostage.

The principle of independence is also being questioned.¹³ As governments increasingly recognize the importance of soft power—their ability to convince rather than coerce others, which hinges strongly on reputation—and the potential effects of humanitarian activities on international, as well as domestic stability and security, humanitarian assistance has come to enjoy heightened political visibility and relevance. On the one hand, this is one of the factors explaining why the international community is now contributing so many more resources to humanitarian assistance than just a decade or two ago. On the other hand, it means that security and other political and economic concerns are encroaching upon humanitarian space. While humanitarian assistance has always been and should be “political,” this development means that other objectives could come to dominate the humanitarian goals of saving lives and alleviating human suffering. It is only in this sense that a “politicization” of humanitarian assistance undermines the humanitarian principle of independence.

The tensions surrounding the principles of neutrality and independence become apparent in a number of concrete questions that are at the core of current humanitarian debates. One of these issues is the challenge of linking relief, rehabilitation, and development (LRRD). Faced with a large and further increasing number of protracted crises and complex emergencies, many actors are calling for stronger linkages between humanitarian assistance and development. These linkages are necessary to better address root causes, to ensure that humanitarian and development programs do not undermine each other, and to enhance the complementarity or even continuity of assistance programs. At the same time, however, stronger linkages imply a blurring of boundaries between humanitarianism and other policy areas and reduce the autonomy of humanitarian action. LRRD therefore extends possibilities for including other (non-humanitarian) objectives into the assistance equation and may mean that humanitarian actors have to take sides in controversial situations.

Another issue highlighting the dilemmas relating to the principles of neutrality and independence is the role new actors play in humanitarian assistance. Over recent years, not only NGOs and governments have strengthened their involvement in humanitarian assistance, but also business organizations and the military. New actors provide welcome additional resources,

¹² See Stoddard, Harver, DiDomenico, *Providing Aid in Insecure Environments: 2009 Update*, HPG Policy Brief 34, April 2009 (London: Overseas Development Institute, 2009).

¹³ The United Nations, which delivers the lion’s share of humanitarian assistance, traditionally acts as a guardian of humanitarian independence. More recently, however, it has succumbed to the temptation of using humanitarian assistance for ulterior purposes. Thus, for example, the UN office in Somalia has been withholding humanitarian assistance to put pressure on pirates to release international hostages. See Wayne Long, “Gang Up on Pirates,” *New York Times*, April 19, 2009.

capacity, and innovation to the humanitarian enterprise. Yet, their activities are typically guided by other motivations—making a profit in the case of business and security concerns in the case of the military. Moreover, especially the military is rarely regarded as a neutral actor. As a result, strongly involving business and military actors involves a trade-off between mobilizing additional skills and resources and respecting the humanitarian principles of neutrality and independence.

The number of people requiring humanitarian assistance has risen dramatically over the last decades and is likely to grow even further as population growth continues and as the effects of climate change manifest themselves. To respond to these needs, humanitarian actors have to expand their engagement and enhance the effectiveness and efficiency of their activities. In doing so, they need to address the tensions surrounding the humanitarian principles. This requires making tough choices. Humanitarian actors, including donors and implementing agencies, can either adopt a strict interpretation of the humanitarian principles to protect their credibility and humanitarian space, while accepting the narrow mandate that this implies. A second option is to widen their mandate to be able to address root causes, build local capacity and ownership, and link relief to development. This, however, will further blur the distinction between humanitarian assistance and other policy areas and is likely to exacerbate access and security problems. Humanitarian actors could also claim strict adherence to the humanitarian principles, while expanding activities and mandates in practice. The contradictions inherent in this approach, though, will lead to a loss of credibility, as well as to operational problems.

The Need for a Transatlantic Response

The EU and the U.S. should jointly spearhead this effort. For better or worse, the EU and the U.S. currently dominate the humanitarian system. They are the largest donors of humanitarian assistance, with the U.S. making the single largest contribution, followed by the European Commission and several EU member states. Together, they account for almost two thirds of total humanitarian assistance. Moreover, the transatlantic partners and their allies wield significant influence over multilateral institutions and multi-stakeholder initiatives—ranging from the United Nations system to the Good Humanitarian Donorship Initiative (GHDI) and the Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP)—and thus contribute to shaping the norms and practices of the humanitarian system as a whole. Finally, both the U.S. and the European Commission have a significant presence in the field, which allows them to draw on operational experience when formulating policies and to directly shape field practice through them.

In short, significant changes to the humanitarian system need active involvement and support from the U.S. and the EU. Failure by these two parties to enhance their cooperation and improve their humanitarian policies, in turn, would have negative consequences. It would result in additional, yet avoidable, human death and suffering, damage the global reputation of the transatlantic partners, and could lead to increased insecurity and instability across the globe, threatening U.S. and EU strategic interests.

Currently, the EU and the U.S. face an important opportunity for tackling global challenges in a cooperative way. Over the past few years, the transatlantic partners struggled with political differences on key issues in humanitarian assistance, including for example on whether or not humanitarian activities should be linked to security, foreign policy and economic goals; how to engage with the business community and the military; and how to provide assistance such as food aid most effectively. Pragmatic cooperation continued on the ground, but it was overshadowed by those larger issues, which undermined the will of a number of officials to cooperate and severed many working-level contacts. Now, political leadership on both sides is changing. A strong impetus for renewed and enhanced cooperation is emanating from the new U.S. Administration under the leadership of President Barack Obama. In 2009, a newly elected European Parliament and newly constituted European Commission will begin their terms. With these political changes, both the policies and the institutions for designing and delivering humanitarian assistance are under scrutiny and may be subject to reforms. The two sides have the opportunity to work closely together in carrying out these reforms. This would enable both sides to learn from each other and may in itself lead to greater policy coherence. The reforms also offer the chance to build in strengthened mechanisms for ongoing exchange and cooperation.

This book explores EU-U.S. cooperation in emergency relief and preparedness at this important crossroads for the transatlantic relationship and for the humanitarian system. After an introduction to humanitarian assistance by and between the European Commission and the U.S. Government, it focuses on critical issues confronting the humanitarian community today. How can donors dissipate the fog of humanitarianism to make their assistance more effective and efficient in addressing needs by implementing lessons learned? How can and should relief efforts be better linked to rehabilitation and development, given that development efforts are rarely neutral or independent of other policy objectives? And how should donors deal with new actors in the humanitarian field, notably with business and the military? This book dedicates one part to each of these questions. Each part contains one main chapter outlining key issues and summarizing findings, as well as four relevant case studies discussing these issues in settings ranging from South Sudan and the Democratic Republic of Congo to the Asian Tsunami and Hurricane Katrina.

Chapter 2

From B-Envelopes to the F-Bureau: Understanding Transatlantic Approaches to Humanitarian Assistance

Julia Steets

As argued in chapter 1, the EU and the U.S. should enhance their cooperation in humanitarian assistance to enable joint or mutual learning and make their humanitarian policies more coherent. This chapter provides an introduction to humanitarian policies and practices of the European Commission and the U.S. Government. It describes institutions and funding mechanisms on both sides of the Atlantic, compares the approaches of the two partners, and gives an overview of existing transatlantic cooperation and coordination channels in humanitarian affairs.

An Overview of Humanitarian Institutions in the EU and the U.S.

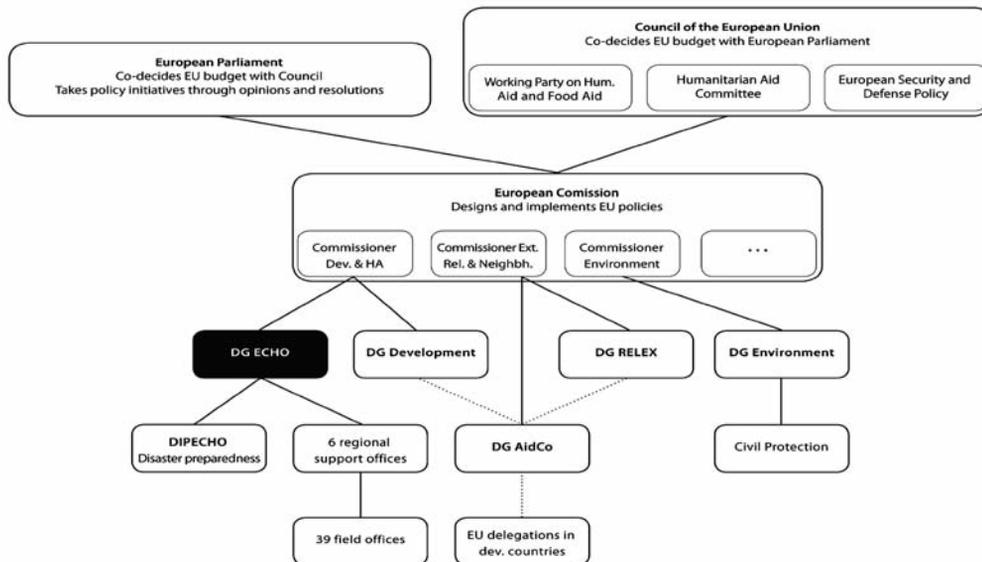
The European Commission and the U.S. Government each have a lead institution responsible for humanitarian assistance: the European Commission Directorate-General for Humanitarian Aid (DG ECHO) and the Office of U.S. Foreign Disaster Assistance (OFDA). Yet, EU member states pursue their own humanitarian policies in addition to those of the European Commission and DG ECHO and OFDA are not the only departments involved in designing and delivering humanitarian assistance. Institutional complexity, at times coupled with a lack of clarity concerning roles and responsibilities, is an impediment to effective cooperation between the transatlantic partners, as well as with other humanitarian actors.

The situation is further complicated by the fact that both sides may face important changes to their humanitarian institutions and policies in the near future. As of this writing, it is unclear which reforms the Obama Administration may introduce. In the EU, the adoption of the Treaty of Lisbon¹ would have major implications for humanitarian assistance, yet the political future of the treaty remains hard to predict.

Institutional Structures for Humanitarian Assistance in the EU

EU institutions have no separate legal basis for providing humanitarian assistance. Instead, the relevant regulations draw on the provisions on development cooperation of the Treaty on European Union.² Development cooperation is a shared competence between the EU and its

¹ The Treaty of Lisbon was signed in December 2007, emerging out of the failed process for an EU Constitution. It reforms, amends and simplifies previous European treaties, strengthens the supranational elements of the EU and increases the foreign policy role of the Union. As of this writing, the Treaty of Lisbon has not yet entered into force because not all member states have ratified it.

Figure 1. Institutions Providing Humanitarian Assistance in the EU

Source: GPPi

member states. This means that member states continue to define and implement their own policies on development and humanitarian assistance, while EU institutions complement these policies through their activities. A unified European approach to humanitarian assistance does therefore not exist, though the recently adopted European Consensus on Humanitarian Aid³ and the corresponding Action Paper are intended to strengthen coherence. In this book, we focus on the policies and activities of the European Commission and analyze the positions of individual member states only as an exception.

At the EU level, several institutions are involved in defining humanitarian policy. The Council of the European Union, the EU's main decision-making organ, decides on the EU's budget jointly with the European Parliament and gives overall strategic direction to common EU policies. The Commission implements these common policies, albeit under the continued oversight and control by member states. They exercise this function through a specialized body of the Council, the Humanitarian Aid Committee, which meets regularly to approve financial decisions exceeding €10 million for emergencies and €2 million for non-emergency situations. Aside from budgetary issues, the substantive terms of humanitarian policy are dealt with by the Council's Working Party on Development Cooperation. From 2009 onwards, however, the expanded Working Group on Humanitarian Aid and Food Aid is explicitly mandated to handle questions relating to humanitarian assistance.⁴ Moreover, the Council is in

² EC Regulation No 1257/96 and No 1882/2003; Treaty on European Union, Art. 130u.

³ Joint Statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission (2008/C 25/01) "The European Consensus on Humanitarian Aid", *Official Journal of the European Union*, 30.1.2008, C 25/1 – C 25/12.

⁴ This decision was taken in April 2008 and is documented in the Council of the European Union document 8367/08.

charge of the European Security and Defense Policy. Following the Petersberg Declaration, this includes humanitarian, rescue, and peacekeeping tasks.⁵

The most important institution for developing and implementing EU policies is the EU's executive branch, the European Commission. Since 1992, the Directorate-General responsible for humanitarian assistance is the European Commission Directorate-General for Humanitarian Aid (DG ECHO). DG ECHO's mandate is to provide emergency assistance and relief to the victims of natural disasters or armed conflict outside the European Union and to support disaster preparedness activities.⁶ DG ECHO mainly provides financial aid and works through more than 200 implementing partners, including UN relief agencies, members of the Red Cross and Red Crescent Movement, and NGOs registered in the EU. It also maintains a significant field presence with six regional support offices and 39 field offices in order to assess needs and build the capacity of its partners. A specialized program called Disaster Preparedness ECHO (DIPECHO) oversees disaster risk reduction and disaster preparedness activities.

While DG ECHO has primary responsibility for humanitarian assistance, other bodies of the Commission are also involved in emergency preparedness and response. Instruments with emergency provisions are handled for example by the Directorate-General for Development (DG Development), which is responsible for formulating development policies for African, Caribbean and Pacific (ACP) states and reports to the same Commissioner as DG ECHO. Other institutions contributing to humanitarian activities include the Directorate-General for External Relations (DG RELEX), which coordinates the external relations activities of the Commission, and the EuropeAid Cooperation Office (AidCo), which also reports to the Commissioner for External Relations and implements the Commission's external aid instruments through EU country delegations and based on the policy guidance of DG Development and DG RELEX.

The EU maintains that humanitarian assistance is and should be different from longer-term development efforts. At the same time, however, it aims to forge stronger links between relief, rehabilitation and development. Several development instruments therefore also have a humanitarian element to them. This includes most importantly the Instrument for Stability, which links crisis management and peace building, and the so-called B-Envelopes of the European Development Fund, which are earmarked for unforeseen circumstances and apply to ACP countries. The instruments for food security, human rights and democratization, and mine action can also be spent on projects with a humanitarian character.

Finally, the Directorate-General for the Environment (DG Environment) is responsible for civil protection. Through a financial instrument for civil protection, the Community Mechanism for Civil Protection, a Monitoring and Information Center, and a Solidarity Fund, policies in this area aim to better protect people, their environment, property, and cultural heritage in the event of major natural or manmade disasters occurring inside or outside the EU. In 2008, a unit for crisis management was established within the Secretariat-General of the Euro-

⁵ The Petersberg Declaration was adopted in Bonn on June 19, 1992. The so-called Petersberg tasks have been included in the Maastricht Treaty.

⁶ DG ECHO's mandate is defined in EC Regulation No 1257/96.

pean Commission in order to strengthen coordination and coherence among those various institutions and instruments for responding to disasters within, as well as outside the EU.⁷

As mentioned above, the ratification of the Treaty of Lisbon, which could become reality in the course of 2009, would have important implications for humanitarian assistance. First, the treaty contains an explicit provision on humanitarian assistance and would thus create an independent legal basis for EU action in this policy area. Second, it would extend qualified majority voting to financial emergency aid and thus make it easier to take decisions in this area by removing veto rights. Third, it would designate humanitarian assistance as a “shared parallel competence,” allowing for an autonomous, rather than just complementary, EU policy alongside national policies. This would expand the range activity areas and policy options available to the European Commission. Fourth, it would create a European Voluntary Humanitarian Aid Corps. Finally, it would reshuffle the institutional division of labor regarding the external representation of the EU, which would also affect humanitarian assistance.

Institutional Structures for Humanitarian Assistance in the U.S.

In the U.S., the 1961 Foreign Assistance Act provides the legal basis for all forms of foreign aid, including humanitarian assistance. Through its budgetary and legislative authority, the U.S. Congress wields critical authority over emergency relief and preparedness policies. It can, for example, earmark budgets and is responsible for passing the U.S. farm bill, which determines that U.S. food aid almost exclusively consists of American-grown commodities. Operationally, the U.S. President enjoys far-reaching powers to intervene in emergencies. The President declares emergencies and can authorize the use of resources earmarked for emergency response of several executive agencies as authorized by Congress. While competencies related to humanitarian assistance are thus more strongly centralized in the hands of the U.S. President than in the EU, institutional fragmentation below that level is more pronounced in the U.S. than in the EU.

The main agency in charge of providing foreign assistance is the U.S. Agency for International Development (USAID). Formally, USAID is an independent executive agency. Since 2006, however, the USAID Administrator simultaneously serves as Director of U.S. Foreign Assistance, enjoying the rank of a Deputy Secretary of State and reporting to the Secretary of State. This position and the Office of the Director of U.S. Foreign Assistance (F-Bureau) were introduced in order to integrate foreign assistance planning and resource management across State and USAID. The F-Bureau is staffed by USAID and State officials and provides leadership, coordination, and strategic direction on foreign assistance. Accordingly, USAID no longer maintains an independent policy or program coordination bureau.

Within USAID, the most direct counterpart to the EU’s DG ECHO is the Office of U.S. Foreign Disaster Assistance (OFDA). OFDA is responsible for facilitating and coordinating U.S. Government emergency assistance overseas. It provides humanitarian assistance to save lives, alleviate human suffering and reduce the social and economic impact of humanitarian emergencies worldwide. Like DG ECHO, it primarily provides financial assistance and relies

⁷ Unit SG/B/3 was created based on communication COM (130) 2008.

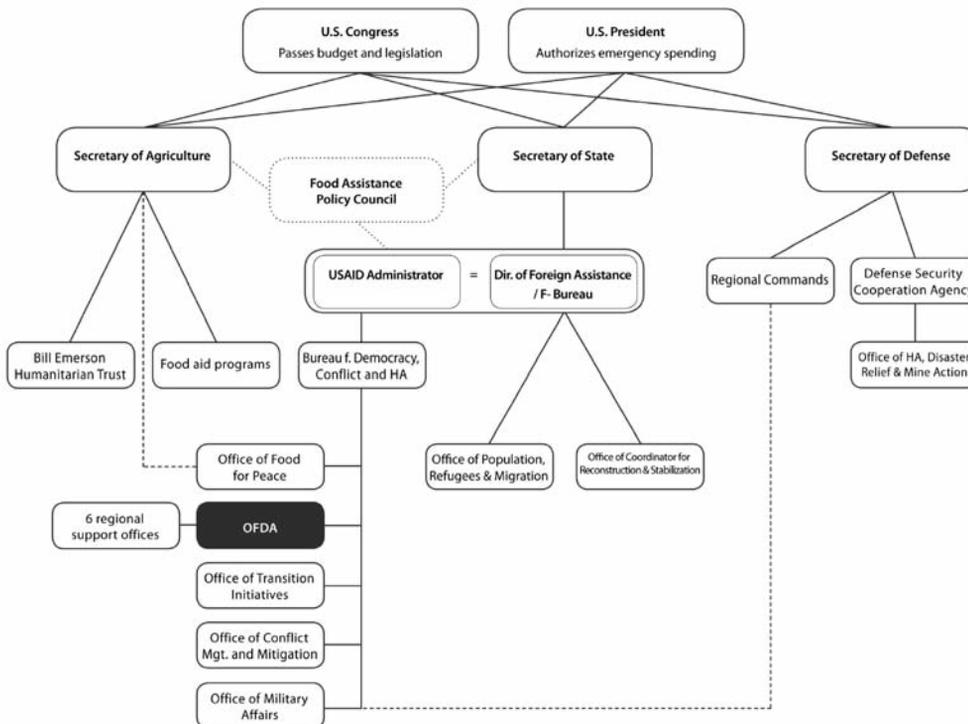
on a broad network of implementing partners. It also maintains a field presence through six OFDA regional offices, and works through USAID country offices or U.S. missions that have Mission Disaster Relief Officers as focal points for disaster related activities. Moreover, OFDA can mobilize Disaster Assistance Response Teams (DARTs) to support the response to specific crises by conducting situation analyses and needs assessments, recommending actions to headquarters and overseeing cooperation with partners on the ground.

Four other offices within USAID provide humanitarian assistance. Like OFDA, they are all part of the Bureau for Democracy, Conflict and Humanitarian Assistance. The Office of Food for Peace is the most important, with a budget almost three times as big as that of OFDA. It provides implementing partners with food commodities. While funds for the program are authorized and appropriated by the Department for Agriculture under Public Law 480, title II, they are administered by USAID. The Office of Transition Initiatives focuses on the demobilization of combatants and the development of democratic governance and media structures in order to facilitate the transition from crisis and conflict to peace and stability. The Office of Conflict Management and Mitigation supports early responses to address the causes and consequences of instability and conflict. The Office of Military Affairs is the focal point for interactions between USAID and the military.

The U.S. Department of State not only influences humanitarian policy through the F-Bureau, but also contains additional offices involved in emergency relief. The Office of the Coordinator for Reconstruction and Stabilization has the lead in coordinating and institutionalizing a civilian response capacity to prevent conflicts or manage stabilization and reconstruction operations in countries emerging from conflict or civil strife. The office is in charge of developing a Civilian Response Corps and a Civilian Response Fund. The Bureau of Population, Refugees, and Migration provides aid for refugees, victims of conflict and stateless people and can draw, among others, on the U.S. Emergency Refugee and Migration Assistance Fund.

The Department of Defense also plays an important, albeit controversial role in humanitarian assistance. The Office of Humanitarian Assistance, Disaster Relief, and Mine Action belongs to the Defense Security Cooperation Agency. It manages the Overseas Humanitarian, Disaster, and Civic Aid appropriation, provides and transports non-lethal excess property to countries in need, implements humanitarian mine action and foreign disaster relief and emergency response activities. The office also oversees the Denton program, which uses available space to transport relief supplies and material. Many humanitarian activities of the Department of Defense are implemented by Regional Commands, which can engage in humanitarian and civic assistance programs. Commanders in Iraq and Afghanistan in particular have access to vast financial resources (around \$1.7 billion) for development and “humanitarian” activities and the newly created U.S. Africa Command (AFRICOM), which includes representatives from USAID and the State Department, focuses on preventing wars and conflicts and building crisis response capacities in Africa.

The Department of Agriculture plays an important role in food aid. As mentioned above, certain food aid programs appropriated by the Department of Agriculture are administered by USAID (Public Law 480, title II). The remaining food aid programs, namely Food for Progress and the McGovern-Dole International Food for Education and Child Nutrition Pro-

Figure 2. Institutions Providing Humanitarian Assistance in the U.S.

Source: GPPI

gram, provide food commodity donations and cover transport costs. They are usually applied in development settings, but can also be relevant in protracted crises or complex emergencies. The Bill Emerson Humanitarian Trust is a food and cash reserve that can be drawn on for emergency needs, should the other programs not suffice. The interagency Food Assistance Policy Council, comprising officials of the Department of Agriculture, the Office of Management and Budget, USAID and the Department of State coordinates the U.S. Government's food aid policies.

Finally, the U.S. Government has a separate agency for dealing with internal disasters. The Federal Emergency Management Agency (FEMA), which is part of the U.S. Department of Homeland Security, aims to reduce the loss of life and property and protect U.S. citizens from all hazards. Coordinated by the Department of State, FEMA engages with foreign humanitarian organizations when a domestic incident or disasters requires external assistance.

Financial Contributions to Humanitarian Assistance in the EU and the U.S.

Over the last two decades, the financial volume of global humanitarian assistance has tripled, reaching almost \$12 billion in 2008.⁸ The EU, comprising the European Commission

⁸ All numbers for humanitarian contributions in 2008 are taken from the United Nations Office for Humanitarian Affairs (OCHA) financial tracking system, available at <http://ocha.unog.ch/fts> (last accessed March 2009). The numbers include

and EU member states, is currently the world's largest donor of humanitarian assistance. Jointly, member states and the Commission contributed almost 39% of the global total or \$4.5 billion; the European Commission accounted for 11% or \$1.3 billion and EU member states together accounted for 28% or \$3.2 billion. The U.S. was the largest single donor in 2008, contributing over \$3 billion or 26% of the total.⁹

As discussed above, various institutions on both sides of the Atlantic provide humanitarian assistance. Accordingly, a wide variety of funding mechanisms exist. Some programs and budget lines can be used both in development and humanitarian settings and some apply to internal, as well as external, disaster relief missions. It is therefore not always possible to clearly distinguish humanitarian funds from development or other funds, and the sum of all funds recorded below exceeds the budget reported to OCHA. The tables below provide an overview of the main financial mechanisms used for humanitarian assistance.

In the U.S., the President can draw on funds available for humanitarian actions through USAID, the Department of State, the Department of Agriculture and the Department of Defense as authorized on an annual basis by Congress. Humanitarian funds administered by OFDA are subject to a "notwithstanding clause," designed to expedite critical assistance by exempting these funds from the restrictions of the Foreign Assistance Act related to sanctions, human rights or good governance. Moreover, the President can authorize the use of defense equipment and military personnel in emergency response. Table 2 provides an overview over humanitarian funds available to the U.S. Government. As in the EU, several funding lines are dual purpose and can be used in regular development, as well as emergency situations.

Geographically speaking, both donors concentrate strongly on Africa, though the geographical focus of the U.S. Government is even more pronounced. In terms of implementing agencies, both donors allocate the lion's share of their funds to the UN and contribute a substantial share of their resources to NGOs. The EU relies more strongly on NGOs and the International Red Cross and Red Crescent Movement, while the U.S. concentrates more heavily on UN agencies. Another difference between the two donors is that DG ECHO does not fund local NGOs, due to strict interpretation of its humanitarian mandate.¹⁰ OFDA, by contrast, enjoys the most flexible funding rules within USAID and routinely funds local NGOs through international NGOs.

Principles vs. Pragmatism: Transatlantic Approaches to Humanitarian Assistance in Comparison

In terms of their geographical focus and their main partner organizations, the European Commission and the U.S. Government display similar priorities. How, though, do their

both contributions and commitments. As mentioned in chapter 1, other estimates of total global humanitarian assistance are higher than the numbers reported to and by OCHA.

⁹ The definition and exact calculation of humanitarian expenditure is controversial. According to the U.S. Congressional Research Service, the total amount allocated to humanitarian assistance by the U.S. Government in 2008 amounted to \$4.2 billion. Curt Tarnoff and Marian L. Lawson, *Foreign Aid: An Introduction to U.S. Programs and Policy* (Washington, DC: Congressional Research Service, 2009)

¹⁰ According to Council Regulation (EC) No 1257/96 of 20 June 1996, only NGOs registered in an EU member state are eligible for concluding a framework agreement with DG ECHO.

Table 1. Financial Contributions to Humanitarian Assistance in the EU (2008)¹

Name of Fund / Budget Line	Responsible Agency	Sum in €	Sum in \$ ²
Main budget line for humanitarian assistance	DG ECHO	€533 million	\$748 million
Food aid budget line	DG ECHO	€363 million	\$543 million
Budget line for disaster preparedness and mitigation	DG ECHO (DIPECHO)	€32 million	\$47 million
Support expenditure	DG ECHO	€8 million	\$12 million
Administrative expenditure	DG ECHO	€19 million	\$28 million
Emergency Aid Reserve	DG ECHO	€479 million (used in 2008: €177 million)	\$705 million (used in 2008: \$260 million)
European Development Fund: ³ B-Envelopes for unforeseen circumstances in ACP countries (incl. humanitarian assistance)	DG Development / DG ECHO	€0 (available for 2008-2013: €1.8 billion)	\$0 (available for 2008-2013: \$2.6 billion)
Food Security Thematic Programme	DG AidCo	€216 million (incl. €98 million for transitions, fragile and failed states)	\$318 million (incl. \$144 million for transitions, fragile and failed states)
Civil Protection Financial Instrument (covers the financial aspects of preparedness and response actions of the Community Mechanism for Civil Protection and the Monitoring and Information Centre)	DG Environment	Reference amount for 2007-2013: €190 million	Reference amount for 2007-2013: \$280 million
Instrument for Stability	DG RELEX	€135 million	\$199 million
Sum of all instruments (including those with mixed purpose)		€1.3 billion	\$1.9 billion
Sum of humanitarian expenditures reported to OCHA		€888 million	\$1.3 billion

¹Source for financial data include: DG ECHO, *Humanitarian Aid Financial Report 2008*; European Commission, *Food Security Thematic Programme, Thematic Strategy Paper and Multiannual Indicative Programme 2007-2010* (Document c/2007/1924).

²The conversion is based on the average euro-dollar exchange rate in 2008 of 1.47134.

³The European Development Fund is not part of the EU's regular budget, but relies on voluntary contributions by EU member states.

approaches to humanitarian assistance compare more generally and what does this entail for the prospects of enhanced transatlantic cooperation in emergency relief and preparedness? This section focuses on the definition of humanitarian assistance as well as the understanding and application of the humanitarian principles and operational approaches in order to trace the main similarities and differences between the humanitarian policies of the European Commission and the U.S. Government.

Defining “Humanitarian Assistance”

Both the U.S. Government and the European Commission derive their understanding of humanitarian assistance from similar philosophical premises. Based on Henry Dunant's principles of action and international humanitarian law, humanitarianism on both sides of the Atlantic is seen to be an expression of human solidarity and to follow the humanitarian imperative by aiming to save lives and alleviate human suffering wherever the need arises.

These core elements defining humanitarian assistance are reflected in key policy documents, including the principles of the Good Humanitarian Donorship Initiative, to which the U.S.

Table 2. Financial Contributions to Humanitarian Assistance in the U.S. (2008)¹

Name of Fund / Budget Line	Responsible Agency	Sum in €²	Sum in \$
International Disaster Assistance and Transition Initiative funds	USAID / OFDA and Office of Transition Initiatives	€474 million (the majority are OFDA funds. OFDA annual budget 2007: €392 million)	\$694 million (the majority are OFDA funds. OFDA annual budget 2007: \$573 million) ³
Food assistance, including Food for Peace, Food for Progress and the McGovern-Dole program	Department of Agriculture (Food for Peace implemented by USAID)	€1.4 billion	\$2.1 billion ⁴
Bill Emerson Humanitarian Trust—an emergency grain and cash reserve	Department of Agriculture	Reserves in 2006: 915,000 metric tons of wheat, €73 million	Reserves in 2006: 915,000 metric tons of wheat, \$107 million cash
Overseas Humanitarian, Disaster, and Civic Aid (OHDACA)	Department of Defense / Defense Security Cooperation Agency	€69 million	\$101 million
Commanders' Emergency Response Program (CERP) – available for operations in Iraq and Afghanistan ⁵	Department of Defense / Commanders in Iraq and Afghanistan	€1.16 billion	\$1.7 billion
Migration and Refugee Assistance Account (MRA) and draw-down from Emergency Refugee Migration Assistance Fund (ERMA)	Department of State / Office of Population, Refugees and Migration	€957 million	\$1.4 billion
Sum of all instruments (including those with mixed purpose)		€4.1 billion	\$6.1 billion
Sum of humanitarian expenditures reported to OCHA		€2 billion	\$3 billion

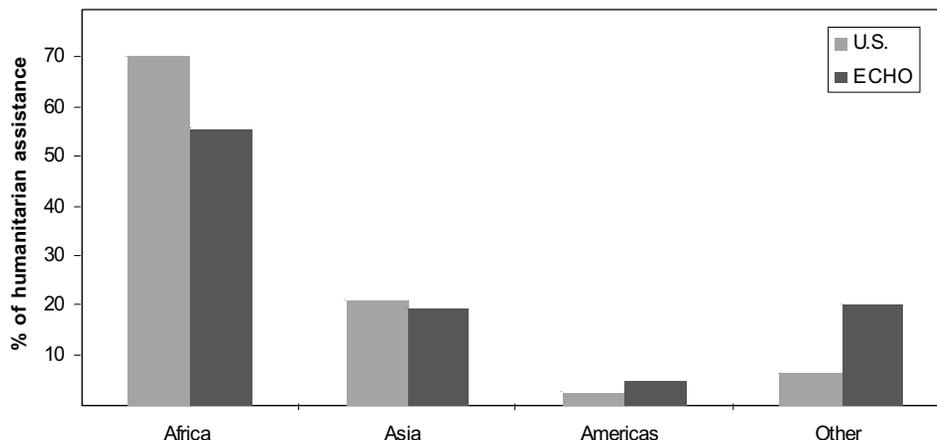
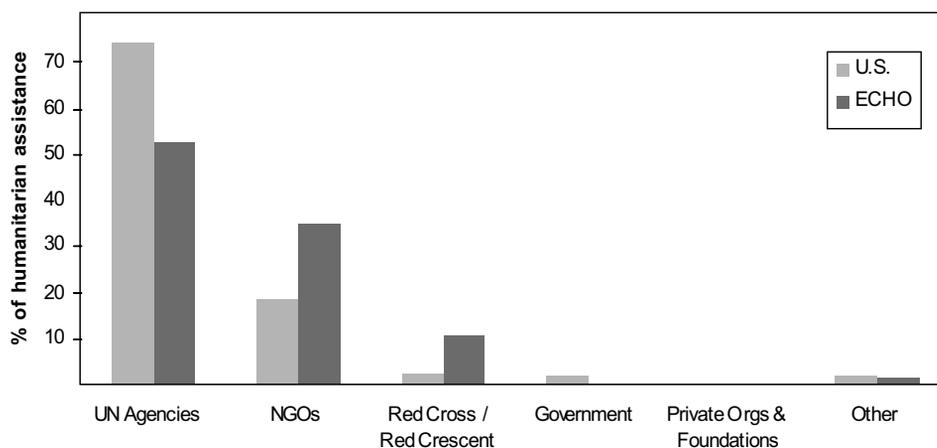
¹Source for financial data include Tarnoff and Lawson, op. cit; USAID Office of U.S. Foreign Disaster Assistance *Annual Report for Fiscal Year 2007*; Department of Defense, *Defense Security Cooperation Agency, Fiscal Year 2008 Report on Humanitarian Assistance*.

²The conversion is based on the average dollar-euro exchange rate in 2008 of 0.68341.

³Total USAID humanitarian expenditure in 2008 amounted to \$582 million. Total emergency assistance (including food aid delivered by USAID) amounted to \$1.8 billion. Cf. USAID *Agency Financial Report Fiscal Year 2008*.

⁴In 2007, the U.S. Government's international food assistance also amounted to \$2.1 billion. The funds have to be used almost exclusive to purchase U.S. commodities. Food assistance was distributed across several programs as follows: Public Law 480 Title II (Food for Peace): \$1.87 billion; Food for Progress: \$130 million; Section 416 (b): \$20 million; Food for education: \$99 million; Farmer-to-farmer program: \$10 million. No funds were allocated to the Bill Emerson Humanitarian Trust. Cf. USAID *U.S. International Food Assistance Report 2007*.

⁵The CERP was originally funded through cash reserves of the Iraqi government, confiscated by the U.S. army. CERP funds can be spent by U.S. commanders in Iraq and Afghanistan to address urgent needs of the population, some of which can be characterized as humanitarian. They include water and sanitation, food production and distribution, agriculture and irrigation, electricity, healthcare, education, telecommunications, economic, financial, and management improvements, transportation, rule of law and governance, civil cleanup activities, civic support vehicles, repair of civil and cultural facilities, battle damage / repair, condolence payments, hero payments, former detainee payments, protective measures, urgent humanitarian or reconstruction payments, and temporary contract guards for critical infrastructure. Cf. DoD Financial Management Regulation Volume 12, Chapter 27, January 2009.

Figure 3. Allocation of Humanitarian Assistance by Region (2008)**Figure 4. Allocation of Humanitarian Assistance by Agency Type (2008)**

Government and the European Commission are signatories; the European Consensus on Humanitarian Aid; and the mandates of the core humanitarian agencies of these two donors, DG ECHO and OFDA.¹¹ Beyond this core consensus, however, the definitions and mandates include explicit references to different aspects relevant to “humanitarian aid,” “humanitarian assistance,” or “humanitarian action.” OFDA’s mandate, for example, also includes the task of reducing the (longer-term) social and economic impact of emergencies, while the mandate of the European Commission emphasizes short-term reconstruction and rehabilitation.

¹¹ Sources: Good Humanitarian Donorship Initiative, *Principles and Good Practices of Humanitarian Donorship*, endorsed in Stockholm, June 17, 2003; OFDA’s mandate is available at http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/; the European Commission’s humanitarian mandate is available at http://ec.europa.eu/echo/ataglance_en.htm and the European Consensus on Humanitarian Aid can be found at http://ec.europa.eu/echo/files/media/publications/consensus_en.pdf (all last accessed in April 2009).

In theory, humanitarian assistance is clearly demarcated from other forms of aid, such as development aid, and is provided unconditionally on the basis of need. In practice, however, the boundaries are often difficult to draw. The European Commission typically adopts a relatively strict or conservative approach to this question, whereas the U.S. Government tends to see the boundaries as more fluid and the U.S. President enjoys more discretion to define emergencies as well as relief activities. This becomes evident, for example, in attempts to quantify humanitarian budgets. The European Commission reports a total humanitarian budget for 2008 of €937 million, which corresponds roughly to the \$1.3 billion indicated by the UN's financial tracking system. The U.S. Government, by contrast, reports \$4.2 billion, whereas the UN only lists around \$3 billion as U.S. humanitarian contributions.¹²

The Humanitarian Principles and their Application

Humanitarian assistance is not only defined by types of activities and emergencies, but crucially also by humanitarian principles. As mentioned earlier, four principles are most commonly recognized as constitutive for humanitarian assistance: humanity, impartiality, independence, and neutrality. Both donors explicitly endorse these humanitarian principles.¹³ Moreover, the core agencies in charge of humanitarian assistance, DG ECHO and OFDA, are ardent defenders of the principles. In practice, however, the EU interprets and adheres to humanitarian principles in a much stricter, more “principled” sense, while the U.S. Government adopts a more pragmatic approach. This distinction between a principled versus a pragmatist approach amounts to a fundamental difference between the two donors and explains many of their more specific and operational divergences.

Several factors bear out this distinction. First, the European Commission's formal commitment to the principles is much stronger. They are central to the European Consensus on Humanitarian Aid, which applies to EU member states and the European Commission, and are referenced prominently in the general presentation of the European Commission's approach to humanitarian assistance, as well as in DG ECHO's strategy document.¹⁴ In the U.S., by contrast, formal commitment is more ambivalent. The joint strategy document of USAID and the Department of State only makes reference to the principles of “universality, impartiality, and human dignity” and integrates humanitarian assistance into the concept of transformational diplomacy, seeing it as one instrument for strengthening democracy and good governance.¹⁵ OFDA itself refers to the humanitarian imperative and the three operational principles, but adds four additional principles, namely do no harm, protection, capacity building and accountability, which exhibit certain tensions with the original humanitarian principles.

¹² See DG ECHO, *Humanitarian Aid Financial Report 2008*; United Nations Office for Humanitarian Affairs (OCHA) financial tracking system; Tarnoff and Lawson, op. cit.

¹³ OFDA, *Annual Report 2007*, p. 17; DG ECHO's website, available at http://ec.europa.eu/echo/atag glance_en.htm (last accessed July 2009)

¹⁴ The European Consensus on Humanitarian Aid, paragraph 10; http://ec.europa.eu/echo/atag glance_en.htm (last accessed April 2009); DG ECHO, *Operational Strategy 2009*, p. 3.

¹⁵ U.S. Department of State and U.S. Agency for International Development *Transformational Democracy. Strategic Plan Fiscal Years 2007-2012*, p. 30.

Second, DG ECHO has been found to be strongly independent of other departments of the European Commission, despite the fact that it reports to the same Commissioner as DG Development. An external evaluation in 2006, for example, concluded that DG ECHO is “neither formally guided by, nor subject to any foreign policy, when managing the implementation of foreign aid.”¹⁶ OFDA also enjoys a relative degree of independence, as evidenced for example by the “notwithstanding” clause, which permits OFDA to allocate resources outside the constraints that apply to other government agencies. As described above, however, the U.S. Government has recently implemented a foreign assistance reform. The rationale behind the creation of the F-Bureau and the position of Director of Foreign Assistance was to ensure that foreign assistance is used as effectively as possible to meet broad U.S. foreign policy objectives. The F-Bureau provides strategic direction on all forms of foreign assistance and reports to the Department of State. Since the reform was only implemented recently, the full implications for humanitarian assistance have yet to emerge, but if the Obama Administration continues to implement this reform, it can only lead to less independence for OFDA.¹⁷

Finally, DG ECHO is responsible for a much larger share of humanitarian assistance than OFDA. DG ECHO administers the entire official humanitarian budget of the European Commission with an equivalent of around \$1.3 billion. In addition, it can draw on the B-envelope of the European Development Fund. Other instruments with potential humanitarian applications (the Food Security Instrument for transitions, fragile and failed states, the Civil Protection Instrument and the Instrument for Stability) amount to less than 20% of the budget available to DG ECHO. OFDA acts as the official lead agency of the U.S. Government on humanitarian assistance, but only has authority over a budget of \$500–600 million (roughly one tenth to one fifth of total U.S. humanitarian assistance as officially declared). Therefore, OFDA’s commitment to humanitarian principles has less impact on U.S. humanitarian assistance than DG ECHO’s commitment has on the European Commission’s humanitarian assistance.

The U.S. Government, then, is more pragmatic in interpreting and applying humanitarian principles than the European Commission. On the one hand, this allows the Administration to deal more explicitly with tensions between the principles and other policy areas;¹⁸ adopt a more flexible approach to humanitarian assistance;¹⁹ and ensure policy coherence across various issue areas. On the other hand, however, the weakening of humanitarian principles creates increased security risks for all relief workers and inhibits access for relief operations in certain emergency situations.²⁰

¹⁶ Daldrup, Grünewald, Weggen and White, *Evaluation of the European Commission’s Directorate General for Humanitarian Aid (DG ECHO)*, June 23, 2006, p. 2.

¹⁷ The 2006 DAC Peer Review found, for example, pointed to the “challenge [...] to integrate humanitarian concerns into the framework’s objectives of peace, security and the state-building.” OECD Development Assistance Committee (DAC) (2006), *The United States. Peer Review*, p. 83.

¹⁸ The DAC Peer Review suggests that the “US Administration is to be commended for recognising openly the significance of these tensions [between humanitarian assistance and US national security priorities].” *Ibid.*, p. 81.

¹⁹ This becomes evident for example in the two donors’ different attitudes towards local NGOs. Both emphasize the need to strengthen and use local capacity for emergency response. OFDA can fund and work directly with local NGOs. DG ECHO, by contrast, cannot engage directly with local organizations and can only support them via third partners.

²⁰ For a discussion of the negative implications of a weakening of humanitarian principles especially in conflict-related emergencies, see for example Walker and Maxwell (2009) *Shaping the Humanitarian World*, chapter 7.

The difference between a more “principled” and a more pragmatic interpretation of humanitarian principles can be seen clearly at the operational level. It becomes apparent, for example, in the positions of the two donors concerning integrated approaches to humanitarian assistance and the role of non-traditional actors, such as the military and business. Each of these topics was the focus of a study group convened for this research project.

Integrated Approaches

Traditionally, humanitarian assistance has been defined as an activity and policy area that operates independently of other policy areas. Over recent years, however, the notion of independence has increasingly come under scrutiny and many relevant actors are now strengthening linkages to other policy fields, particularly development and security.

Many donors, for example, have recognized the advantages of coordinating humanitarian assistance more closely with development activities. This serves to ensure that short-term relief activities do not undermine longer-term development goals and that the results of humanitarian activities become sustainable. Attuning development programs to the risk of new disasters can at the same time help prevent and mitigate their effects by supporting emergency preparedness, disaster risk reduction and local capacity building measures. Both the U.S. Government and the European Commission officially back the concepts of “linking relief, rehabilitation and development” or “development-relief.” The U.S. Government, however, has greater ease in implementing these concepts and has, for example, adopted very clear policy guidance on linking development and humanitarian assistance in food aid. The European Commission also has a number of instruments designed to bridge the gap between relief and development, including for example the B-Envelopes of the European Development Fund, the recently adopted Instrument for Stability, and the Food Security Thematic Program. Nevertheless, the European Commission is still struggling to reconcile the newly adopted concept of linking relief, rehabilitation and development with its principled approach to humanitarian assistance.

Particularly in the context of the global campaign against terrorism and the interventions in Afghanistan and Iraq, another school of thought emphasizes the linkages between humanitarian assistance and security. It stresses that security is an important condition for saving lives and alleviating suffering. At the same time, credible and effective humanitarian assistance and development aid can enhance stability in fragile situations and support security operations. Linking humanitarian assistance to security concerns, however, has sparked an intense controversy in the humanitarian community. The Bush Administration was one of the primary proponents of the concept, as evidenced for example by the recent creation of the Office of the Coordinator for Reconstruction and Stabilization, as well as the massive expansion of the “humanitarian” mandate and budget of the Department of Defense. It is an open question whether the Obama Administration will continue this approach. The European Commission, by contrast, has only the Instrument for Stability at its disposal to engage in crisis prevention and improve the security situation in post-crisis situations. This weaker link between humanitarian assistance and security is in part due to efforts to protect the independence of DG ECHO, but may also be due to the fact that EU member states have currently granted the European Commission farther-reaching competencies regarding humanitarian assistance than

security policy. Thus, some EU member states strongly intertwine their security and humanitarian policies in places such as the Balkans or selected African countries.

Non-Traditional Actors in Humanitarian Assistance

In certain cases, the military is taking on a more pronounced role in providing emergency relief. In the U.S., this function has largely been mainstreamed. According to Executive Order 12966 of July 14, 1995 and United States Code 10, § 404, the Secretary of Defense can provide disaster assistance outside the United States to respond to man-made or natural disasters. Drawing on the budget for Overseas Humanitarian, Disaster, and Civil Aid and the Commanders' Emergency Response Program, the U.S. Department of Defense and its regional commanders routinely engage in and spend significant amounts on programs to "win hearts and minds," some of which are humanitarian in nature. USAID has created the Office of Military Affairs to coordinate its activities with the Defense Department, and each U.S. regional command has USAID staff on secondment. In the EU, the so-called Petersberg Tasks provide European military units with the authority to engage in "humanitarian and rescue tasks."²¹ The European Consensus on Humanitarian Aid also accepts, in principle, humanitarian missions of the military and demands adherence to the 2006 Oslo Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief and the 2003 Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies.²² In practice however, European military forces at the community level have not yet been deployed on strictly humanitarian missions, although military personnel and assets of EU member states are increasingly being used in emergency situations.

The business community is another actor with a small, but growing presence in humanitarian assistance. In recent years, corporations have become increasingly involved in preparedness, disaster risk reduction and emergency response, both on a for-profit basis and as a form of social engagement. A variety of companies are contributing valuable resources, skills and capacities to the humanitarian endeavor. At the same time, however, many humanitarian experts and professionals remain skeptical and question whether business has the right motives for getting involved. Here again the U.S. Government has taken a lead role in promoting this form of engagement, while the European Commission remains cautious.²³ USAID, for example, routinely relies on private for-profit contractors in all areas, including humanitarian assistance, to increase capacity, gain specialized skills and ensure control in politically sensitive situations. DG ECHO, by contrast, does not participate actively in public-private partnerships, and its governing rules prevent it from dispersing funds directly to for-profit companies.

²¹ See Part II, § 4 of the Petersberg Declaration, adopted by the Western European Union Council of Ministers on June 19, 1992. The Petersberg Tasks have been included under Article 17 of the Treaty on European Union.

²² European Consensus on Humanitarian Aid, § 57.

²³ Several EU member states, by contrast, do engage with business in humanitarian operations.

Existing Transatlantic Channels of Cooperation in Humanitarian Assistance

The previous section has shown that the transatlantic partners agree in principle on whether and when to provide humanitarian assistance, though they often differ in practice on how and where to provide it. This section sheds light on how closely the two donors actually work together. It describes the many existing bilateral and multilateral channels for cooperation and points to some of the political and institutional impediments for closer partnership.

Bilateral Cooperation on Humanitarian Assistance

The most significant and most far-reaching agreement on transatlantic cooperation in humanitarian assistance is contained in the 1995 Joint EU-U.S. Action Plan. As part of the 1995 New Transatlantic Agenda, the EU and the U.S. Government agreed on an extensive list of joint activities in the humanitarian area, including to:

- cooperate in improving the effectiveness of international humanitarian relief agencies, and in the planning and implementation of relief and reconstruction activities;
- consider joint missions whenever possible, and hold early consultations on security in refugee camps as well as on the use of military assets in humanitarian actions;
- work towards greater complementarity by extending operational coordination to include the planning phase; continuing and improving operational information-sharing on humanitarian assistance; appointing humanitarian focal points on both sides of the Atlantic; and improving staff relations by exchange of staff and mutual training of officials administering humanitarian assistance.

Following this agreement, the Clinton Administration worked with the EU to establish a High Level Consultation Group on humanitarian assistance that met regularly. Under the Bush Administration, the most important coordination meeting between the European Commission and the U.S. Government became an annual strategic dialogue between USAID (and more recently the U.S. Department of State) and DG ECHO, which was complemented by additional phone conferences throughout the year. This dialogue mainly addresses implementation issues.

In addition to these regular contacts at headquarters-level, the European Commission and the U.S. Government often cooperate closely when responding to specific crises. Both sides maintain a strong field presence and report that they typically see each other as their most important and closest partner on the ground.²⁴ The implementation of a limited number of joint EU-U.S. missions, for example the 1996 joint envoy for the Great Lakes Region or the 2007 joint missions to Liberia, Guinea, and the Democratic Republic of Congo are also an expression of this pragmatic cooperation.

²⁴ Interviews with DG ECHO and OFDA staff, 2008.

Multilateral Channels for Cooperation

The EU and the U.S. are also part of numerous multilateral or multi-stakeholder fora and groups and can use their interactions within or on the sidelines of these groups to enhance their mutual cooperation and coordination. Table 3 provides an overview of the most important of these venues.

Hurdles for Closer Cooperation

Representatives of the European Commission and the U.S. Government meet regularly as part of their strategic dialogues, their operational cooperation on the ground and as members of a number of multilateral or multi-stakeholder initiatives related to humanitarian assistance. Despite these multiple avenues, there still is significant scope for increasing cooperation, coordination, and mutual learning in humanitarian assistance. Currently, several factors limit or hinder closer cooperation. They include:

- ***Lack of clarity concerning roles and responsibilities.*** The institutional setup for humanitarian assistance is complex both in the U.S. and in the EU. This makes it difficult for members of the two administrations to understand exactly who plays what role and who is their relevant counterpart. This problem is compounded by the fact that humanitarian assistance is subject to frequent institutional reforms and changes. For example, even U.S. Administration insiders have difficulties tracing the exact implications of the introduction of the F-Bureau.²⁵ Moreover, the humanitarian field is characterized by rapid staff turnover. To a certain degree this also applies to humanitarian donor organizations.²⁶ This undermines personal contacts and reduces institutional memory.
- ***Limited scope of strategic dialogues.*** As mentioned above, the DG ECHO-USAID strategic dialogue currently is the main channel for bilateral cooperation and coordination in humanitarian assistance. This dialogue, however, is restricted. Recently, the U.S. Department of State's Office for Population, Refugees and Migration has also been involved in the dialogue, but many other institutions involved in providing humanitarian assistance are not regularly participating, including for example the Department of Agriculture and the Department of Defense on the U.S. side, as well as DG Environment, DG RELEX and DG Development in the EU. Strategic dialogues can provide an important forum for discussing and coordinating operational issues, but they do not currently cover all components of humanitarian assistance, are not routinely conducted at a level of sufficient seniority, and often lack full reporting back to decision makers and full staff briefings.
- ***Political controversies.*** Finally, some intense political controversies between the EU and the U.S. persist in the area of humanitarian assistance. This relates to the question of whether or not donors should pursue integrated approaches, linking humanitarian assistance to development, security, broader foreign policy, and economic concerns.

²⁵ Tarnoff and Lawson, op. cit.

²⁶ DAC peer review, op. cit., p. 88.

Table 3. Multilateral Channels for Cooperation (selection)

Name	Purpose / activity	Members
Good Humanitarian Donorship Initiative (GHDI)	Provides a forum for donors to discuss good practice in humanitarian financing and other shared concerns. By defining principles and standards it provides a framework to guide official humanitarian assistance and a mechanism for encouraging greater donor accountability.	Donor governments. Currently 35 members, including the European Commission and the U.S. Government.
OECD Development Assistance Committee (DAC)	A community of policymakers meeting to engage in collective thinking and coordinate their approaches. The DAC conducts regular peer reviews to assess donor aid policies and practice, including humanitarian assistance. It also has working parties and networks on specific topics such as statistics, evaluation or gender equality.	OECD governments. Currently 23 members, including the European Commission and the U.S. Government. Multilateral organizations participate as observers.
Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP)	Aims at improving the quality and accountability of humanitarian action, by sharing lessons; identifying common problems; and where appropriate, building consensus on approaches.	Governments, NGOs, think tanks, individual. Currently 66 full members, including DG ECHO and USAID.
OCHA Donor Support Group	Forum for donors to discuss with OCHA the administrative, policy, and operational aspects of its work	Donors contributing at least \$300,000 to OCHA and providing political support to strengthen OCHA's work and role within the humanitarian system. Currently comprises 18 members.
ICRC Donor Support Group	Meets annually to discuss future policy directions for the ICRC.	Donors contributing at least 10 million Swiss francs per year to the ICRC. Members include the U.S. Government and the European Commission.
UNHCR Donor Consultations	Formal and informal donor consultation meetings and donor field visits organized by the UNHCR donor relations unit.	Governments, non-governmental organizations and individuals. Top ten donors include the U.S. and the European Commission.
UN General Assembly	Occupies a central position as the chief deliberative, policymaking and representative organ of the United Nations. Regularly discusses humanitarian issues.	Comprises all 192 members of the United Nations
NATO Euro-Atlantic Disaster Response Unit	A non-standing, multi-national force of national civil and military elements, which can be deployed in the event of a major natural or man-made disaster.	NATO's 28 member nations and countries in the Partnership for Peace will deploy upon request by countries struck by disaster
Humanitarian Action Group (HAG)	Coordination instrument in specific countries, such as the Democratic Republic of Congo.	UN agencies, NGOs, governments, depending on context, typically including DG ECHO and OFDA.
UN Humanitarian Coordinators	Are appointed by the United Nations Emergency Relief Coordinator and facilitate communication, consultations, and coordination among organizations involved in the relief effort.	Humanitarian Coordinators typically seek to involve all relevant agencies, including donors, into consultation and coordination efforts.

The transatlantic partners also disagree on whether and how to engage with new actors in the humanitarian field, a topic that is particularly controversial in the case of the military, but is also disputed for business organizations. Finally, the European Commission and the U.S. Government have adopted different approaches to food aid. The difference stems less from a disagreement between DG ECHO and OFDA or USAID, but rather from the influence of Congress, which gives priority to the interests of domestic farmers. Following legislation passed by Congress, the U.S. Government has a food aid policy that relies strongly on providing food produced in the U.S. to countries faced with emergencies. Opponents of this policy argue that it is overly costly and risks undermining local food production and markets in developing countries. Following this line of argument, the European Commission pursues a policy of purchasing food locally and/or providing populations in need with cash handouts. Food aid constitutes a major share of total U.S. humanitarian assistance and the intensity of the controversy has undermined many working level contacts. A new Farm Bill was enacted by Congress in 2008. It provides up to \$60 million, or just over 1% of total food aid, between 2009 and 2012 for the local and regional procurement of food commodities to respond to food crises and disasters.²⁷ Albeit minimal, these changes are beginning to ease the controversy over food aid.

Conclusion

The EU and the U.S. are close partners in providing humanitarian assistance, yet significant scope remains for enhancing cooperation, coordination, and mutual learning to improve their own approaches and support reform of the humanitarian system as a whole.

The following chapters explore current transatlantic practices in four crucial issue areas that illustrate the different approaches of the European Commission and the U.S. Government and point to common challenges: implementing lessons learned; linking relief, rehabilitation and development; business engagement in emergency relief and preparedness; and cooperation between civilian and military actors. The concluding chapter summarizes findings, lessons and recommendations.

²⁷ The Food, Conservation, and Energy Act of 2008, Title III.

*Part II: Improving Humanitarian Assistance
through the Implementation of Lessons Learned*

Chapter 3

Improving the Implementation of Lessons Learned: Gender and Local Capacity in EU and U.S. Humanitarian Assistance

Andrea Binder

Many of the problems identified of humanitarian action have been identified year after year—in some cases for over 20 years—but have still not been addressed.¹

Recent literature on learning in humanitarian assistance and sector-wide evaluations suggest that the humanitarian community is better at identifying lessons than at putting them into practice.² This chapter therefore addresses the following question: What supports or hinders the implementation of identified lessons for improved humanitarian assistance? The analysis is about implementation, not creation, of lessons.

What hampers the implementation of lessons is a question that the humanitarian community has asked itself many times before. The analysis, however, rarely goes beyond finger pointing. While humanitarian agencies emphasize that they are constrained by donor policies, donors lament the quality of the work of humanitarian agencies.³

By contrast, this chapter does not so much ask about responsibilities, but rather seeks to identify the breaking points of implementation processes in order to identify good practices and to develop recommendations on how to bridge the breaking points and increase the likelihood of effective implementation of lessons. To this end, the chapter traces relevant implementation processes within the Office for Foreign Disaster Assistance (OFDA) and the European Commission Humanitarian Aid Department (DG ECHO), the two principal offices within the U.S. and the EU administrations responsible for humanitarian assistance.

The chapter has an explicit donor focus, but also considers the role of partner organizations, such as the World Food Program, Action Contre la Faim and CARE International.⁴

¹ John Telford, John Cosgrave, and Rachel Houghton, *Joint Evaluation of the International Response to the Indian Ocean Tsunami: Synthesis Report* (London: Tsunami Evaluation Coalition, 2006).

² Paul Clarke and Ben Ramalingam, “Organisational Change in the Humanitarian Sector,” in ALNAP, ed, *ALNAP Review of Humanitarian Action* (London: ODI, 2008), p. 21; ALNAP, “Learning by Field Level Workers,” in ALNAP, ed, *ALNAP Review of Humanitarian Action* (London: ODI, 2003) and Koenraad Van Brabant, *Organisational and Institutional Learning in the Humanitarian Sector. Opening the Dialogue. A Discussion Paper for ALNAP* (London: Overseas Development Institute, 1997).

³ These lines of arguments have come up during interviews with donor and NGO representatives done by the author in the context of this study. See also Clarke and Ramalingam, “Organisational Change in the Humanitarian Sector,” p. 32.

⁴ The author would like to thank the World Food Program, CARE International, and Action Contre la Faim France for opening up their organizations to the case study authors’ enquiries and becoming subject of this study.

This chapter takes a closer look at two specific lessons: the need to mainstream gender into humanitarian programming; and the imperative to include local capacities into international humanitarian response. These two lessons highlight how the humanitarian community struggles with the implementation of lessons. Both lessons are widely accepted within the humanitarian community as the way to advance, but progress in implementing related policies and practices has been relatively minor.⁵ At the same time there is also an important difference between those two lessons. While gender mainstreaming is about *how* humanitarian services are provided, the inclusion of local capacity would significantly alter *who* are the main providers of humanitarian assistance.

This chapter shows that despite the differences of gender and local capacity, there is a common finding: if a lesson is to be successfully put in practice, implementation has to take place at five different levels. These levels are policy-making; operational planning; interaction with implementing partners; training; and evaluation.

While the transatlantic partners have their breaking points for implementation at different levels, the analysis finds that both are particularly weak when it comes to policy development and training on gender and local capacity. Moreover, the analysis highlights that specific policies are necessary to ensure that the implementation of lessons is not subject to the judgment of individual staff. Yet, humanitarian actors, particularly at the operational level, all too often disapprove policy as inefficient or even at odds with the humanitarian principles. They equate precipitately policymaking with politics and are skeptical towards political thinking.

Therefore, the two donors should strengthen their respective policy functions, tap into existing know-how, and contribute to the development of new know-how and coherent approaches for gender and local capacity in humanitarian assistance. They should do so through mutual exchange and by building on existing international initiatives.

The first section briefly explains the methods used. Section two presents the two lessons that the study is focusing on as well as the different levels of implementation within the U.S. and the EU administrations. Sections three and four trace the implementation of the two lessons within the European Commission's Humanitarian Aid Office (ECHO) and the Office for Foreign Disaster Assistance (OFDA) respectively. The concluding section synthesizes the results of the analysis and develops recommendations for the transatlantic partners.

Methods

This chapter proceeds in two analytical steps, each based on a specific mix of methods. First, the chapter identifies relevant processes for implementing lessons within OFDA and DG ECHO both at headquarters and at the country level. The identification of relevant processes is based on interviews conducted in Brussels and Washington D.C.; document review; and working group discussions during the 1st Transatlantic Dialogue on Humanitarian Action.⁶

⁵ Ian Smilie, *Back from the Trees: Capacity Building, Humanitarian Action and the Wider Challenge*, World Conference of Humanitarian Studies (Groningen: 2009); Béatrice Pouligny, *Supporting Local Ownership in Humanitarian Action*, Humanitarian policy paper n°1 (Berlin, Washington D.C.: GPPi, CTR, 2009) and International Federation of Red Cross and Red Crescent Societies, *World Disasters Report 2007—Focus on Discrimination* (Geneva: IFRC, 2007).

⁶ http://www.disastergovernance.net/events/1st_transatlantic_dialogue_on_humanitarian_action (last accessed 07/04/2009).

Insights about the country level were gathered through four case studies. Each case study focuses on a partner organization financed by OFDA and DG ECHO. The case selection is based on two main criteria: the case study authors' country experience and access to a specific humanitarian organization operating in this country; and the coverage of a wide range of humanitarian situations and geographical areas. As a result, the case studies cover the World Food Program and gender in Nepal; Action Contre la Faim France and gender in Darfur; CARE International and local capacity in Nicaragua; and local capacity in the occupied Palestinian territories.⁷ The studies are based on telephone interviews with field staff, document and literature review and the authors' earlier experiences in the respective countries. The Nepal case study also draws on the results of a small field survey. The case studies are available in the following chapters.

Second, this chapter develops recommendations for the transatlantic donors and the wider humanitarian community on how to enhance the effectiveness of the implementation of lessons related to gender and local capacity. This step draws on the results of the analysis as well as on insights gained from working group discussions at the 2nd Transatlantic Dialogue on Humanitarian Action.⁸

The study has a number of methodological limits. First, due to financial constraints, the case studies could not be based on field research. Thus, information given by field staff could not be verified through direct observation. Second, given the relatively large scope of the study and the complex nature of implementation processes, this study only provides an empirically informed overview of possible factors that promote or hinder the implementation of lessons with respect to gender or local capacity. Therefore, the study cannot provide a basis for generalizations, nor for causal inference. Additionally, publicly available information about OFDA's internal decision-making processes is scarce and access to the U.S. Administration proved to be particularly difficult for the case study authors and the study group leader alike. Consequently, the analysis of DG ECHO has greater depth than the analysis of OFDA. Finally, there is only a limited scope for comparison between the European Commission and USAID because one is supra-governmental while the other is a national administration.

Gender and Local Capacity— Two Lessons for the Improvement of Humanitarian Assistance

The following section provides a very brief sketch of gender and local capacity in humanitarian action. The section also describes the most important levels for the implementation of lessons within the two administrations.

⁷ This case study could not focus on an individual partner organization, because all partner organizations that received funding from both donors were heavily involved in relief activities during and after the 2008 Gaza war and did therefore not have the time and capacity to be an object of intense study, see chapter 17 (Case Study on Palestine).

⁸ http://www.disastergovernance.net/events/2nd_transatlantic_dialogue_on_humanitarian_action (last accessed 08/04/2009).

⁹ R. Charli Carpenter, "Women and Children First: Gender, Norms, and Humanitarian Evacuation in the Balkans 1991–95," *International Organizations*, 57, no. 4 (2003).

Gender and Local Capacity in Humanitarian Assistance

The mass killings of civilians during the Balkan Wars in the 1990s were specifically targeted at young and adult men.⁹ In some parts of Sri Lanka and Indonesia about 80 percent of the casualties of the 2004 Indian Ocean Tsunami were women. Today, in Darfur and many other places, girls, boys and women are strongly affected by different forms of sexual violence.¹⁰

In hindsight, humanitarians must admit that male civilians in Bosnia would have been better protected, more women would have survived the Indian Ocean Tsunami and that many victims of sexual violence—whether female or male—could get effective treatment if agencies' preparedness and response mechanisms would have factored in the different needs and capabilities of women, girls, boys and men. It seems the humanitarian community must learn the hard way that mainstreaming gender into humanitarian assistance is a life-saving measure.

As a consequence of these failures, in 2006 the Inter-Agency Standing Committee (IASC) has established a Sub-working Group on "Gender and Humanitarian Action" in order to mainstream gender into the Cluster Approach and other areas of humanitarian reform.¹¹ Additionally, a number of humanitarian agencies, for example the World Food Program, the UN Office for the Coordination of Humanitarian Affairs and Oxfam International, developed policies on gender in humanitarian assistance. These and other efforts show that the humanitarian community has started to implement the lesson on gender in humanitarian assistance, albeit with a varying degree of success.

At first sight, the need to include local actors into international humanitarian assistance appears to be a lesson that the international humanitarian community has learned well—provided one trusts the rhetoric. The issue of "local capacity" is high on the communication agenda of many donors, and the body of literature dedicated to the issue is constantly growing.¹²

However, a closer look reveals a glaring gap between words and deeds.¹³ The current track record of the humanitarian community in including local capacity is so bad that some claim "things will never change."¹⁴ Others call for revolution, emphasizing that the international humanitarian community must "radically transform its operational culture."¹⁵

In brief, the humanitarian community has learned that local actors should be involved in international humanitarian assistance, but it is unclear what this means exactly and how to go about it. For example, it is undecided whether implementing the local capacity lesson means

¹⁰ Interview with IASC GenCap Advisor, March 2009.

¹¹ The Inter-Agency Standing Committee (IASC) is the main tool for inter-agency coordination of humanitarian assistance. The forum involves key UN and non-UN humanitarian agencies and works in close cooperation with the main humanitarian donors. For the Sub-Working Group on gender see: http://www.humanitarianinfo.org/iasc/pagelader.aspx?page=content-subsidi-tf_gender-default (last accessed 07/05/2009).

¹² Smilie, *Back from the Trees: Capacity Building, Humanitarian Action and the Wider Challenge*.

¹³ See for example Forced Migration Review, "Enhancing Southern Capacity: Rhetoric and Reality," *Forced Migration Review*, no. 28 (2007) or Telford, Cosgrave, and Houghton, *Joint Evaluation of the International Response to the Indian Ocean Tsunami: Synthesis Report*.

¹⁴ Smilie, *Back from the Trees: Capacity Building, Humanitarian Action and the Wider Challenge*, p. 12.

¹⁵ Pouligny, *Supporting Local Ownership in Humanitarian Action*, p. 21.

including survivors and unaffected local actors into the design and implementation of projects or whether it means building or strengthening these groups' capacity in the longer term. While the first approach focuses on the inclusion of existing response capacity, the second approach takes a developmental focus. Furthermore, there is no systematic and fact-based reflection of the different approaches in natural disasters and conflict settings. The case studies, however, highlight that there is clearly a difference. In Nicaragua, a natural disaster setting, the challenges to implementing local capacity were mainly of a conceptual and technical nature. In the occupied Palestinian territories, a protracted conflict, the challenging meaningfully engage with locals were mainly political and determined by the donors' policies towards one of the parties to the conflict.

Further, the inclusive approach confronts humanitarians mainly with the operational challenge of how to identify and include existing local capacity in a timely and efficient manner. The capacity-building approach, in turn, confronts humanitarians with conflicts related to their mandate, particularly if it is a narrow one, focusing on immediate lifesaving activities only. Both challenges, however, reflect inherent questions of identity, including the identity of the internationals as doers and the locals as recipients.

How little progress has been achieved is reflected by the lack of any international organization or mechanism—under the Inter-Agency Standing Committee or elsewhere—that addresses strategically the question of local inclusion. Rather, newly established mechanisms, for example the United Nation's Central Emergency Relief Fund, are criticized for systematically excluding local humanitarian organizations.¹⁶

Humanitarian donors are usually not at the forefront of humanitarian action. They are not the ones providing health services to women, girls, boys and men. They are not the ones interacting with local communities. Yet, through their policies, their interaction with humanitarian agencies and their funding decisions they shape humanitarian assistance. Therefore, if gender and local capacity—or any other lesson—are to be put into practice, they have to be integrated into donor agencies' activities.

Levels of Implementation in Donor Agencies

The following section describes how a lesson is generally put into practice within the EU and the American humanitarian donor agencies. Since both USAID and the European Commission's aid apparatus are large and complex institutions the following account is a simplified picture of the most important mechanisms involved in the implementation of the gender and local capacity lessons in those two administrations.¹⁷

The analysis of the institutional setup, mandates, and current policies of OFDA and DG ECHO showed that implementation processes can take place at five different levels:¹⁸

¹⁶ Action Aid International, *The Evolving UN Cluster Approach in the Aftermath of the Pakistan Earthquake: an NGO perspective* (Bangalore, London: Action Aid International, 2006).

¹⁷ For details, see Chapter Framework.

¹⁸ The account is a simplified description of reality and might evoke the concept of policy cycles. However, this description is based on inductive reasoning informed by conversations with policy-makers and experts within and outside of the EU and U.S. administrations. A similar model can be found in Clarke and Ramalingam, "Organisational Change in the Humani-

- A *policy* provides the normative and conceptual framework for an organization's decision-making and activities related to the lesson. Thus, the relevant process for the implementation of a lesson at this level is its transformation into a policy. For that purpose, a lesson lingering in the humanitarian universe has to make it onto the donor's policy-making agenda. That is, there have to be external and internal demands for policy development. Policies related to gender and local capacity need to clearly define the concepts, provide direction and address inherent tensions. For example, there are different concepts of gender in humanitarian action. The traditional approach tries to ensure that the different needs and capabilities of women, girls, boys and men are adequately considered in the design and implementation of humanitarian policies. The rights-based approach, in turn, aims at empowering women, providing them with access to their rights through humanitarian assistance. In order to guide implementation, a donor's gender policy has to spell out clearly which approach the organization takes, considering its mandate, organizational goals and related policies.
- *Operational planning* describes the level at which DG ECHO and OFDA develop their country and sectoral strategies, including resource allocation. Strategies are usually developed on a yearly basis and are influenced by policies and information from the field (e.g. needs assessments, evaluation results, etc.). Issues that are not included in the strategies might be addressed on an *ad hoc* basis, but related lessons are less likely to be implemented. Besides strategies, the development of guidelines is an important implementation tool at the operational planning level. Guidelines help to communicate strategies and related implementation measures to the donors' country offices.
- *Interaction with partner organizations*: Since DG ECHO and OFDA do not directly provide humanitarian services, the relationship with partner organizations is a further important level. Here, the donor agencies aim at communicating their policies, strategies and guidelines to the implementing partners. The relationship between donor and partner is governed by contracts, financial regulations, formal and informal communication, reporting, monitoring, etc. A well governed relationship is indispensable to coordinate donor approaches for implementation with those of the partner organizations.
- *Training*: Failure to implement lessons is not necessarily due to shortcomings at one of the previous three levels. Rather, humanitarian staff and staff within donor administrations might simply not know how to mainstream gender into humanitarian activities or lack the capacity and skills to meaningfully engage with local partners.¹⁹ Consequently, training has an important role to play in the implementation of lessons. Yet, training presupposes clear policies and/or operational strategies in order to contribute to implementation.
- *Evaluation* is important for quality control, for channeling information from the country to the headquarters level and for framing the relationship with the partner organi-

tarian Sector," pp. 9-11. However, Clarke and Ramalingam neglect the importance of financial units and units managing the relationship with partner organizations for the implementation of organizational change. These elements are explicitly included in the present model.

¹⁹ Interview with IASC GenCap Advisors, March 2009.

zation. At the level of evaluation, the administration tries to identify breaking points for the implementation of a lesson and systematically link policy-making and operational planning with the realities in the field. That is, evaluation is not a necessary step for the implementation of a lesson, but increases the likeliness of a systematic approach to implementation, covering the four above mentioned levels.

Implementation processes do not necessarily occur at one level after the other. Rather, these processes could be pictured as a four lane highway (levels one to four) with a garage (level five) on the way. The lesson may enter the highway at any of these four lanes then switch to another one. Whether the lesson travels the highway smoothly depends on many different factors: the nature of the car (the lesson), the current flow of traffic (the importance of the lesson relative to other lessons that are supposed to be implemented), the condition of the road surface of the entire highway or a particular lane (the capacity of the administration and the quality of standard procedures), etc.

The following two sections describe in more detail how the relevant processes on the five different levels are in principle organized and structured within OFDA and DG ECHO and how gender and local capacity travel the American and European highways of implementation. The sections summarize study results from research at the headquarters in Brussels and Washington D.C. as well as from the case studies focusing on the World Food Program in Nepal, Action Contre la Faim France in Darfur, CARE in Nicaragua and humanitarian assistance in the occupied Palestinian territories.

DG ECHO's Road Towards Gender Mainstreaming and the Inclusion of Local Capacity

Policy

At DG ECHO, “a topic has to be hot; you need to know how to promote a topic within the European Union”²⁰ if it is to make it onto the policy agenda. In other words, a lesson has to be advanced by a crucial internal or external actor. The relevant external actors are the European Parliament, the member states—either individually or represented by the Council of the European Union (Council)—and the implementing partners (NGOs, UN agencies, and Red Cross organizations). Internally, the Commissioner, the Director General and the Units DG/01 (policy affairs, relations with donors, evaluation) and DG/02 (operational support policies, disaster risk preparedness) influence the Office's policy.

Within the **European Parliament**, the Committee on Development is responsible for co-deciding, budgeting and supervising humanitarian policies. It has a right of scrutiny of all financing decisions. The Committee has a Standing Rapporteur for Humanitarian Aid.²¹ While individual Members of Parliament have shown strong interest in humanitarian issues in the

²⁰ Interview with representative of ECHO, September 2008.

²¹ The Standing Rapporteur is elected by the members of the Committee on Development for a two-year tenure, see http://www.europarl.europa.eu/comparl/deve/infokit/deve_fiches_en.pdf (last accessed 31/03/2009).

past, the Committee remains rather inactive in this policy area; and has not demanded the development of particular policies,²² particularly regarding gender and local capacity.

EU member states have direct influence on DG ECHO's decision-making through the Humanitarian Aid Committee and through the Council. The Humanitarian Aid Committee, the main mechanism for consulting member states on financing decisions, also provides a forum for policy discussion. Yet, the possibilities for debate are limited by the fact that the Commission cannot ask back to member states and that the committee is concerned mainly with operational questions, which might be related to the fact that many EU member states do not have elaborate humanitarian policies themselves.²³ The newly established Council Working Group on Humanitarian Aid and Food Aid is supposed to strengthen member states' humanitarian policy-making through open debate, knowledge sharing and coordination and to interact closely with DG ECHO.²⁴ While neither the Humanitarian Aid Committee nor the Council have brought up the issue of gender, some member states expressed dissatisfaction with DG ECHO's current approach towards gender in the process of defining the Consensus. They pressed to include a paragraph stressing the EU's commitment to recognize "the different needs, capacities and contributions of women, girls, boys and men" in humanitarian crises and to "highlight the importance of integrating gender considerations into humanitarian aid."²⁵

Regarding local capacity, member states have thus far not pressured DG ECHO to develop a policy promoting greater inclusion. Quite to the contrary, the Humanitarian Aid Regulation considers only NGOs based in the European Union to be eligible for Community financing.²⁶ This limits DG ECHO strongly in directly involving local capacity. On the other hand, the Action Plan for the European Consensus on Humanitarian Aid calls for first steps to better involve "disaster-affected populations in EU Humanitarian Aid programmes,"²⁷ implying that the topic is on the EU's agenda.

The **European NGO community** interacts on a regular basis with DG ECHO in many ways, including through their umbrella organization VOICE. Yet, debates concentrate more on contractual and funding issues or EU institutional policies rather than humanitarian doctrines. Policy input focuses on a few issue areas, including civil-military relations and disaster risk reduction and is reactive rather than proactive in nature.²⁸ Consequently, many other important policy debates, including gender and local capacity,²⁹ remain unaddressed. The humanitar-

²² An exception is the European Parliament's strong commitment to promote International Humanitarian Law, which is reflected in ECHO's Operational Strategy 2009.

²³ Interview with representative of ECHO, September 2008.

²⁴ The Council Working Group on Humanitarian Aid and Food Aid reports to the Permanent Representatives Committee (COREPER) of the Consilium, the policy-making mechanism below the ministerial level.

²⁵ European Commission, *European Consensus on Humanitarian Aid (2008/C 25/01)* (Brussels: European Commission, 2008), p. C 25/3.

²⁶ Article 7.1 (a), Council Regulation (EC) No 1257/96.

²⁷ COMMISSION OF THE EUROPEAN COMMUNITIES Brussels, 29.5.2008, SEC(2008)1991, COMMISSION STAFF WORKING PAPER European Consensus on Humanitarian Aid—Action Plan

²⁸ Cf. VOICE's reaction on the Instrument for Stability: Voluntary Organisations in Cooperation in Emergencies, *The strengthening of EU crisis capabilities. What impact on humanitarian aid?*, VOICE Briefing Papers (Brussels: VOICE, 2006).

²⁹ Some NGOs addressed the issue of local capacity at the 2007 Annual Meeting, but ECHO is not systematically lobbied regarding local capacity.

ian NGO community's relatively low policy development capacity might be related to the widely shared perception that advocacy would compromise the organizations' independence and neutrality.³⁰ This view has begun to change.

Despite the limited pressure to date for policy development from the European Parliament, the Council and implementing partners, ECHO representatives emphasize that "new topics usually come from the outside."³¹ Nonetheless, there are also internal mechanisms that may lead to the recognition of a specific lesson.

The **Commissioner**, responsible for development and humanitarian assistance, is said to be less interested in humanitarian than in development affairs. Consequently, a lot of informal decision-making power lies with the **Director-General**, the policy units (DG/01 and DG/02) and the operational units (Directorate A). This informal power is further strengthened through the so-called "empowerment" rule allowing the Commissioner to make financing decisions on behalf of the College of Commissioners and to delegate the adoption of certain financing decisions to the Director-General.

Policy development only became a major activity of the Office, when ECHO, formerly a purely operative agency, became a Directorate General in 2004. Therefore, compared to the numerous developments and challenges in humanitarian assistance over the past 10-15 years, DG ECHO has a considerable policy gap to bridge. This weakness is partly related to a prevailing belief particularly in the operational units that DG ECHO should be an independent and neutral humanitarian actor not involved in politics. However, senior management recently started to push policy development, realizing that, within a political institution such as the European Commission, the rule is "politics or perish." In other words, in order to gain "political space", DG ECHO has to become active in policy-making and resource allocation.³² Consequently, "[i]n the past few years, DG ECHO has started to develop a certain number of sectoral policies aimed at better defining the context of its interventions and to provide clearer guidance on financing."³³

Once a lesson has landed on the plate of DG ECHO policymakers, the issue is usually followed up with a thematic evaluation that takes stock of what has been done in relation to this topic both within the Commission and by other relevant actors. Based on the results of this assessment, the Policy Unit in cooperation with the Operational Unit and DG ECHO field experts turn the lesson into a policy. The policy can be considered prioritized once it finds its way into the annual operational strategy, either through a country strategy or a horizontal priority/sectoral policy.³⁴

³⁰ Voluntary Organisations in Cooperation in Emergencies, *The strengthening of EU crisis capabilities. What impact on humanitarian aid?*

³¹ Interview with representative of ECHO, September 2008.

³² Ibid.

³³ The areas covered by sectoral policies are thus far protection, children in crises, water and sanitation, health as well as cash interventions. According to ECHO's operational strategy the development of policies is done in close cooperation with other Commission Services (mainly DG Development and DG Relex) and in consultation with implementing partners. In addition, ECHO shares its policies with Member States in as agreed upon in the context of the Consensus on Humanitarian Aid (European Commission, *DG ECHO - Operational Strategy 2009*, vol. SEC(2008) 2899 (Brussels: European Commission, 2008).

³⁴ Interview with representative of ECHO, September 2008.

Since 2008, the steps in policymaking described above can be observed with respect to **gender**. Following member state pressure, and the desire to harmonize policies with other Commission services, DG ECHO started to develop a gender policy. As a first step, the office is currently reviewing gender issues and protection strategies to combat sexual- and gender-based violence.³⁵

However, the development is in very early stages and does not yet inform DG ECHO's activities. The current lack of a clear policy leaves staff unclear about the role of gender in DG ECHO's humanitarian assistance. At headquarters, staff believe that gender-sensitive humanitarianism would entail an empowering element and thus lies outside of the organization's mandate. This is reflected at the field level, where it is reported that DG ECHO country staff are not cooperating on gender, based on the argument that related activities are no lifesaving measures and thus outside of DG ECHO's mission.³⁶

These statements reflect that there is little knowledge within DG ECHO about the concept to design humanitarian services according to the different needs of women, girls, boys and men, without necessarily subscribing to an empowerment agenda. Accordingly, DG ECHO's doctrine of "lifesaving measures only" does not consider the impact of sex and age on the life expectancy of individuals affected by emergencies.

Limited by its mandate and facing little external pressure, DG ECHO lacks a formal policy document clarifying the office's position and approach towards the inclusion of **local capacities** into humanitarian response. Yet, in light of the European Consensus, DG ECHO has taken first steps to address local capacity involvement in the context of disaster preparedness and response. Thus far, however, policy decisions and the responsibility to find ways to engage with local actors remains with DG ECHO's partner organizations. While this is not a problem *per se*, it can create tensions with DG ECHO's mission and undermine the coherence and sustainability of its assistance. For example, CARE Nicaragua has adopted a rights-based approach to local capacity. That is, it focuses more on the ability of the population to claim their rights *vis-à-vis* the state and other authorities than on the involvement of locals in the design and implementation of humanitarian services. Such an approach is at odds with DG ECHO's doctrine of exclusively funding lifesaving activities for a maximum of 15 months. The rights-based approach is clearly a longer-term strategy. As a result, the approaches of DG ECHO and CARE in addressing local capacity in Nicaragua are not coherent, undermining the effectiveness of the intervention.

Operational Planning

At DG ECHO, the responsibility for operational planning mainly lies with Directorate A. On this level policies are transferred into financing decisions and guidelines, prescribing field-level decision-making and action at DG ECHO's 39 country offices.³⁷ DG ECHO's opera-

³⁵ Interview with ECHO representative, September 2008.

³⁶ Conversation of the author with representative of the GenCap Project, April 2009. The Humanitarian Aid Regulation (European Commission, *Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid* (Brussels: European Commission, 1996)) states in Article 2(a) "The principal objectives of the humanitarian aid operations [...] shall be: to save and preserve life during emergencies and their immediate aftermath [...]."

³⁷ Figure as of February 2009.

tional units have a strong standing within the Office and are said to be hesitant towards policy development. First of all, many operationals do not believe in the value of policies for better operations and second, they are defensive of the freedom they enjoy within the organization. The tension between policy and operational units within DG ECHO are a potentially important breaking point in the systematic implementation of lessons.³⁸

Funding is the most important transfer mechanism, since “the ultimate indicator for implementation is an appropriate financial plan backing the policy.”³⁹

DG ECHO financing decisions usually include consultation with other Commission departments, the Humanitarian Aid Committee and the European Parliament. The final decision is adopted by the College of the European Commission. In order to allow for rapid decision-making, the Humanitarian Aid Regulation also allows so-called ‘emergency financing decisions’ that exclude the Humanitarian Aid Committee and the Parliament.⁴⁰ Furthermore, the above described “empowerment” gives financing decision-making power to the Director-General.

DG ECHO’s annual Operational Strategy delineates the Commission’s geographical and horizontal funding priorities. Building on this annual strategy, financing decisions come in the form of global plans, funding schemes for individual countries (Primary Emergency and Emergency Financing Decisions), and thematic funding for horizontal priorities or sectoral policies (Ad hoc Financing Decisions).⁴¹ DG ECHO adopts financing decisions on a rolling basis. They are informed by headquarters policy, but are based on DG ECHO’s annual global needs assessment and the forgotten crisis assessment. Inputs for changes in strategy often come from the field.⁴²

With respect to gender, there are two important observations. First, the indicators for the global needs assessment are not based on sex- and age-disaggregated data and there is thus no specific assessment of the impact of the crises on different sex and age groups. Second, DG ECHO’s Operational Strategy 2008 neither considers gender as a horizontal priority nor gives details on how gender should be addressed practically. The Operational Strategy 2009, on the other hand, addresses gender as a sectoral policy but remains equally mute on operational questions.⁴³ The 2008 and 2009 funding decisions for Nepal and Darfur also fail to address gender issues explicitly.⁴⁴

³⁸ Group discussion with ECHO representatives, June 2008.

³⁹ Interview with representative of ECHO, September 2008.

⁴⁰ This exclusion is only possible for emergency financing decisions which are up to and including EUR 10,000,000 and non-emergency decisions up to and including EUR 2,000,000.

⁴¹ “The type of financing decision to be used in a particular situation is determined by the following criteria: degree of urgency of the humanitarian response, nature of the humanitarian crisis, amount of financing Decision and duration of the humanitarian Action to be implemented under the financing Decision.” ECHO, *Fact Sheet A.1 Types of Financing Decisions and Related Procedures. Applicable to NGO’s, International Organisations, UN, Specialised Agencies of Member States, Version December 2008* (Brussels: ECHO, 2008), p. 2.

⁴² Interview with ECHO representative, September 2008.

⁴³ Cf. European Commission, *DG ECHO - Operational Strategy 2008*, vol. SEC(2007) 1664 (Brussels: European Commission, 2007) and European Commission, *DG ECHO - Operational Strategy 2009*.

⁴⁴ Commission of the European Communities, *Commission Decision of 30-V-2008 on the Financing of a Global Plan for Humanitarian Operations from the Budget of the European Communities in Nepal* (Brussels: European Commission, 2008) and Commission of the European Communities, *Commission Decision of on the Approval and Financing of a Global Plan for Humanitarian Actions from the Budget of the European Communities in Sudan (ECHO/SDN/BUD/2009/01000)* (Brussels: European Commission, 2008).

For Nepal, DG ECHO's activities related to gender focus on health, water and sanitation and protection.⁴⁵ Gender has not been a central issue for DG ECHO to fund the World Food Program's projects in Nepal.⁴⁶ Similarly, funding for Action Contre la Faim France in Darfur is purely sectoral and gender issues are not particularly relevant for funding decisions about individual projects.⁴⁷

Disaster risk reduction and efforts to link relief with rehabilitation and development (LRRD)⁴⁸ are two of DG ECHO's activities where engagement with locals occurs. In its disaster preparedness program (DIPECHO), DG ECHO works with local staff, has a 'community-based approach' and aims to build the preparedness capacities of communities at risk.⁴⁹ That is, DIPECHO intervenes at the community and regional levels, but not at the national level. Additionally, the concentration on transitional and preparedness settings implies that DG ECHO's strategy towards local actors follows the notion of building/strengthening local capacity as opposed to integrating existing local capacities and resources into response activities.

Guidelines are a further means for transfer. However, DG ECHO staff emphasize that guidelines are non-binding and usually broad enough for country experts "to do what they want."⁵⁰ Furthermore, DG ECHO's Technical Issue Papers, produced by policy staff, operational staff and partners together, aim at informing headquarter generalists about technical details of a specific sectoral issue.⁵¹ Since every lesson learned has a conceptual side that has to be addressed by policy and an operational side that has to be addressed by technical guidelines, the Technical Issue Papers are a useful means to back policies with technical guidance.

Currently, there are no guidelines and no Technical Issue Papers that inform DG ECHO desk officers on how to mainstream gender into humanitarian programming or how to integrate local capacity.

Interaction with Partner Organizations

Since DG ECHO implements projects through its partner organizations, policies and strategies must also be communicated to the respective partner organizations. Contractual frameworks, the annual Partners Conference, round tables, and DG ECHO's country representation are the main conduits to interact with implementing partners.

The Framework Partnership Agreement and the Single Form govern the **contractual relationships** between DG ECHO and its NGO partners by defining their respective roles and responsibilities. The Agreement primarily regulates financial issues, including financial reporting requirements, but it also determines to a certain degree how humanitarian aid should be

⁴⁵ Commission of the European Communities, *Commission Decision of 30-V-2008 on the Financing of a Global Plan for Humanitarian Operations from the Budget of the European Communities in Nepal*, p. 3.

⁴⁶ See Chapter 4, Case Study Nepal.

⁴⁷ Cf. Chapter 5, Case Study Darfur.

⁴⁸ To learn more about linking relief with rehabilitation and development please see Chapters 8-12.

⁴⁹ Interview with ECHO Representative, September 2008.

⁵⁰ Ibid.

⁵¹ Ibid.

given. The Single Form provides general information about the applicant organization, the action it plans to carry out (including expected results), the needs assessment on the basis of which the action is planned as well as the organization's overall strategy. The Financial and Administrative Framework Agreement is the equivalent to the Partnership Agreement governing the relationship with United Nations Agencies.

Although the Framework Partnership Agreement entails minimum standards that give priority "to the analysis of the beneficiaries' situation [...], including assessments of the different needs, capacities, and roles that might exist for men and women within the given situation and cultural context,"⁵² the case studies found that the lack of a gender policy at headquarters is "fully felt at the field level."⁵³

Based on the Humanitarian Aid Regulation, DG ECHO believes that its partner organizations are better suited to interact directly with local partners from civil society or communities.

As a result, the Single Form and the Framework Partnership Agreement regulate the relationship between implementing partners and local actors. The Agreement explicitly demands that organizations "shall [...] base humanitarian action on local capacities."⁵⁴ While this implies that partners should include local capacity, the agreement is silent on how to design complementary humanitarian assistance.

At the annual **Partners Conference**, DG ECHO presents its annual strategy to the partners and jointly discusses technical and policy questions. Neither gender nor the inclusion of local capacities have been addressed systematically at the Partner Conferences in past years. Yet, **round table** discussions with partner organizations, organized at irregular intervals, are focused on policy. In January 2009, for example, DG ECHO organized a round table on local capacity, in order to exchange information, perspectives and possible practices with partner organizations.

DG ECHO's **country offices** maintain the relationship with the implementing partner at the country level, monitoring the implementation of projects and involving partners through workshops and other discussion fora. Partners' reports are the main tool for monitoring implementation. Additionally, regular field visits by geographical desk officers and DG ECHO management help to follow up on country level implementation.⁵⁵

Since there are no tools and guidelines how to monitor and evaluate whether gender has been successfully addressed in the partners' projects, it depends on the knowledge, skills and awareness of the individual country and desk officers whether communication with partners, field visits and reports can be used effectively to follow up on gender issues.

For example, the World Food Program Nepal closely interacts with the DG ECHO Country Office. However, the latter has no particular structures for addressing gender issues. While

⁵² ECHO, *Framework Partnership Agreement with Humanitarian Organizations FPA—27/11/2—27/11/2007* (Brussels: European Commission, 2007).

⁵³ Cited in Chapter 5, Darfur Case Study.

⁵⁴ ECHO, *Framework Partnership Agreement with Humanitarian Organizations FPA—27/11/2007*, p. 11.

⁵⁵ ECHO, *DG for Humanitarian Aid - ECHO Financial Report 2007* (Brussels: European Commission, 2007).

DG ECHO's country experts check for gender mainstreaming in World Food Program's project proposals and reports and discuss it during field visits, they do not monitor and evaluate systematically the partner's performance in implementing gender sensitive projects. Likewise, DG ECHO's permanent office in Darfur is the main point of interaction with Action Contre la Faim France. It reports that gender is not seen as a priority for DG ECHO but rather "a paragraph in proposals."⁵⁶

DG ECHO's weak guidance from both headquarters and the country offices suggests that the implementation of gender lessons depend entirely on the partner organizations' approach to gender in humanitarian assistance. However, the degree to which they address gender varies greatly. While the World Food Program has an explicit gender policy which is regularly updated, Action Contre la Faim France lacks an institutional position on gender.⁵⁷

The World Food Program has adopted a twin track approach in its gender policy, i.e. the organization aims at mainstreaming gender into policies and programs as well as to empowering women and girls. This policy is applied systematically at the country level, although shortcomings in implementation can still be observed. The World Food Program's approach is at odds with DG ECHO's "lifesaving only" doctrine.⁵⁸ In the case of Action Contre la Faim France, where a systematic gender policy is altogether absent, the extent to which gender lessons are implemented depends on the skills and preferences of individual staff.

DG ECHO's relative silence on the inclusion of local capacity is mirrored at the country level. In the occupied Palestinian territories, for example, DG ECHO staff have no explicit approach towards supporting local actors. That is, partners are formally free to work with local actors as determined by the Single Form. At the same time, however, all institutions that receive Commission funding have to limit their contacts with Hamas, which makes it practically impossible to work with local actors in Gaza. This implicit guidance of DG ECHO and its sometimes ambiguous practices confuse partner organizations. CARE Nicaragua, for example, stated that it remains unclear whether "local" refers to the level of intervention, the actors they should engage with or the scope of their interventions. In the case of the occupied Palestinian territories, DG ECHO's ambiguity leaves implementing partners to decide whether to adhere to the donor's rule to avoid any interaction with Hamas or to work with local actors.

Training

Training is also important to implementation, provided there are policies, strategies and best practices on which staff could be trained. Generally, DG ECHO provides a number of training opportunities for both its staff and implementing partners. For example, the Operational Strategy 2009 plans for specific staff training programs on sectoral policies.⁵⁹ Furthermore, DG

⁵⁶ Cited in Darfur Case Study, Chapter 8.

⁵⁷ Action Contre la Faim International had a gender policy since 2004, which is, however, not well known in Action Contre la Faim France.

⁵⁸ The twin track approach is also adopted as UN-system wide policy, see United Nations Chief Executives Board for Coordination, *United Nations System-Wide Policy on Gender Equality and the Empowerment of Women: Focusing on Results and Impact* (New York: United Nations, 2006).

⁵⁹ European Commission, *DG ECHO - Operational Strategy 2009*, p. 21.

ECHO holds annual workshops for all country experts in order to synchronize country activities with headquarter policies and to adjust policy development to “field realities.”⁶⁰

Triggered by the European Consensus on Humanitarian Aid, DG ECHO is intensifying its efforts to build the capacity of the humanitarian system in general and its partner organizations in particular. However, the investment in capacity building thus far is largely financial and not linked systematically to the better implementation of lessons.⁶¹ For example, DG ECHO has not trained staff with respect to gender and local capacity in humanitarian assistance.

Evaluation

On the evaluation level, donors can follow up on the implementation of lessons, identify possible bottlenecks and develop strategies for improvement. Over the course of the past years DG ECHO has developed a strong evaluation capacity. The evaluation unit commissions up to 12 external evaluations per year, covering operations, partnerships and sectoral policies.⁶² While evaluations have always been part of the project cycle, appreciation of their value-added developed only recently. Evaluation results are now shared systematically with senior management and implementing partners. The evaluation unit is currently developing a follow-up tool in order to increase the use of evaluation results.⁶³ DG ECHO’s evaluation approach focuses exclusively on learning from its own mistakes and does not incorporate lessons from the larger humanitarian community into the implementation process.

The DG ECHO evaluation office asks external evaluators to address cross-cutting issues, including gender, in all evaluations. However, a sampling of evaluation reports shows that gender questions are not assessed systematically. A good example for this shortcoming is the 2006 evaluation of DG ECHO’s operations in Darfur. The evaluators address gender generically and randomly, without giving any indicators for their judgments. Additionally, they focus exclusively on interventions related to gender-based violence, leaving out the question of gender mainstreaming.⁶⁴ The apparent lack of gender knowledge of the evaluators prevents the creation of specific gender lessons within DG ECHO. The lack of learning possibilities at the headquarters adds to the weakness of monitoring and evaluation by DG ECHO Country Offices.

Evaluations commissioned by Action Contre la Faim France about their activities in the field addressed gender more systematically. The results were sometimes quite critical but there are no formal mechanisms within Action Contre la Faim France to follow up on evaluation results. That is, while the identification of lessons might work, their implementation remains unlikely.

⁶⁰ Interview with ECHO representative, September 2008.

⁶¹ Marie Spaak and Michael Atkinson, *Evaluation of Thematic Funding (and the Grant Facility Approach) for the European Commission Directorate General for Humanitarian Aid (DG ECHO)* (Brussels: European Commission, 2008).

⁶² European Commission, *Annex to the Report from the Commission: DG ECHO Annual Report 2007*, vol. SEC(2008) 2236 (Brussels: European Commission, 2008).

⁶³ Interview with ECHO representative, September 2008.

⁶⁴ Claude de Ville de Goyet, Lezlie Morinière, and Frédéric Deparis, *Evaluation of DG ECHO Financed Operations relating to the Darfur Crisis* (Brussels: European Commission, 2007), p. 6 and 35.

The World Food Program, as a much bigger agency, has a monitoring and evaluation system which includes mechanisms to evaluate gender mainstreaming. With respect to gender, DG ECHO relies almost exclusively on the results of World Food Program's assessments. At the same time, the Office does not follow up on gender-related evaluation results, nor does it systematically link performance with funding.

DG ECHO has no systematic approach to evaluating the inclusion of local capacity by their implementing partners. The only shining light in terms of evaluation and local capacity is the European Consensus on Humanitarian Aid, which made field visits and beneficiary interviews mandatory elements of each evaluation.⁶⁵

Levers and Obstacles

With respect to gender and local capacity, the following promoting and hindering factors for implementation could be observed:

- *DG ECHO has a strengthened institutional setup.* The policy level seems particularly important for the implementation of lessons, since formal policies bind staff and help to clarify concepts and their relation to DG ECHO's mandate. The formal and informal decision-making power of the Director General, the increased policy function within DG ECHO and the establishment of the Council Working Group on Humanitarian Aid and Food Aid strengthen the EU's policy-making with respect to humanitarian assistance. Furthermore, policy-making at DG ECHO is informed by evaluations and feedback from the field, which increases the quality and relevance of policies.
- *DG ECHO has a lack of policy and operational guidance.* Despite these positive findings, activity at the policy level is too low to ensure the implementation of gender and local capacity. The lack of specific policies is an important obstacle to implementation.

Thus, DG ECHO's current attempt to develop a gender policy is a step towards an efficient implementation of the gender lessons, particularly if the policy will embrace the notion that programming of all humanitarian action should recognize the different needs and capabilities of women, girls, boys and men. The nascent policy might also clarify the lifesaving dimensions of gender and how it relates to DG ECHO's mandate. The analysis at the policy level also shows the importance of external actors, in this case individual member states. DG ECHO has also taken some first small steps with respect to local capacity. Yet, there is no clear decision whether the office will continue to walk this path. As to now, there is no legal basis for the direct engagement of local organizations.

The 2009 Operational Strategy includes gender as a sectoral policy, while remaining silent on local capacity. Additionally, DG ECHO guidelines do not detail how to implement gender or local capacity in humanitarian action. Both topics are also not backed by financing decisions and can thus be considered as not sufficiently implemented at the operational level. Furthermore, DG ECHO's global needs assessment is

⁶⁵ Interview with representative of ECHO, September 2008.

not based on sex and age-disaggregated data, making all following decision-making gender blind.

The lack of policy and operational guidance is fully felt at the country level, where the implementation of the gender and local capacity lessons depends on the skills and preferences of country staff and the policies and practices of the implementing partners.

- *DG ECHO risks incoherence.* ECHO's contractual frameworks with partner organizations are too weak to provide guidance for the implementation of gender and local capacity by the implementing partner. Furthermore, neither own staff nor partners are trained with respect to the two lessons. As a result, the lessons are either not implemented at all or only according to the partners' way. This might lead to difficulties if partner's strategies are not in line with DG ECHO's mandate or of low quality. In other words, DG ECHO's current failure to meaningfully implement the gender and local capacity lesson bears the potential to undermine the coherence of its activities.

OFDA's Road Towards Gender Mainstreaming and the Inclusion of Local Capacity

Policy

Looking to the other side of the Atlantic, how are the gender and local capacity lessons implemented on the policy level? In the U.S., as in the European Union, a precondition for the implementation of a lesson at the policy level is that the lesson makes it onto the main humanitarian agency's agenda. The main agency for humanitarian assistance is OFDA/USAID, which is influenced by external and internal actors. However, under the Bush Administration, a shift of responsibilities from USAID to the State Department took place and left OFDA with weakened policymaking power.⁶⁶

Congress is the most important external actor framing OFDA's agenda. The Committees on Foreign Relations (Senate) and on International Relations (House) are responsible for establishing policies and overseeing foreign aid programs.⁶⁷ While Congress can become very active in individual humanitarian issue areas,⁶⁸ it generally does not establish detailed policies. Rather, Congress determines the overall normative framework for humanitarian assistance, clearly placing it within U.S. foreign policy. With respect to gender and local capacity in humanitarian assistance, Congress has never become active and does not pressure the Executive to address these topics.

U.S. humanitarian NGOs, represented by their umbrella organization InterAction, also influence OFDA's agenda. They provide input either directly through engagement with the Office or indirectly through testimony at Congress hearings. Additionally, OFDA regularly

⁶⁶ For more details on the institutional restructuring of USAID, see Chapter 1, for the shared responsibilities with the Food For Peace, see Chapter 8.

⁶⁷ Andrew A. Bealinger, ed., *Foreign Aid: Control, Corrupt, Contain?* (New York: Nova Science Publishers, 2006), p. 35.

⁶⁸ The most prominent example is probably food aid.

consults NGOs to inform its strategy development. While InterAction advocates for gender strongly, it did not become active with respect to local capacity.⁶⁹

Within the executive branch, the **Secretary of State** and the Office of the Director of Foreign Assistance (F-Bureau) influence the Office's agenda. The Secretary of State determines direction and priorities through five year Strategic Plans and the F-Bureau is mandated to "provide leadership, coordination and strategic direction" and to ensure the alignment "of resources with policy priorities."⁷⁰ In practice, however, the F-Bureau provides only limited policy guidance for OFDA due to unclear responsibilities and lines of reporting. Further, the USAID Policy Framework for Bilateral Foreign Aid provides policy guidance concerning strategic budgeting, strategies and programs in humanitarian assistance. Additionally, the Automated Directives System (ADS) consolidates all relevant policies and regulations for USAID. ADS 251 covers international disasters assistance and details policy, principles and procedures for OFDA's disaster response.⁷¹

With the exception of gender-based violence, neither the ADS 251 nor the Strategic Plan 2007–2012 explicitly address gender or local capacity in humanitarian assistance.⁷²

ADS 251 also provides **OFDA** with an instrument to specify policies and procedures through an annually issued "Guidance Cable." Essentially, this "Guidance Cable" is the only formal mechanism for OFDA-internal policy-making. Lacking a specific policy unit and policy-making power, OFDA relies on informal mechanisms for policy development. The Office enjoys relative institutional independence and the main internal agenda-setting power therefore lies with its Director. If necessary, policy development is coordinated with other offices responsible for humanitarian assistance, e.g. the Office of Food for Peace.

OFDA has no stand-alone policies with respect to gender and local capacity. Its approach is instead to address gender at the levels of operational planning, interaction with partners, and trainings. With respect to local capacity, OFDA focuses strongly on capacity building, considering it an important guiding principle for its activities: "Across the globe, regardless of the

⁶⁹ See for example U.S. Committee on Foreign Relations, "Hearing: International Disaster Assistance: Policy Options," available at <http://foreign.senate.gov/hearings/2008/hr080617p.html> (last accessed 07/04/2009) and OFDA, "Message from the Director: OFDA Response to the Global Food Crisis," available at http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/publications/global.html (last accessed 07/04/2009). Information about InterAction's activities can be found at www.interaction.org (last accessed 08/04/2009).

⁷⁰ www.state.gov/f/ (last accessed 07/04/2009).

⁷¹ The Strategic Plan 2007–2012, for example, gives priority to humanitarian policies related to protection, prevention and mitigation of natural disasters and migration management. Department of State/USAID, *Strategic Plan for Fiscal Years 2007–2012* (2007); Francisco Zamora, "Who's on First?," *Foreign Service Journal*, December 2007 (2007); USAID, *Policy Framework for Bilateral Aid: Implementing Transformational Diplomacy through Development* (Washington D.C.: 2006) (The Framework details USAID's policies on the five goals of the agency: promoting transformational development, strengthening fragile states, supporting strategic states, providing humanitarian relief and addressing global issues.); USAID, *Automated Directives Systems, ADS 251 - International Disaster Assistance*, ed. USAID While OFDA is also bound by all other directives, the agency can use the "notwithstanding clause" to deviate from policies conflicting with OFDA's mandate. This clause means that "no statutory or regulatory requirements shall restrict [OFDA's] ability to respond to the needs of disaster victims in a timely fashion", *OFDA Annual Report FY 1995*, p. 9, cited in Richard Stuart Olson, *The Office of U.S. Foreign Disaster Assistance (OFDA) of the United States Agency for International Development (USAID): A Critical Juncture Analysis, 1964–2003* (2005).

⁷² The Strategic Plan 2007–2012 states that USAID will "support programs that deter violence against women and address its consequences for survivors". Department of State/USAID, *Strategic Plan for Fiscal Years 2007–2012*, p. 31.

sector, OFDA programs deliver lifesaving assistance while building local capacity.”⁷³ This strategy, however, is not informed by a clear definition of objectives and means to engage with locals. Instead, the Office takes a pragmatic approach operating “through indigenous NGOs when appropriate.”⁷⁴

Operational Planning

Given the weakness of implementation processes at the policy level, operational planning becomes crucial for the implementation of lessons learned. Important tools for operational planning are the development of operational plans, country strategies, including the appropriation of resources, and the Field Operations Guide.⁷⁵ Operational plans are transferred into country-level activities through a complex institutional structure. This structure includes several divisions with shifting responsibilities depending on the scale and nature of the disaster.⁷⁶

The amount of publicly available information about operational planning is limited. However, it seems that the **Field Operations Guide** is a crucial instrument for operational planning. The guide, a “reference tool for [staff] to undertake initial assessments”⁷⁷ at the disaster site, builds on OFDA’s internal experiences, the Sphere Standards as well as information and knowledge of other U.S. Government departments and UN agencies.⁷⁸

Gender is systematically included into the Field Operations Guide. For example, it includes sector-specific checklists and indicators for a gender analysis. Interestingly, the Guide implicitly pursues a two track approach, addressing the need for gender analysis as a basis for project planning and advocating for participation of women in planning and implementation phases.⁷⁹ This is an important policy choice.

With respect to local capacity, the Guide asks the Disaster Assistance Response Teams, responsible for the implementation of country strategies, to integrate an assessment of local participation and response capacities into their situation analyses.⁸⁰ The case study on Nicaragua found, however, that in practice staffs lack contextual knowledge and understanding of local power structures, which hinders them to effectively recognize local capacities.

OFDA has a headquarter-based **Technical Assistance Group**, which provides scientific and technical assistance to the office. The group plays an important role in updating and

⁷³ USAID, *Annual Report for Fiscal Year 2007 Office of U.S. Foreign Disaster Assistance* (Washington D.C.: USAID, 2008), p. 18.

⁷⁴ USAID, *Automated Directives Systems, ADS 251 - International Disaster Assistance*.

⁷⁵ OFDA’s country strategies are formally linked to USAID’s larger country strategies through the Country Strategic Plans. However, the plans address humanitarian assistance only marginally. Funding appropriation is determined by Congress and the F-Bureau, but is followed by an OFDA-internal process of resource allocation. Due to a lack of information a more detailed analysis of resource allocation and the development of operational plans is not possible.

⁷⁶ USAID, *Annual Report for Fiscal Year 2000 Office of U.S. Foreign Disaster Assistance* (Washington D.C.: USAID, 2001).

⁷⁷ USAID/OFDA, *Field Operations Guide for Disaster Assessment and Response 4.0* (Washington: USAID, 2005).

⁷⁸ OECD, *DAC Peer-Review United States* (Paris: OECD, 2006), pp. 88.

⁷⁹ USAID/OFDA, *Field Operations Guide for Disaster Assessment and Response 4.0*, pp. II-19 and 26, see Chapter 4 Nepal Case Study.

⁸⁰ *Ibid.*, p. 9.

developing the Field Operations Guide based on information provided by country staff and implementing partners.⁸¹

The Technical Assistance Group has a dedicated gender expert, who is supposed to ensure and follow up on the effective integration of gender dimensions into all OFDA preparedness, mitigation, and response activities across all sectors considering the “different capacities, needs and vulnerabilities of women, men, adolescents and children.”⁸² The expert also consults with the humanitarian community, e.g. InterAction, the Inter-Agency Standing Committee and other partners promoting gender in humanitarian assistance. This close cooperation facilitates the inclusion of gender lessons into OFDA’s operations. There is no equivalent post to address the inclusion of local capacity.

In OFDA, as in DG ECHO, **resource allocation** is an important indicator for the implementation of a lesson. However, since OFDA pursues a mainstreaming approach with respect to gender, tracking of financial resources dedicated to gender is impossible.⁸³ Regarding local capacity, OFDA can and does channel money directly to local NGOs (approximately 18% of all funds).⁸⁴ However, as the case study on Nicaragua shows, local NGOs are usually supported only with small grants.

Interaction with Partners

OFDA has three main mechanisms to interact with its partners: funding strategies, guidelines and reporting requirements.

The Disaster Assistance Response Teams set up the **funding agreements** with partner organizations at the country level and are also authorized to make funding decisions.⁸⁵ Country-specific “Funding Guidelines” inform partner organizations about OFDA’s sector-specific funding priorities, while the “Guidelines for Unsolicited Proposals and Reporting” detail funding criteria that are not sector-specific.

The **guidelines** for proposals also specify how projects should be planned and implemented and detail reporting and evaluation obligations. Several offices in OFDA’s Disaster Response and Mitigation Unit, including the Technical Assistance Group, cooperate to update these guidelines on a rolling basis. The updates address latest developments in humanitarian assistance and feedback from the field. OFDA also involves InterAction member organizations in updating the document.

Based on the funding agreements, partners have to provide regular **project reports**. Desk officers at the country and headquarter levels review the reports in order to follow up on the implementation of policies. However, according to OFDA staff, there is only limited capacity

⁸¹ Interview with OFDA representative, March 2009.

⁸² Ibid.

⁸³ OECD, *DAC Peer-Review United States*.

⁸⁴ Joanna Macrae, ed., *The New Humanitarianisms: A Review of Trends in Global Humanitarian Action* (London: ODI, 2002), p. 45.

⁸⁵ Disaster Assistance Response Teams can spend up to \$100,000 dollars without headquarter approval and more in coordination with Washington. OECD, *DAC Peer-Review United States*, p. 87.

for Washington-based units to review all reports. Thus, systematic follow-up on implementation is unlikely. Members of the Technical Assistance Group also follow up on the implementation of policies during occasional field visits and discussions with implementing partners on the ground. In other words, follow-up on specific policies depends a lot on individual staff members.⁸⁶

Coherent **gender** analysis in project proposals is a funding criterion for OFDA. Furthermore, it asks partner organizations to integrate a gender dimension into their needs assessment strategy and the performance indicators they use for reporting. OFDA also requests that all data collected is disaggregated by sex and age.⁸⁷

A gender dimension is also included in the sector-specific funding guidelines, the guidelines for proposals, contracts and partner reporting schemes.⁸⁸ The case study on Darfur shows that gender was mainstreamed into the “Funding Guidance” for the nutrition sector, specifying the different operational priorities with respect to the roles and responsibilities of women and men in nutrition and nutrition education.⁸⁹ However, the case of Nepal highlighted that an equivalent strategy is impossible in the food sector, since this sector falls under the responsibilities of the Office of Food for Peace.⁹⁰

Country officers responsible for reviewing requests and reports have to check whether the partner organizations meet OFDA’s demands for gender mainstreaming. Such a practice requires personnel committed to and skilled in gender mainstreaming. The case study on Darfur shows that Action Contre la Faim France indeed received a number of comments from OFDA officers regarding the agency’s insufficient gender strategy. Reports from field visits provided further input. Yet, since none of the organization’s OFDA-financed projects has been evaluated, there is no systematic follow-up on those comments and inputs. The transfer of the gender lesson from OFDA to Action Contre la Faim France was further complicated by OFDA’s decision to withdraw its field presence in Darfur due to security reasons. Consequently, the lack of follow-up mechanisms could no longer be balanced by direct interaction.⁹¹

As mentioned above, OFDA directly engages with **local** civil society **organizations** and national governments.⁹² Yet, this engagement depends a lot on the crisis context. In the occupied Palestinian territories, for example, OFDA does not work with local authorities, especially in Gaza, since they are dominated by Hamas. Moreover, it also prevents its international partners from doing so. By contrast, in Nicaragua, OFDA shifted its strategy from funding indigenous NGOs to directly working with the government.

⁸⁶ Interview with OFDA representative, March 2009.

⁸⁷ Interview with OFDA representative, March 2009.

⁸⁸ USAID/OFDA, *Guidelines for Unsolicited Proposals and Reporting* (Washington, D.C.: USAID/OFDA, 2008).

⁸⁹ See Chapter 5 (Case Study Darfur).

⁹⁰ See Chapter 8. Since U.S. Food Aid is mainly in-kind, OFDA’s approach of mainstreaming is of limited value for their colleagues at Food For Peace. For details, see Chapter 4 (case study Nepal).

⁹¹ Ibid.

⁹² See Chapter 5 (Case Study Nicaragua).

Generally, OFDA encourages its international partners to work through local organizations.⁹³ It also asks its partners to assess existing local skills and capacities and develop a strategy in their proposals how these could be used for response activities.⁹⁴

If OFDA engages directly with a local organization, it thoroughly assesses the potential partner before funding it. The Office gathers information about the organization through its Country Offices and international NGOs.⁹⁵ In Nicaragua, OFDA funded—in the context of a larger initiative in Central America—a three year project to build local capacities in disaster response. CARE considers the initiative a stepping stone for the establishment of local NGOs. Some of those NGOs have now become OFDA partners. Additionally, the example of Nicaragua shows that less bureaucratic and more flexible funding arrangements facilitate the direct engagement with local actors.

Training

OFDA conducts training for both its staff and partner organizations. New policies are included into the training curricula. However, training is usually carried out only once, i.e. without any possibility for refreshment.⁹⁶ Additionally, the impact of training is limited due to high staff turnover. While high staff turnover is a common phenomenon in humanitarian assistance, it seems to be particularly severe within OFDA, because there are limited career opportunities within the Office and most staff is employed on temporary contracts.⁹⁷

The gender expert trains OFDA staff and partner organizations on gender equality programming in humanitarian assistance. Given the limited sustainability of trainings, the implementation of gender lessons remains dependent on individual commitment as demonstrated vividly by the Darfur case study. On the other hand, OFDA lacks structures to increase the possibility to consistently include local capacity through training.

Evaluation

OFDA has a comprehensive understanding of evaluations with a focus on outcomes and impact⁹⁸, but it lacks the relevant institutions and staff capacity to put its evaluation policy into practice.⁹⁹ A systematic assessment of OFDA activities is therefore limited to After Action Reviews, an instrument for immediate review of a response intervention. As such, the reviews are helpful to collect lessons learned related to management and organizational issues, but are

⁹³ See Chapter 7 (Case Study Palestine).

⁹⁴ USAID/OFDA, *Guidelines for Unsolicited Proposals and Reporting*, p. 23.

⁹⁵ USAID/OFDA, *FY 2008 Guidance Cable: Disaster Planning and Response* (Washington: USAID, 2007), p. 8.

⁹⁶ Interview with OFDA representative, March 2009.

⁹⁷ OECD, *DAC Peer-Review United States*, p. 88.

⁹⁸ The Field Operations Guide defines evaluation as “review of program activity outcome and impact, with an emphasis on lessons learned” and emphasizes that “results are often used when considering programmatic options and to guide future strategic and funding decisions.” USAID/OFDA, *Field Operations Guide for Disaster Assessment and Response 4.0*, p. H-3.

⁹⁹ According to OFDA staff, the position of the evaluation officer is vacant since approximately three years.

less suited for addressing strategic questions.¹⁰⁰ In other words, there are currently no evaluation processes in place that can systematically follow up on the implementation of lessons and related policies. This holds of course also true for gender and local capacity.

Levers and Obstacles

The following factors promote and hinder the implementation of gender and local capacity within OFDA:

- *OFDA implements lessons learned through operational planning and the inter-action with partners.* At OFDA, the most important levels for the implementation of a lesson are the operational level and the level of interaction with partners. OFDA's operational planning is particularly successful because its close interaction with partner organizations helps to bring new lessons to the attention of relevant policy-makers in a timely fashion. Moreover, the Office's comprehensive guidelines and the inclusive processes of updating them allow the Office to include effectively new lessons into existing rules and procedures.

The existence of a dedicated gender expert within the Technical Advisory Group has helped OFDA greatly to develop a comprehensive understanding of gender in humanitarian assistance. Furthermore, the expert is key to skillfully mainstream gender into all OFDA activities.

An essential lever for the implementation of the local capacity lesson is OFDA's strategy to directly engagement with local actors. Additionally, the Nicaragua case study showed that projects dedicated to build local capacity can actually boost it. The integration of local capacity assessment into overall situation analyses further facilitates the implementation of the local capacity lesson. Yet, despite the complexity of the issue, OFDA does not have an expert helping to build and implement a comprehensive strategy towards the engagement of local actors. The rather formalistic understanding of capacity building that prevails within OFDA—and most of the humanitarian community—and the disinterest in the topic by important pressure groups undermines the development of a comprehensive operational strategy.

- *OFDA lacks a strong policy and evaluation function.* OFDA's operational strength is limited by a lack of policy guidance and follow-up mechanisms for implementation. The complex structure of OFDA and its higher-level departments with unclear and continuously shifting responsibilities leaves the office with a weak formal policy development process.¹⁰¹ That is, the Office depends on informal mechanisms for policy-making, putting its Director at center stage of policy development and making the process persona driven. At the same time, the operational focus coupled with a lack of systematic follow-up makes implementation of these informal policies dependent on the skills

¹⁰⁰ OECD, *DAC Peer-Review United States*, p. 88.

¹⁰¹ This problem is currently further enhanced by the fact that five months after President Obama's inauguration, USAID still remains without an Administrator. http://www.interaction.org/files.cgi/6715_USAID_Administrator_Sign-on_Letter.pdf (last accessed 08/04/2009).

and commitment of operational staff. The relatively weak training capacity of OFDA and high staff turnover further undermine the sustainability of OFDA's operational approach.

For example, the current institutional structure and the lack of a binding gender policy compromise the effective implementation of the gender lessons, as has been shown in the Darfur case study.

Likewise, OFDA has no concept to address local capacity beyond its direct engagement for implementation. This under-conceptualization leaves the implementation of the capacity lesson vulnerable to other policies that are deemed more important. As a result, the inclusion of local capacity building may be compromised by other political goals, even in contexts where the engagement of local actors is as crucial as in the case of the occupied Palestinian territories.

In essence, OFDA's rather pragmatic approach has the potential to implement the gender and local capacity lesson. Yet their implementation might be easily undermined by other policy priorities and depends very much on individuals.

Synthesis and Recommendations

The analysis of stumbling blocks and levers for the implementation of the gender and local capacity lessons revealed three important insights.

It's the Policy, Stupid!

The first finding is as simple as it is important: the implementation of gender and local capacity are both particularly weak at the policy level. Both donors have no or only an implicit policy for gender and local capacity in humanitarian assistance, compromising the quality and sustainability of their activities. The policy weakness is related to DG ECHO and OFDA specific issues, but touches upon the self-conception of the humanitarian sector at large. Many humanitarians consider being political to be at odds with the humanitarian principles. This perception is based on the equation of the principles of impartiality and independence with non-political action. As a consequence, everything that is somehow political—including policymaking—is met with skepticism. This skepticism towards policy is reflected in the often bad relationship between policy and operational units. The lack of estimation for policies leads to an underconceptualization of activities, which in turn make attempts to implement gender and local capacity lessons piecemeal at best.

DG ECHO has taken the right direction turning towards more policy-making. It must continue to travel this road. OFDA will need to win back political territory and the new U.S. Administration is well advised to hand back power to OFDA, the formal lead agency for humanitarian assistance, if it is interested in backing up its new Wilsonian spirit with credible action.

However, policy-making is a question of power as much as of expertise. OFDA with its Technical Assistance Group and its inclusive approach in developing its guidelines is well placed to infuse internal and external knowledge into policy-making. DG ECHO needs to fur-

ther expand its pool of policy expertise, either through further enlarging its policy unit or through engaging more systematically with external operational and academic experts.

Beyond strengthening their own policy functions, DG ECHO and OFDA need more input from external actors. Consequently, humanitarian agencies have to engage more strongly with the two offices. To be successful, humanitarian agencies should develop a two-pronged approach of engaging directly with the humanitarian offices and indirectly by engaging with legislators. Furthermore, implementing partners must recognize that their relationship with donors is not exclusively about money, but also about policy.

Think Straight!

The analysis showed that conceptual obscurity and incoherent ideas at the policy level paralyzes action. Most prominently, humanitarian actors frame the debate about rights- vs. needs-based humanitarian assistance as a question of ambitions rather than of operational coherence. Both examples, however, show that leaving the debate between rights-based and needs-based humanitarianism unaddressed creates operational confusion and undermines sustainability. Answering the choice between those two different options with a determined “yes no maybe so” does not do any better. It is important to recognize that, in order to improve assistance, the debate does not have to be solved once and forever. Instead, donors and implementers need to take clear positions. Once a position is taken, they have to explicitly spell it out including a clear formulation of related limits and implications. Furthermore, they have to apply their position to all policies and actions and make the selection of partners according to this position. Ideally, the transatlantic donors would take a complementary approach, since the jury is still out on which approach leads to the most effective humanitarian response.

Go All Out!

While the implementation of lessons at the policy level enhances coherence and ensures continuous implementation, independent from individuals, the other levels and strategic follow-up are also important to ensure implementation. In order to increase the quality of humanitarian assistance, the donors should therefore ensure to implement lessons on all five levels. Yet, successful implementation also means that the lessons of gender and local capacity have to be addressed comprehensively. That is, the donors have to reflect the content of the lesson and how this fits with their own policy framework and institutional mandate. Furthermore, implementation processes should build on and complement existing international efforts in order to ensure coherence and coordination.

With respect to gender a good opportunity to do so would be to support the Inter-Agency Standing Committee’s Gender Standby Capacity (GenCap) Project. The GenCap Project “seeks to build capacity of humanitarian actors at country level to mainstream gender equality programming, including prevention and response to gender-based violence, in all sectors of humanitarian response.”¹⁰² The GenCap Project should be scaled up to include more humani-

¹⁰²<http://www.humanitarianreform.org/Default.aspx?tabid=460> (last accessed 13/04/2009).

tarian NGOs, donor organizations and evaluators into its activities (currently it capacitates mainly UN agencies).

A similar international mechanism does not exist for strengthening local involvement.¹⁰³ The transatlantic donors should therefore get together to establish a similar tool. They could create a pool of local anthropologists, historians, sociologists and cultural scientists from Africa, Asia, Latin America and the Middle East to be deployed within their respective regions to support policy-making and programming of humanitarian donor and implementing agencies at the country level. Such a mechanism cannot be an alternative to the devolution of decision-making power to local actors but it could serve as an important intermediary step by facilitating the systematic integration of local knowledge into the humanitarian system. An important first step could be that the US and the European Union jointly advocate for the establishment of an IASC Sub-Working Group¹⁰⁴ on Local Capacity in Humanitarian Action.

Carpe Diem!

The development of strategies to implement these three recommendations will not happen overnight. Rather, they require longer-term transatlantic engagement. Yet, the transatlantic donors should also take action immediately in order to increase the implementation of lessons also in the short to mid-term.

- **DG ECHO:** With respect to gender, DG ECHO should inform its gender policy through consultation with international partners, particularly with member states, OFDA and the Inter-Agency Standing Committee's Sub-Working Group on Gender.

With respect to local capacity, DG ECHO should make a principled decision whether it wants to include local capacity systematically into its emergency response and if so, in which form. Subsequent to this decision, DG ECHO should initiate a review of existing mechanisms and tools for the inclusion of local capacities in order to start off a policymaking process.

Finally, DG ECHO should further strengthen its training efforts both for staff and partners, including modules on gender mainstreaming and the assessment and inclusion of local capacity.

- **OFDA:** An important short-term measure to improve OFDA's ability to implement lessons systematically would be to employ an evaluation officer and to strengthen the Office's evaluation function. OFDA should also improve its training. Furthermore, it should decrease staff turnover by providing staff with better career opportunities and permanent positions.

¹⁰³ The Norwegian Refugee Council has three standby rosters—NORAFRIC, NORASIA and NORMIDDLE EAST providing local humanitarian staff. Yet, the rosters are way too small to cover the international need for local capacity.

¹⁰⁴ IASC Sub-Working Groups are established for an unlimited duration and are dedicated to long and medium-term policy issues in humanitarian response, see <http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=content-subsidi-default&mainbodyid=2&publish=0> (last accessed 18/05/2009).

Chapter 4

Nepal: The European Commission, the U.S., and the Implementation of the World Food Programme's Gender Policy—A Case Study

Mariangela Bizzarri

Nepal is a landlocked low-income country with a population of slightly over 27 million, with 30 percent living below the national poverty line. The country has recently emerged from eleven years of civil war which, coupled with recurrent natural disasters (drought and flooding), have left a significant part of the population in need of humanitarian relief, including food assistance. Rising food prices pushed an estimated 2.5 million people in the immediate need of food assistance, and another four million are at risk of food insecurity. In addition, approximately 80,000 Bhutanese refugees of Nepali origin entered the country in the early 1990s, escaping a series of restrictive citizenship laws, and are now located in camps in eastern Nepal. Despite the hospitality granted by the Government of Nepal, refugees are not allowed to engage in economic activities outside the camps, and do not have access to land for agricultural production. Thus, they are also heavily dependent on humanitarian assistance.

Women make up half of the total Nepalese population. The Gender-related Development Index shows a reduction in male and female disparities over the 1990s.¹ The Gender Equity Index also showed a seven percent increase in Nepal over the period 2004–07.² Despite these improvements, gender disparities remain widespread and deep-rooted in the traditions and practices of the various castes and ethnicities, with significant variations between urban and rural areas.³ Gender discrimination, caste structure, and ethnicity-based social exclusion are interrelated and mutually reinforcing factors in Nepal. Yet, while exclusion affects both men and women from the same groups, gender discrimination is crosscutting and disproportionately affects women. Issues range from a disparity in literacy rates, access to and benefit from resources such as property and credit, and lack of awareness about key health and reproductive rights, to widespread forms of gender-based violence, such as dowry, early marriage, widowhood, trafficking of women, domestic violence, and conflict-related sexual violence.⁴

¹ UNFPA, *Gender Equality and Empowerment of women in Nepal* (Katmandu: UNFPA, 2007), p. 15.

² Institute of Social Studies Trust (ISST), *Progress of Women in South Asia 2007* (South Asia: ISST supported by UNIFEM (2007), p. viii.

³ The Nepali population is divided in multiple social groups based on ethnicity, language, geography and caste. The 2001 census identified about 100 ethnic/caste groups and sub-groups in the country. This has significant implications for gender analysis. In fact, while the extent of gender discrimination varies among different groups, women's access to resources such as education is still significantly lower than those of men in all groups. Gender is therefore one of the major discriminatory factors responsible for the disproportionate impact of poverty on women (UNIFEM, 2008, p.9).

⁴ Besides the discriminatory nature of such practices, more needs to be done to raise awareness and develop capacity to prevent and respond to the consequences of many cultural malpractices such as Chaupadi, menstruation-related taboos, and dowry. For a more comprehensive discussion of traditionally entrenched discriminatory practices, please refer to UNFPA (2007), op. cit.

The World Food Programme has been in Nepal since 1967, with activities ranging from relief to recovery and development. It works in close cooperation with the host government and relies on a wide range of cooperating partners. The World Food Programme Nepal currently employs a total of 170 staff, 17 international and 153 national.

Food comprises by far the largest share of commitments to humanitarian appeals with 54 percent of the assistance committed through the Common Appeals Process since 2000. Globally, around 75 percent of food aid is channelled through the World Food Programme. The U.S. is the organization's biggest donor,⁵ both globally and in Nepal. According to the World Food Programme's Food Aid Information Service,⁶ in 2006 the U.S. provided slightly under half of the emergency food aid globally, while the European Commission contributed nine percent.

The Programme's emergency operations in Nepal include food assistance to communities affected by conflict and natural disasters, particularly those in mid- and far-western Nepal and those in the eastern Terai region, as well as to Bhutanese refugees. Special attention is given to food-insecure socially-excluded people. At the moment, the organization provides emergency food assistance to 70,000 persons displaced by flooding in August 2008, 108,000 Bhutanese refugees, and 1.2 million conflict-affected people.

Interestingly, the World Food Programme's intervention covers areas such as mid- and far-western Nepal where gender discrimination is felt to be particularly severe. Gender-related indicators show that overall gains (e.g. in access to education and health services) in the far- and mid-western areas is lower than in other regions. Culture-related gender-based violence is widely practiced there, especially among high castes. In addition, the armed conflict had a tremendous impact on the population in these regions due to the high level of control by the Communist Party of Nepal (Maoists), and resulted in massive displacement, loss of human lives, increased widowhood, and more violence for women.

Experience suggests that food aid has a role to play in redressing gender discrimination in the country.⁷ The World Food Programme's intervention builds on the important role women play as producers and managers of food to ensure that food aid benefits all household members.⁸ At the same time, food distribution is arranged in a way that does not add burdens or risks to women, e.g. by accommodating distribution schedules to women's needs and concerns, including the risk of attack on the way to and from distribution points. Moreover, increased participation of women and socially-excluded groups in food-related activities has proven useful to contribute to greater social inclusion and equality. But to what extent are these issues integrated into the World Food Programme's work in Nepal? And, more importantly, what is the role of DG ECHO and USAID in supporting the organization's gender-sensitive interventions?

⁵ For an updated list of the World Food Programme's (WFP) current donors please look at: http://www.wfp.org/appeals/Wfp_donors/index.asp?section=3&sub_section=4. Last accessed October 2008.

⁶ INTERFAIS is WFP's Food Aid Information Service, which, together with OCHA's Financial Tracking Service is the global official source of data on expenditures on humanitarian assistance.

⁷ UNHCR/WFP, *Report of UNHCR/WFP Joint Assessment Mission—Assistance to Bhutanese Refugees in Nepal* (UNHCR/WFP, 2006); Meena Acharya, *Mapping Foreign Aid in Nepal* (UNIFEM, EC, ITC-ILO Partnership on Gender Equality for Development and Peace, 2008), pp. 57, 74, available at http://www.gendermatters.eu/index.php?option=com_content&task=view&id=159&Itemid=87

⁸ IFPRI, *Women: The Key to Food Security—Looking Into the Household* (Washington DC: IFPRI, 2000) <http://www.ifpri.org/pubs/ib/ib3.pdf>.

USAID and the European Commission are among the top five donors to World Food Programme relief activities and have promoted gender equality in the country.⁹ For example, USAID has been recognized for its support to women's empowerment in health and family planning, as well as women's involvement in hydropower projects and gender equality in natural resources management. The European Commission's efforts are mainly in the sectors of education and the environment.¹⁰

Besides funding, this case study explores donors' strategies to actively engage in the implementation of lessons with regards to gender in humanitarian assistance and the opportunities and challenges they face. Drawing on the experience of World Food Programme's projects in Nepal, the study addresses donors' support to the implementation of gender equality programming in the context of food aid.

This study is organized in three main sections. Following this introduction, section two focuses on the gender equality frameworks of the World Food Programme, the U.S. and the European Commission. It briefly examines the World Food Programme's and the donors' gender policies and the extent to which mechanisms are in place to support implementation. It also discusses gender-related activities in the context of Nepal. More specifically, the emphasis is on the donors' opportunities and strategies (or lack thereof) to ensure the integration of gender concerns in their humanitarian assistance in Nepal. Section three summarizes the most important points and draws out some key conclusions on the factors that promote and/or hinder the implementation of gender equality and the role of the European Commission and the U.S. therein.

Gender Equality Programming in Humanitarian Assistance in Nepal

This section looks at the gender equality frameworks of the World Food Programme, DG ECHO, and USAID and their operationalization in the context of the World Food Programme's relief activities in Nepal. The extent to which gender considerations are integrated in funding strategies and monitoring and evaluation mechanisms is also considered.

The World Food Programme

Gender Policy (2003–2007)

Gender equality and the empowerment of women have been high on the World Food Programme's agenda since the 1985 UN World Conference on Women in Nairobi. The organization's gender policy 2003–2007¹¹ builds on its predecessor, the Commitments to Women

⁹ Source: World Food Programme Country Office Nepal.

¹⁰ Acharya, op. cit. See for example the gender assessment and gender action plan of USAID in Nepal: http://pdf.usaid.gov/pdf_docs/PDABU964.pdf. In addition, a EC/UN partnership on Gender Equality for Development and Peace was launched in 2007 (http://www.unifem.org/news_events/story_detail.php?StoryID=611).

¹¹ WFP, *Gender Policy (2003–2007), Enhanced Commitments to Women to Ensure Food Security* (Rome: WFP, 2002). However, this policy has not yet been approved by the World Food Programme. Thus, the policy described in the text still refers to the World Food Programme's current policy.

(1996–2001). It reflects commonly agreed and evidence-based¹² lessons on the central role women play as producers and providers of food resources and as the keys to household food security.

Capitalizing on research findings and on the World Food Programme's own experience, the current policy is founded on the principle of equality between men and women, and on empowerment as a means to enable women to actively contribute to decision-making processes and to ensure their access to and control over food. Emphasis is placed on making women the food entitlement holders, promoting women's participation in food management committees, using participatory approaches with both men and women on distribution arrangements, and investing in women's and girls' human capital development through food-supported training activities.

Consistent with the United Nations system-wide policy on gender,¹³ the policy promotes a twin-track approach: It calls for the integration of gender in all policies and programs (gender mainstreaming) to ensure that the views and concerns of men and women of all ages are fully integrated in the design, implementation, monitoring and evaluation of programs, while at the same time considering positive measures to close existing gender gaps and achieve gender equality. One such measure is that 70 percent of the participants in food-assisted training activities should be women and adolescent girls.¹⁴

The development of the Gender Policy (2003–2007) is in itself a good example of the World Food Programme's learning process, highly influenced by donors. In 2001–2002, an extensive review of the implementation of the Commitments to Women confirmed their relevance to the organization's work and the need to strengthen and enhance them. Thematic evaluations revealed that making women the direct recipients of food aid may contribute to increasing their control over the resources distributed, but it may also create additional burdens or expose them to further risks such as attacks while travelling to and from distribution points. Hence, a decision was made to provide women with the food entitlements, while at the same time giving them the flexibility to delegate collection of food to someone else.¹⁵

Donors' involvement continued throughout the process, and beyond. World Food Programme staff highlighted the key role played by some donors, e.g. the Netherlands, Norway, and Canada, in actively engaging in the discussion on how to improve implementation, while addressing some of the shortcomings of the previous policy. These donors prompted the organization to further refine its gender approach by implementing lessons learned and paying greater attention to newly emerging gender issues. Contrary to those leading donors mentioned above, the U.S. and DG ECHO did not play any specific role in the development or the preceding discussion that led to the approval of the current policy.

¹² International Food Policy Research Institute (IFPRI), *Women: The Key to Food Security—Looking Into the Household* (Washington, DC: IFPRI, 2000), available at <http://www.ifpri.org/pubs/ib/ib3.pdf>; Agnes R. Quisumbing and Ruth S. Meinzen-Dick, *Empowering Women to Achieve Food Security* (Washington, DC: IFPRI, 2001). Also see FAO Focus Women and Food Security at: <http://www.fao.org/FOCUS/E/Women/Sustin-e.htm>.

¹³ UN, *United Nations System-Wide Policy on Gender Equality and the Empowerment of Women: Focusing on Results and Impacts* (New York: UN Chief Executives Board for Coordination, 2006).

¹⁴ WFP (2002), op. cit, p. 21.

¹⁵ For more information on lessons learned and their integration into the new policy, please refer to WFP (2002) *Gender Policy*.

The World Food Programme's pragmatic approach to gender has been applauded by donors and partners, and it is widely recognized within the humanitarian community.¹⁶ The establishment of global and country-level measurable targets clearly provides evidence of the organization's effort to move beyond a mere normative approach towards real implementation, in line with the sector-wide gender approach.¹⁷

According to a recent end-of-term evaluation, the policy as it was formulated was strategic in addressing women's needs, pragmatic in identifying discrete actions, and relevant as it connected with the organization's aid modalities.¹⁸ Evaluators also underlined the importance of concrete measurable targets for a clear understanding and implementation of the policy by staff and partners. The indicators were judged to be instrumental in advocating for gender equality and targeted measures with NGO partners and government counterparts. For example, the policy is generally annexed to field-level agreements and targets are discussed with partners as part of the World Food Programme's implementation modalities.

Yet, the picture looks different from below. Implementation is not always as straightforward as it appears, and varies greatly from one context to another. After analyzing these difficulties in implementation, this study will focus on the role of the transatlantic partners in supporting gender-sensitive programs.

Gender in Humanitarian Assistance in Nepal

Project documents state compliance with the World Food Programme's gender policy (2003–2007) in Nepal. For example, the organization's efforts to increase women's participation in camp management committees through revision of the respective guidelines and sensitization of partners led to an increase of female representation from 27 percent in 2001 to 52 percent in 2007.¹⁹

As for assistance to Bhutanese refugees, the World Food Programme together with the UN Refugee Agency supported the establishment and strengthening of Community Watch Teams in camps to address and prevent, among others, reported incidents of gender-based violence.²⁰ The issue of gender-based violence is well known in the camps and has been variously addressed by these two organizations.

¹⁶ Women's Commission for Refugee Women and Children, *Moving Up the Food Chain: Lessons from Gender Mainstreaming at the World Food Programme* (New York: Women's Commission, 2006).

¹⁷ These targets are: 1. Awareness raising on nutrition, health, caring practices and HIV prevention to be provided to at least half of the pregnant and lactating mothers and adolescent girls assisted under nutrition and training interventions (country level); 2. Fifty (50) percent of the students in World Food Programme-assisted primary schools to be girls (global level); 3. Provision of take-home ration for girls if there is a 15-percent or greater gender gap in primary school enrolment or attendance, and 25-percent or greater in secondary schools (country level); 4. Seventy (70) percent of the participants in food-assisted training activities to be women and adolescent girls (country level); 5. Women to derive at least 50 percent of the benefits from the assets created (country level); 6. Household ration card to be issued in the woman's name (country level); 7. Women's equal representation, also at the executive-level, in food-related bodies (country level); and 8. Gender-sensitive assessment, vulnerability analysis and contingency planning (country level). For a comprehensive account of the Enhanced Commitments to Women and World Food Programme's targets, please refer to World Food Programme's Gender Policy (2003–2007).

¹⁸ WFP, *End-of-Term Evaluation of WFP's Gender Policy (2003–2007), Summary Report: Strong Foundations, Time for More* (Rome: WFP, 2008), p. 5.

¹⁹ Source Standard Project Reports 2007 for Nepal.

²⁰ UNHCR/WFP (2006), op. cit., p. 22.

Besides activities in the refugee camps, in February 2008, the World Food Programme, in collaboration with the Office for the Coordination of Humanitarian Affairs and the UN Population Fund, trained frontline staff and partners on prevention and response to gender-based violence in emergencies. This initiative was conducted within the framework of the roll-out of the Inter-Agency Standing Committee Guidelines for Gender-Based Violence Interventions in Humanitarian Settings. Although both the U.S. and the European Commission are members of this group in Nepal, informants did not report any specific activity undertaken by them in this respect.

In spite of these positive achievements of the World Food Programme, challenges remain. According to field staff, *the World Food Programme has been highly successful in meeting the commitments of their gender policy with respect to securing 50 percent women's participation in the decision-making body of users' committees, maintaining smaller bag size which can be carried by women, and issuing ration cards to women as food entitlement holders.* However, reality shows that only about half of the food entitlements are granted to women in spite of the 100 percent target.²¹ More efforts are needed to fully mainstream gender in needs assessments, vulnerability analysis, and in evaluation. For example, field informants reported few gender-related efforts in the last World Food Programme's emergency operation for flood-affected people. A 2008 evaluation of the organization's emergency operation in Nepal described a reality whereby it is common not to have time to address questions of gender, when the priority is saving lives.²²

Finally, discussions held with World Food Programme staff and partners during field-level workshops highlighted the need to do more to understand, prevent, and address the many forms of violence prevailing in the country, also within the framework of food distribution.

Monitoring and Evaluation

The World Food Programme has institutionalized a series of mechanisms to ensure learning and accountability with a view to improve performance.

Monitoring

Project monitoring relies heavily on information collected yearly at the field level. The Standard Project Reports and the Annual Performance Report are the World Food Programme's main performance monitoring tools.

The tools contain gender-specific indicators reflecting the organization's focus on gender equality and women's empowerment through active participation in food-related activities and access and control over the resources distributed. According to World Food Programme staff from headquarters, there is no systematic follow-up with the transatlantic donors on these reports. This means that, at best, donors' feedback on specific operations is directly channelled to relevant country offices. In the case of Nepal, however, none of the informants recalled any follow-up made by either the U.S. or the European Commission.

²¹ World Food Programme Standard Project Reports 2007 for Nepal.

²² WFP, *Report of the Evaluation of Nepal* (Rome: WFP, 2008), p. 21.

One could then wonder how much the information collected through the organization's monitoring system actually contributes to donors' learning on specific projects and on the agency's performance on gender. Generally speaking, the learning value of the information collected is limited. In Nepal, field staff dutifully collect sex-disaggregated data and track compliance with the three corporate indicators. Yet, qualitative inquiry and analysis are often lacking.

Adding to a number of weaknesses of the World Food Programme's monitoring system,²³ another problem with the information collected is that quantity is often prioritized over quality, and output over outcome.

Evaluation

Responsibility for evaluation in the World Food Programme is shared between headquarters, regional bureaus, and country offices, with learning and accountability being the two main pillars of the organization's evaluation policy.²⁴ Evidence suggests that analysis of gender issues varies greatly from country to country and in relation to those conducting the evaluation.²⁵ The lack of a standardized approach to gender in evaluation is often compounded by the fact that some evaluators have difficulty conducting a thorough gender analysis. Thus, although gender considerations are incorporated in the Programme's monitoring and evaluation guidelines, they are not systematically reflected in evaluations. The World Food Programme is currently developing a standardized reporting format which includes a gender section²⁶ to ensure that gender dimensions are consistently and systematically investigated and integrated in evaluation reports.

Funding

The World Food Programme's monitoring and evaluation practices, then, integrate gender concerns. Yet, are these findings actually used and acted upon by donors to promote a more effective implementation of lessons with respect to gender equality?

One informant stated that *there is no impact on funding with regards to what the World Food Programme does specifically in Nepal. The donors' funding strategies don't look into this aspect of programming per se. They assume we do it.*

Headquarter-based donor relations officers serve as the primary link between the World Food Programme and donors. However, as donors become more decentralized, fundraising happens increasingly at country level.

²³ The following issues were identified in relation to the World Food Programme's monitoring system: 1. Lack of field staff time for outcome-level data collection; 2. Lack of analytical skills; 3. Poor use of findings to gauge performance; 4. Low prioritization on the part of management; and 5. Lack of link between M&E and resources, i.e. the effectiveness of the country office M&E system has little to do with how the office is resourced in the future (WFP, *Summary Report of the Evaluation of PRROs* (Rome: WFP, 2006)).

²⁴ WFP, *WFP's Evaluation Policy* (Rome: WFP, 2003).

²⁵ These considerations are based on the author's first-hand experience as gender officer in WFP.

²⁶ OEDE is in the final stages of establishing the Evaluation Quality Assurance System (EQAS) whereby covering of gender issues will be an integral part of each and every evaluation. This was also included in WFP's Management Plan WFP/EB.2/2007/5-A/1 Annex III, para 7, page 98.

In Nepal, needs assessment and analysis serve as the basis for project design. Project documents are then sent to headquarters for revision and approval by the Executive Board in which main donors like USAID and the European Commission are represented. The formulation and implementation of funding strategies for approved operations is a joint responsibility of the division of donor relations at headquarters and the country office.

For the World Food Programme's major donors, such as the European Commission and the U.S. Government, a global agreement is in place, which details the agreed-upon rules, regulations, and procedures for contributions and facilitates the release of subsequent contributions, also at the field level.

Experience reveals that gender is not a key element in either DG ECHO's or USAID's strategies and funding priorities in Nepal. According to the implementing agency, *funding priorities are more related to whether we are doing humanitarian vs. development activities; whether we are being environmentally friendly; whether we are involved in joint programming with UN agencies or doing capacity building with Government. Gender is mentioned as a criterion but not a priority for funding decisions.*

In general, field informants recognized that commitment to gender in project proposals may increase the chances to receive funding; however, *gender alone cannot be considered as a deciding factor.* A confirmation of this came from a recent emergency operation, which got funded in spite of the absence of a clear gender analysis, with no demand from the donors for additional gender-related information and analysis.

The European Commission in Nepal

Institutional Set-Up

The European Commission Delegation to Nepal is responsible for the implementation of the EC external assistance to Nepal and humanitarian assistance for uprooted people. Humanitarian assistance, including food aid, is managed by DG ECHO, which has a separate office in the country.

Humanitarian Assistance

DG ECHO is a major donor of humanitarian assistance in Nepal, where it aims at supporting the rural population of Nepal affected by the conflict, in particular women and children, in the areas of health and water and sanitation; and at providing protection to the population of Nepal affected by the conflict, in particular returning internally displaced persons, women and children.²⁷

²⁷ European Commission, *Commission Decision on the Financing of a Global Plan for Humanitarian Operations from the Budget of the European Communities in Nepal* (Brussels: EC, 2008), p. 3.

Gender in Humanitarian Assistance in Nepal

A study on food security funded by the European Commission identified gender, ethnicity, and caste-based discrimination among the major causes of food insecurity in Nepal because they put constraints on vulnerable and socially excluded groups in accessing basic resources, such as education, health, employment, and the full enjoyment of their human rights.²⁸ Yet, evidence shows that gender remains a secondary concern in the Commission's humanitarian assistance to Nepal in all sectors, including food security.²⁹

According to DG ECHO informants, only the European Commission's Regional Office in Delhi is mandated with implementing the gender policy through its separate gender division. There is no gender focal point at the country level, neither in the Delegation nor in the DG ECHO country office.

According to a UNFPA study³⁰ and field-level interviewees, both the European Commission and the U.S. Government played a role in the increased attention to gender considerations in programming observed in recent years. However, interviewees also felt that more should and could be done, as stronger attention by donors to gender issues would certainly spur better performance by the World Food Programme in this respect.

Field practitioners, for example, seemed to know little about donors' specific policies and practices in this field, while all World Food Programme projects are bound to mainstream gender and address the special needs of women and marginalized groups at each step of the project cycle. Thus, the World Food Programme's gender policy appears to be the primary framework of reference for the agency's gender-related activities.

Limited knowledge and visibility over donors' decision-making processes with respect to gender issues was also commonly found among informants.

Monitoring and Evaluation

Project managers in DG ECHO Nepal are responsible for regular monitoring of implementing agencies' performance through field-visits, joint assessments, and review of the implementation of programs.

Evaluations and field visits are ideal opportunities for information sharing between the implementing agency and donors. Field informants report that gender issues generally do get discussed with the European Commission and the U.S. Government during such visits and are usually reflected in mission reports. However, they are not aware of any specific criteria set by the two donors to measure implementation successes and shortcomings. DG ECHO staff reported checking gender mainstreaming in project proposals as well as reports from the implementing agency, yet performance on gender issues *per se* is not specifically assessed.

²⁸ David Seddon and Jagannath Adhikari, *Conflict and Food Security in Nepal: A Preliminary Analysis* (Kathmandu: Rural Reconstruction Nepal (funded by the European Commission), 2003), p. 23.

²⁹ Acharya (2008), *op. cit.*, p. 65.

³⁰ UNFPA (2007), *op. cit.*, p. 76.

Funding

After the U.S. Government, DG ECHO is the second biggest donor to the World Food Programme's relief operations in Nepal. According to World Food Programme statistics, the agency has contributed a total of more than \$19 million to the operations in Nepal since 2003.³¹

Consistent with the European Commission's advocacy for untied, flexible, and cash-only food aid, its contributions to the World Food Programme are solely in cash. The Commission is a decentralized donor and its Delegations/DG ECHO Offices strongly influence the allocation of funding. Thus, although decisions over funding for multilateral organizations are taken in Brussels, they are informed by appraisal and analysis from DG ECHO country and regional offices. Concretely, the office Nepal informs the World Food Programme of the possibility of funding and may discuss the content of the Programme's project documents. Then the World Food Programme headquarter submits a formal request to DG ECHO Brussels on the basis of these country documents. This request is followed by appraisal and analysis at both DG ECHO's country and headquarters level. The financing decision is made by the DG ECHO headquarters desk officer.

Although the European Commission generally requires gender to be integrated in project proposals and, as informants revealed, DG ECHO has shown interest in gender issues in the World Food Programme's programming during field visits and evaluations, inclusion of gender does not appear to be key for the allocation of funding to Program. According to the World Food Programme, *donors have shown more interest in addressing gender issues in program implementation rather than decision making of funding based on gender issues.*

According to a mapping study on foreign aid in Nepal, this may be due to the lack of capacity and expertise on gender issues within the European Commission offices in Nepal, which constrains the ability of the office to analyze and monitor funded projects from a gender perspective.

As for assistance to Bhutanese refugees, DG ECHO officials reported *gender issues to be an important component in funding to World Food Programme with gender based violence being taken into consideration.* Activities range from promotion of female participation in camp management committees, women's control of food in relief distributions, and decision-making on food utilization at the household level, to awareness and sensitization activities on gender based violence for staff and partners.

In general however, activities reflect the implementing agency's concern for gender issues, while no specific emphasis or funds are allocated to them by DG ECHO. This echoes a general lack of specific attention to gender issues in DG ECHO food aid activities and funding strategies. In the EC's latest funding decision on food aid, gender is only mentioned generically in relation to evaluations.³²

³¹ http://home.wfp.org/dwreps/statistics/public/FDD_reports/FDD_Funding_Hist_Recipient.pdf, last accessed October 2008.

³² European Commission, *Humanitarian Aid Decision—Food Aid* (Brussels: EC, ECHO/-FA/BUD/2008/01000, 2008), p. 23.

The U.S. in Nepal

Institutional Set-Up

USAID Nepal is responsible for both development and humanitarian activities in the country. The Office of Foreign Disaster Assistance, the Office of Food for Peace, the Office of Transition Initiatives and the Bureau of Population, Refugees, and Migration are the four main sources of U.S. humanitarian funding to Nepal.³³ Food for Peace's in-kind donations are the primary source of U.S. support to the World Food Programme Nepal.

Food for Peace has no staff in Nepal. Thus, USAID's General Development Office Director Nepal is the organization's main contact person at the country level. A gender advisor works at the office of the Director in Nepal. Furthermore, the Food for Peace Office in Washington works with the World Food Programme at both headquarter and the country level.

Humanitarian Assistance

The U.S. Government Global Strategic Plan 2007–2012 for Nepal³⁴ articulates USAID's policy for Nepal, including humanitarian assistance. The policy includes the provision of food assistance to drought-affected populations and Bhutanese refugees; reintegration of and humanitarian assistance to displaced populations; and assistance to communities for developing natural disaster preparedness and response capabilities.³⁵

Humanitarian food aid is mostly channelled to the World Food Programme in order to support Bhutanese refugees and conflict-affected populations, including displaced people and communities affected by natural disasters in mid- and far-western Nepal.

Gender in Humanitarian Assistance in Nepal

While gender is an important dimension in USAID/Nepal's development activities, its consideration in humanitarian assistance does not appear to be as high.³⁶ The Food for Peace strategy for 2006–2010 explicitly refers to the need to involve women to the maximum extent possible as participants as well as beneficiaries of food-related programs. It also calls for greater efforts on the side of partner organizations to ensure that *their program designs include strategies to address gender issues and objectives*.³⁷ However, with respect to gender in relief food aid, U.S. officials reported that *Food for Peace does not have specific gender-related criteria for deci-*

³³ USAID, *Nepal—Humanitarian Assistance, Fact Sheet* (Washington, DC: USAID, 2007), available at http://pdf.usaid.gov/pdf_docs/PNADJ147.pdf.

³⁴ USDOS/USAID, *Strategic Plan 2007-2012* (Washington, DC: USDOS/USAID, 2007).

³⁵ USAID Nepal website: <http://nepal.usaid.gov/about.php?pid=55>, last accessed October 2008.

³⁶ According to a 2002 Gender Assessment and Gender Action Plan of USAID Nepal, the office has been at the cutting edge in USAID's gender initiatives. It was the first office to elevate women's empowerment at the strategic objective level to then integrate it into all strategic objectives (Mari Clarke, *Gender Assessment and Gender Action Plan of USAID/Nepal* (Washington, DC: WID TECH, 2002)).

³⁷ USAID/FFP, *Strategic Plan 2006–2010* (Washington, DC: USAID, 2005), p. 38, available at http://www.usaid.gov/our_work/humanitarian_assistance/ffp/ffp_strategy.2006_2010.pdf.

sions on emergency program resources but we look to fund the best, most well-rounded programs and, in most countries, gender plays a role. It obviously does in Nepal.

The 2005 Field Operations Guide sets the framework for USAID's disaster assessment and response capacity and strategy. Sensitivity to gender issues is recommended across sectors, types of activity, and phases of the project cycle.³⁸ On food aid, gender-related security and non-discrimination in food distribution are mentioned together with the need for sex-disaggregated data. Also, participation of women in planning and implementation phases is indicated as key to addressing women's specific needs and concerns.³⁹

As for gender in humanitarian assistance, U.S.-funded gender-related activities seem to focus primarily on prevention and response to gender-based violence in the protection sector. In fact, gender-based violence appears as the sole gender-related issue of concern in humanitarian assistance.⁴⁰ However, prevention and response to gender based violence is not systematically mainstreamed across sectors. There is no mention, for example, of gender-based violence within the context of food distribution.

This appears to be the case in Nepal as well. Gender-based violence is an issue of concern for the World Food Programme, and something the organization has been working on for some time now. However, there is no support for this activity provided by USAID/Nepal. The fact that World Food Programme receives commodities and not funds may act as an impediment from even being considered for the respective funds. As a USAID/Nepal official said: *Formal programs on gender-based violence or protection are not linked to our support of the World Food Programme.*

Monitoring and Evaluation

Gender is not considered a separate topic to be reported on in isolation; rather, the gender mainstreaming approach is expected to apply throughout the project cycle.

The above-mentioned Field Operations Guide provides formats and reference materials, such as sector-wide checklists and indicators for assessing and reporting on emergency situations in a gender-sensitive manner. Thus, it would be reasonable to expect that gender issues are taken into account when monitoring and evaluating World Food Programme's performance in Nepal. Interestingly, though, World Food Programme informants do not seem to know of any criteria used by the U.S. to measure the agency's performance on gender. This, at a minimum, means that USAID's concerns for gender issues in the implementation of food aid activities have not been shared with the World Food Programme.

As stated by Food for Peace, *when we monitor our program, we would normally look at distribution by gender to make sure that there were no gender biases.* This, at best, means making sure that beneficiary caseload is disaggregated by sex.

³⁸ USAID, *Field Operations Guide for Disaster Assessment and Response* (Washington, DC: USAID, 2005), available at http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/resources/pdf/fog_v4.pdf.

³⁹ USAID (2005), op. cit., pp. II-19, 26.

⁴⁰ USAID/OFDA, *OFDA Annual Report for Fiscal Year 2007* (Washington, DC: USAID, 2007), available at http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/publications/annual_reports/pdf/AR2007.pdf.

In Nepal, and with regards to the World Food Programme, reliance on the organization's monitoring and evaluation system is evident. Partners' reports are the primary monitoring tools, complemented by formal and informal discussions and direct on-site observations to gauge progress and results.⁴¹ Informants reported that they do not know of any reporting requirements set by the U.S. other than what is already included in World Food Programme's reports and U.S.-specific *ad hoc* annual reports on World Food Programme operations. These last reports do not normally contain gender-specific information other than sex-disaggregated data on beneficiaries. Field staff do recall occasional follow-up by USAID on the World Food Programme's performance on gender issues in Nepal.

In sum, the effectiveness of USAID emergency food aid is measured by the number of beneficiaries who receive food aid disaggregated by sex in each country in which it operates, including Nepal. Gender is only mentioned in one indicator out of seven and only for activities on prevention and response to gender-based violence. Thus, one can conclude that gender is not a critical dimension in USAID's performance measurement.

Funding

The U.S. is the largest donor to the World Food Programme in Nepal, with donations worth more than \$33 million since 2003.⁴²

USAID/Nepal formulates an annual strategic plan with details of how the aid will be used and the amount of resources needed. The plan is then reviewed by USAID headquarters in Washington D.C., and incorporated into the President's annual foreign assistance bill submitted to the U.S. Congress. Once approved, USAID/Nepal negotiates the release of funds to relevant stakeholders like the World Food Programme.

Similarly to the European Commission, gender does not appear to be a key element in the allocation of U.S. funding to the World Food Programme. World Food Programme informants also reported that the funding policies of both donors do not set incentives for integrating gender equality.

World Food Programme informants agreed that stronger emphasis by donors on gender issues would provide leverage for more effective performance by their organization in this respect. As one informant put it: *The transatlantic donors' role, for the time being, in gender equality programming is nonexistent. If it was pushed by them, the World Food Programme might take the issue more seriously.* In concrete terms, this could translate into demands for greater gender analysis in needs assessments, gender-sensitive project documents, and gender-responsive progress assessments, performance monitoring and indicators.

On the other hand, given the emphasis placed by USAID on protection and gender-based violence, capacity building for the World Food Programme on gender within food distribution should be considered. This, however, would require USAID to go beyond the traditional per-

⁴¹ USAID, *Field Operations Guide for Disaster Assessment and Response* (Washington: USAID, 2005), p. H-2, available at http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/resources/pdf/fog_v4.pdf.

⁴² \$33,120,832. http://home.wfp.org/dwreps/statistics/public/FDD_reports/FDD_Funding_Hist_Recipient.pdf. Last accessed October 2008 (intranet, access restricted to WFP's users.)

ception of the World Food Programme as a mere emergency food-aid arm and consider the interconnections between food aid and gender.

Summary of Findings and Conclusions

This section summarizes findings on the extent to which gender considerations are integrated into the humanitarian assistance provided by both the U.S. and the European Commission in Nepal and provides some analysis of the possible reasons behind shortcomings. Conclusions are not intended to provide a complete picture of gender equality programming in humanitarian assistance in Nepal. Instead, they present a snapshot of the situation with respect to the role of the two transatlantic donors in the implementation of the World Food Programme's gender commitments.

Given the similarities between the two donors, conclusions are mostly general and apply to both. However, differences between the two donors are also highlighted. The analysis has been organized around three main areas: operations, including funding and programming; coordination; and monitoring and evaluation.

Operations

According to scholars and practitioners alike, in the rush to provide humanitarian response, the question of gender is often perceived as a luxury, leading to difficulties of integrating a gender perspective in this field. When a disaster hits, humanitarian actors move quickly to meet basic survival needs like food, and protect survivors, while little or no time is left to analyze issues such as consumption patterns within households, or men's and women's roles and relationships within affected communities and adapt the response accordingly. Adding to this, while donors' sensitivity to gender issues in humanitarian assistance is greater in sectors like education, nutrition, and health, attention to gender in relief food aid still lags behind. As respondents pointed out, even when gender-specific funds do exist, they are either not under the humanitarian aid heading, or they are not granted to the World Food Programme. In this respect, the focus of the study on the World Food Programme's activities allowed to identify challenges and gaps on the side of DG ECHO and USAID that may not be visible in other sectors.

Lack of gender expertise is another hindering factor. While in theory there is an increased recognition that gender analysis contributes to good programming, this is not yet understood in the practice of humanitarian aid. Conducting a gender analysis is perceived as an additional burden to the already heavy workload of field staff.

The following factors contribute to this reality:

Factors Relating to the World Food Programme:

- **The World Food Programme's strength on gender.** First of all, as some of the respondents pointed out, gender equality is already an integral part of the World Food Programme's programming in relief activities, and it is well articulated in the agency's

gender policy. Donors' reliance on the organization's ability to pursue gender equality in its programs may be one of the reasons for their limited emphasis on this issue—which may turn out to be an enabler as well as a stumbling block to donors' more effective implementation of gender commitments. On the one hand, the World Food Programme's gender policy guarantees that certain issues are taken into consideration in planning and implementing of humanitarian assistance. On the other, however, blind reliance on the agency's ability to act gender-sensibly limits donors' engagement and opportunity to leverage more effective and systematic implementation with respect to gender.

- **Food aid only.** Gender-sensitive food aid programming is further limited by the limited attention given by DG ECHO and USAID to gender in food aid programming and the clear-cut separation of food aid from other sectors of relief intervention.

The World Food Programme receives most donor support to address food insecurity and the emergency food needs of people, even in the absence of a profound gender analysis. This, in theory, should not imply lack of attention to gender aspects because gender is causally related to food insecurity and vulnerability. In practice, however, both the U.S. Government and the European Commission pay little attention to gender in their funding decisions relating to food aid.

Moreover, the World Food Programme is perceived as merely a logistical tool. This further prevents donors from considering supporting the Programme in other activities that are not strictly and directly labelled 'food distribution', even when their link to this activity is clear. Protection and gender-based violence are a good example in this respect. The protection risks of women and children in relation to food distribution have been well documented. The World Food Programme is often the only agency at the forefront in complex humanitarian emergencies and the one closest to beneficiary communities. Thus, it is well placed to address protection risks within its operational framework. In the case of Nepal, while both donors do contribute to activities on gender-based violence, for example, in refugee camps, these funds are usually not granted to World Food Programme. On the U.S. side, as indicated throughout the study, this is due to the clear-cut institutional distinction between food aid (Food for Peace) and other sectors of humanitarian intervention at USAID. As for DG ECHO, officials reported that gender and/or protection-specific funds are mainly channelled to UNFPA.

Factors Relating to the Donors:

There are, in addition, other factors that may act as impediments to the full integration of gender equality in humanitarian activities that are mostly at the institutional level and relate to the way gender is articulated in donors' policies and organizational arrangements.

- **Development vs. relief.** The first is the separation between humanitarian and development aid in donors' foreign assistance. Humanitarian assistance is an autonomous strategic priority, clearly separated from development. In Nepal, this is also translated

in DG ECHO's being physically separated from the office of the European Commission Delegation.

Gender has been mostly articulated in relation to development. Only in recent years has there been an increased attention to gender issues in emergencies. While gender mainstreaming should apply equally to development as well as to humanitarian interventions, practice shows that a clear-cut distinction between development and relief with respect to gender is still evident in the perception as well as in the action of donors in spite of the increased efforts towards linking relief, rehabilitation, and development and to ensure coherence, coordination, and alignment of humanitarian interventions with other instruments of foreign assistance. The European Commission toolkit on gender mainstreaming, for example, applies solely to activities in the development realm, while DG ECHO is in the process of developing a gender policy for humanitarian interventions separate from the existing EC's policy framework on gender.

- **Rights-based vs. needs-based approaches.** The traditional tension between rights-based and needs-based approaches may also contribute to move relief further away from development. Humanitarian aid is viewed by donors primarily as a response to the immediate survival needs of the affected populations. Gender equality, on the other hand, relies solidly on the recognition of rights of individuals and their inviolability by its own nature. Humanitarian crises have different impacts on men and women. Differences, however, are not limited to their practical needs, but also to the capacities, priorities, roles, and responsibilities men and women have in certain situations, and their relation herein. These may not be captured by a strictly needs-based approach.

Should donors effectively mainstream gender, this tension would not exist, as all these issues would be factored in the way assistance is provided. For instance, programs targeted to meet men's as well as women's needs and priorities in a given situation would necessarily entail the analysis of their roles and relationships, differential power, and access to and control over resources, which altogether forms the basis of gender analysis. However, evidence shows that this is not yet the case. In the above-cited response to the flood emergency, it was enough to know the number of affected people disaggregated by sex, while issues such as how to ensure that both men and women could participate and benefit equally from the assistance provided were left to the discretion of the implementing agency.

- **Decentralization.** Another possible hindering factor relates to the fact that while operations have been highly decentralized, responsibility for gender issues remains mainly at headquarters or regional levels. While major funding decisions are ultimately taken at headquarters level, they are informed by analysis and data gathered in the field. Some capacity to deal with gender issues is therefore needed at all levels. However, this does not seem to be the case in Nepal.

DG ECHO officials reported that there is no gender focal point in either the European Commission Delegation or the DG ECHO office in Nepal. Only the European Commission Delegation Regional Office in Delhi has a separate gender division. The

technical support provided for the integration of country-specific gender issues may not be enough to ensure effective gender mainstreaming in donors' humanitarian programming. USAID/Nepal, on the contrary, has a gender focal point who works under the responsibility of the Director, the World Food Programme's focal person in the country. This, however, does not appear to be enough to ensure systematic integration of gender issues in relief food aid either.

Generally speaking, while centralization may be useful to ensure a coherent approach to gender throughout programs and across countries, it may result in a discrepancy between policy and actual implementation if not accompanied by specific capacity and understanding in the field. Therefore, more efforts are needed to ensure understanding and implementation of a gender-sensitive approach at the field level and to build the capacity of staff in this regard. Capacity building and information sharing with partners is also key, as they hold responsibility for implementation of specific activities. The simple fact that World Food Programme staff members are not aware of the criteria used by donors to measure implementation of gender-related activities is a clear indication that donors' strategies and monitoring mechanisms are not well shared with partners in the field. Moreover, the World Food Programme's efforts to increase capacity and work on protection and gender-based violence in food distribution would strongly benefit from donor support.

- **Twin-track approach.** Finally, and strictly related to the above, practice shows that the gender mainstreaming concept carries the risk that gender concerns and the need for specific actions to ensure gender equality can become invisible when included under the umbrella of 'having been mainstreamed.' This risk is implicit in some of the responses provided by World Food Programme staff when saying donors *assume we do it*, or that integration of gender concerns *is a given for the two donors*. Reality reveals that it is not, and assumptions or reliance by donors on the World Food Programme's approach to gender are not enough to ensure implementation. This is why a twin-track approach is needed. While fully striving for gender mainstreaming, specific actions should be taken to ensure actual translation of commitments into day-to-day practice. This includes, for example, the appointment of well trained gender focal points within donors' field offices.⁴³

Coordination

At the country-level, donors take part in various coordination mechanisms aimed at ensuring program harmonization, coherence and coordination. However, information from the field suggests that these forums are used mainly to share information on activities, while it is difficult to assess their impact on donors' policies and programs. Donors do not seem to use these opportunities to advocate for greater gender sensitivity in humanitarian assistance. The Euro-

⁴³ According to a recent study of the Organization for Economic Co-operation and Development (OECD) on the practice of gender equality programming, the paucity of gender advisors and lack of training on gender at the field level are the two main obstacles to successful gender mainstreaming (OECD, *Gender Equality and Aid Delivery: What Has Changed in Development Cooperation Agencies since 1999?* (Paris: OECD, 2007), p. 31, available at <http://www.oecd.org/dataoecd/44/0/38773781.pdf>).

pean Commission's commitment to engage more effectively and substantially in these meetings and to transform them from mere 'information sharing' into influential planning platforms is commendable.⁴⁴

Monitoring and Evaluation

Despite the recognition of the importance of monitoring and evaluation to ensure the implementation of gender-related commitments, this remains one of the weakest points of the mainstreaming strategies of both donors. Evidence from the field suggests that gender issues do usually get discussed during program review meetings and field visits; however, neither specific follow-up on these issues nor changes in funding decisions were reported. As some informants put it, stronger emphasis on this by the two key donors would certainly spur better performance by the World Food Programme.

Another observed factor is that monitoring, both at the agency's and donors' levels, is mostly focused on outputs rather than on outcomes, and quantitative data dominate over qualitative information. In fact, the World Food Programme's corporate performance measurement and reporting systems suffer limitations, particularly with respect to results at the outcome level. This hinders the donors' ability to gauge the World Food Programme's performance. Gender sensitive process monitoring should be strengthened with a focus on outcomes and impacts.

With respect to evaluations, the lack of a standardized approach to gender issues and poor competence on the side of evaluators in undertaking a thorough gender analysis are further impediments.

By addressing these hindering factors and focusing their policies and funding decisions more clearly on gender, the European Commission and the U.S. Government could help their implementing partners in developing more gender-sensitive programs. It is widely acknowledged that this would enhance the effectiveness of humanitarian activities.⁴⁵

⁴⁴ EC, "An EU Aid Effectiveness Roadmap to Accra and Beyond: From Rhetoric to Action, Hastening the Pace of Reforms", *Commission Staff Working Paper* (Brussels: EC, 2008), p. 44.

⁴⁵ The author wishes to thank the following informants: WFP: Dominique Hyde, Deputy Country Director, Kathmandu; Pramila Ghimire, Program Officer, Kathmandu; Abiola Akanni, Head, Sub-Office Damak; Bijaya Amatya, Head, Sub-Office, Dedldhura; Bilan Osman Jama, Program Officer, Kathmandu; Leela Raj Upadhyay, PRRO Coordinator, Kathmandu; Meenu Hada, Senior Program Assistant, Kathmandu. DG ECHO: Dominique Feron, Technical Assistant, Nepal; Bernard Boigelot, Desk Officer Nepal and Bhutan, Belgium. USAID: William Patterson, Director, General Development Office, Nepal.

Chapter 5

Darfur: Action Contre la Faim, the European Commission, the U.S. and the Integration of Gender Perspectives into Humanitarian Assistance—A Case Study

Domitille Kauffmann

This case study¹ analyzes whether and how gender is promoted by the European Commission Humanitarian Aid Office (ECHO) and the Office of United States Foreign Disaster Assistance (OFDA), the two key agencies for humanitarian assistance in the European Commission and the U.S. Government, in their humanitarian response to the Darfur crisis. The case study focuses on Action Contre la Faim France as implementing partner in the region, since the organization implements both ECHO and OFDA funded programs.

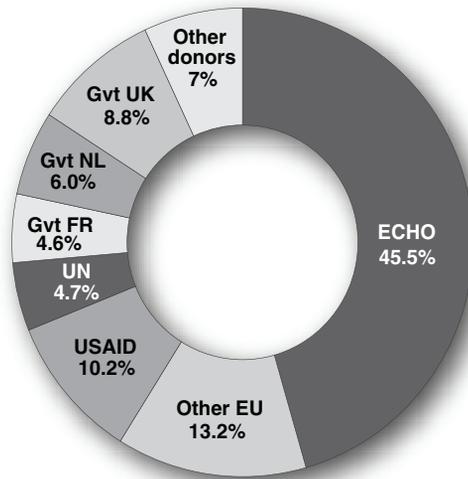
Since its creation in France in 1979, Action Contre la Faim has become an international NGO network committed to fight hunger in the world. With nearly 3,000 staff, Action Contre la Faim currently conducts operations in over 20 countries. The organization specializes in four sectors: nutrition, food security, water, sanitation and hygiene, and advocacy. In 2007, 55 percent of the organization's funding came from public donors, of which 45 percent came from ECHO and 10 percent from USAID, as shown in the graph below.²

Action Contre la Faim's total budget for 2007 amounted to €34.5 million, of which more than 25 percent was linked to the organization's activities in Sudan. There has been a great deal of activity in Sudan, particularly in Darfur, but in 2007, Action Contre la Faim significantly reduced its operations in the region due to security reasons.

The following chapter is divided into three sections: The first introduces the issue of gender in Darfur; the second analyzes contextual and institutional factors which limit the integration of lessons learned; and the third highlights different mechanisms that enable changes to current practices.

¹ This case study would not have been possible without the cooperation of Action Contre la Faim France staff and ECHO field experts. The author is extremely grateful to Action Contre la Faim staff at headquarters and in the field as well as ECHO field experts for the time that they gave. The author would also like to thank Action Contre la Faim France for the confidence they had in her and for accepting to be the subject of this study.

² Action Contre la Faim Financial report 2007.

Figure 1. Institutional Funding Per Donor for Action Contre la Faim

Source: Action Contre la Faim Financial Report 2007

Tackling Gender Issues: A Challenge in the Darfur Crisis for Action Contre la Faim and its Transatlantic Donors

Sexual and Gender-Based Violence— A Sensitive and Complex Protection Issue in the Darfur Context

Widespread conflict has plagued the Darfur region of Sudan since February 2003. This has created a real “protection crisis” with numerous violations of international humanitarian law, forced displacement and forced return, the destruction of villages and belongings and attacks on civilians (including humanitarian workers). Sexual and gender-based violence is an additional disturbing feature of the ongoing protection crisis. Women are the victims of rape and other human rights violations. However, while the existence of violence in Darfur is acknowledged by Sudanese society, the idea of sexual violence against women is categorically denied or taboo.

Since 2005, coordination mechanisms between NGOs, UN agencies and representatives of Sudanese ministries have been put in place. Even though the formal UN cluster mechanism is not yet established,³ coordination has been organized around theme-based working groups at field level. There are also general coordination meetings at field level. The Inter-Agency Steering Committee⁴ is run from Khartoum and is represented in each Darfur state.

³ As of this writing, the UN Country Team had recently voted that clusters would be formally introduced in Sudan. However, the details were not yet clear (one cluster for all Sudan or different ones for South Sudan and Darfur).

⁴ The Inter-Agency Standing Committee (IASC) is the primary mechanism for inter-agency coordination of humanitarian assistance. It is a forum involving the key UN and non-UN humanitarian partners.

Since 2005, the Protection of Civilians department of the United Nations mission for Sudan (UNMIS/ POC) has led the protection working group in North and South Darfur. The protection sector holds regular coordination meetings with several working groups around child protection, general protection and sexual and gender-based violence. In West Darfur, the protection lead was given to the United Nations High Commissioner for Refugees because of its mandate and the presence of Chadian refugees in the West. However, in 2008, UNMIS was replaced by the United Nations African Mission in Darfur (UNAMID). There was no UN lead agency during the transitional period. This made the work of humanitarian actors involved in protection difficult, particularly because of pressure from the Government in South and North Darfur. According to the ECHO field expert in charge of protection issues, this gap in coordination was harmful to the collective learning process and made it difficult to follow up protection issues. At present, UNAMID is slowly implementing its activities and has added new people to the protection working groups. The increase in the number of actors has created confusion. This highlights how important it is to have clear mandates in order to have a successful coordination mechanism and to create an environment that makes lesson learning possible.

Funding Implications

OFDA has been particularly proactive on the issue of violence against women and has funded many initiatives since 2005. In addition, USAID's Office of Transition Initiatives provided all the funds for the United Nations Development Program's activities on sexual and gender-based violence in Darfur in 2006.

OFDA's 2008 funding guidance for Darfur clearly states that "USAID/OFDA encourages partners to incorporate protection considerations into the design and implementation of all programs through the application of Protection Mainstreaming as a Cross-Cutting Theme, in order to help internally displaced persons and other vulnerable people to reduce or manage the risk of violence, abuse, harassment, and exploitation. [...] In particular, OFDA is interested in supporting programs that prevent and/or reduce the impact of sexual and gender-based violence (SGBV) against women and girls in Darfur. Activities may include medical and psychosocial services for SGBV survivors [as well as] training programs that focus on women, youth, and children. Women need appropriate income-generation opportunities to reduce their exposure to risks."⁵

Since the beginning of Action Contre la Faim's Darfur mission, almost all of its nutritional programs have been funded by OFDA. Initially, Action Contre la Faim experienced low recovery rates in its therapeutic feeding programs⁶ and observed that this was partly due to the violence that had been inflicted on the mothers. Indeed, such violence often negatively affects the mother-child relationship (rejection of child, lack of care given by mother, etc.) and reduces the effectiveness of treatment that the child is receiving. As a result, Action Contre la Faim introduced a mental health component into its nutritional programs in 2005.

⁵ USAID/OFDA. Funding Guidance for Darfur, Sudan; February 2008.

⁶ Therapeutic feeding programs are implemented by NGOs to take care of severely malnourished children. In Darfur, the children are accompanied by their caretakers, usually their mothers.

Similarly, ECHO has been involved in protection and has provided a lot of support to various protection programs. In addition, ECHO has funded several health programs which take into account issues such as sexual and gender-based violence and reproductive health. In December 2006, ECHO carried out an evaluation of its strategy in Darfur since 2003. The evaluation underlined that individual care for victims of sexual and gender-based violence is provided in most camps for internally displaced persons.

Contrary to other countries, in Darfur, ECHO only funds Action Contre la Faim programs in the sectors food security and water, sanitation and hygiene.

Men Who are Idle—Another Gender Issue in Darfur

After more than four years of conflict and the displacement of millions of people, Darfur's society has been significantly weakened. Men have endured unemployment and inactivity in displacement camps and feel neglected and helpless. They are no longer able to play their traditional role and have thus been losing their social identity. In addition, a significant proportion of men have been cut off from their families as they have stayed in their home areas in order to protect their land.

Though the issue of gender is generally raised to highlight the importance of taking women's roles into account in programs, Action Contre la Faim also has difficulty integrating men in its nutritional and food security programs in Darfur. Many of the organization's programs in Darfur concern women, because of their relationship to food and childcare. However, in the current social climate, this can create tension and discord within households and can lead to further domestic violence and divorce.

OFDA has also tackled the issue of involving men in programs. OFDA's funding guidance for Darfur 2008 states that "Nutrition education is an integral part of any successful nutrition proposal to OFDA. Nutrition education should focus not only on women, but also on men, traditional leaders, religious leaders, and other stakeholders."⁷

Contextual and Institutional Factors Inhibiting the Implementation of Gender Lessons

A Difficult Context Hampers Gender and Protection Initiatives

Limited Room for Maneuver within Projects Due to Security Constraints

The security situation in Darfur has deteriorated considerably for humanitarian actors since the beginning of the conflict, as they are increasingly the target of attacks. Action Contre la Faim was itself violently attacked in December 2006. As a result, the organization restructured its project management system to include more 'remote control' management.

⁷ OFDA (2008) Funding guidance Darfur 2008, p. 2.

In such a context, the possibility of working in close proximity to the local population and carrying out needs analyses or in-depth diagnoses using participatory methods is very difficult, if not impossible. Without such preparatory work, however, it is very difficult to design projects which address the sensitive issue of gender in Darfur.

A Government That Does Not Accept Protection Activities

Since the beginning of the conflict, the Government of Sudan has been very reluctant about the involvement of international organizations in the Darfur crisis. This is especially true regarding protection issues. NGOs such as the Norwegian Refugee Council, Médecin Sans Frontières, and the International Refugee Committee have faced difficulties because of their advocacy on protection and sexual and gender-based violence issues. The Government's position became even harder in the middle of 2008 when the prosecutor of the International Criminal Court applied for an arrest warrant for Omar Hassan Ahmad Al Bashir, the president of Sudan, for genocide⁸, crimes against humanity, and war crimes. Since 2008, the Government of Sudan has opposed protection activities in South Darfur. The situation is a little better in North Darfur, where protection programs are still running.

Lack of Operational Capacity, Experience, and Coordination Between the Three Darfur States

At the beginning of 2006, the signature of the Darfur Peace Agreement created hope that the conflict might be resolved and enable better access to the population. However, parties failed to implement the agreement and since July 2006 insecurity and displacements have increased and humanitarian actors have faced more and more difficulties in implementing their programs. As a result, ECHO is not currently in a strong position with regard to selecting projects in Darfur. On the one hand, programs are difficult to implement and access problems often have a negative impact on the quality of programs. On the other hand, there is more money available than operational capacity in the field, which means that ECHO can only work with a limited number of partners. As a consequence, ECHO is often less demanding with regard to projects than it is in other contexts and gender issues are not considered of primary importance. However, ECHO hopes to improve the quality of the projects it finances in 2009, and particularly for projects in camps where access is less of a problem.

Another issue highlighted by ECHO is the high turnover within NGO teams, with expatriate staff staying in the field for nine months on average. Such a high turnover prevents effective lesson learning. The ECHO experts interviewed felt that "they have to keep going back to square one."⁹ What is more, expatriates are often young and inexperienced. Despite their enthusiasm and technical competence, their lack of humanitarian expertise often limits their vision of what contributes to the quality of a project and the place of gender issues within it.

Finally, OFDA and ECHO staff reported that there is not enough sharing of experiences between the three Darfur states and this hampers the learning process. Coordination mecha-

⁸ This arrest warrant was issued in early 2009.

⁹ Interview by the author with the ECHO field expert in Darfur, October 2008.

nisms are not used to their full potential in this respect. However, they also recognize that travel and coordination meetings are significantly hampered by operational difficulties and a hostile government.

Transatlantic Donors and Action Contre la Faim: Different Approaches to Gender

Changing Attitudes within ECHO with Respect to Gender

As discussed in more detail in the summary chapter, ECHO has a weak gender culture. In Darfur, the technical assistants confirmed that ECHO does not have a gender culture and this is fully felt at field level. One of the technical experts interviewed pointed out that, “Only 18% of ECHO field experts are women,”¹⁰ and added that “gender should not be limited to a bracket in the single form¹¹ but should be present throughout the proposal.” The experts interviewed are in favor of a complete change of approach. For them, taking gender into account is a question of good practice which should be part of the ‘spirit’ of the program in order to ensure its overall quality. The experts also recognize that some progress is being made at ECHO in Brussels, with, for example, a guideline on protection soon to come out.

USAID/OFDA: Mainstreaming Gender throughout the Organization

Within USAID, various publications and studies show the organization’s commitment to gender and related protection issues, especially in development. Gender issues have been mainstreamed throughout the organization in different ways (training, guidelines, scoring criteria for proposals, etc). For example, in the OFDA guidelines for unsolicited proposals and reporting, one section is dedicated to cross-cutting themes. It states that “Cross-cutting themes are used to describe a topic, activity, or population that do not apply to any one sector or intervention exclusively but are common throughout a humanitarian response. [...] OFDA expects that protection and gender will be addressed in most applications.”¹² Thus, protection and gender are noticeably more emphasized than other cross-cutting issues. As mentioned above, the ECHO proposal template is more silent on this issue.

OFDA believes that a stand-alone gender policy or mere lip service is not as strong as mainstreaming and institutionalizing gender issues throughout the office operations, particularly since there are already many well known and accepted gender policies in the humanitarian area. OFDA supports and references these documents in its publications and guidelines.

¹⁰ Ibid.

¹¹ The single form is the form that has to be used to present proposals to ECHO. Last version 27/1½007. To consult the single form: http://ec.europa.eu/echo/files/about/actors/fpa/single_form_en.pdf

¹² USAID/OFDA. Guidelines for unsolicited proposals and reporting, Dec 2006.

Action Contre la Faim's Perception of Donors' Interest in Gender

At Action Contre la Faim, gender is not seen as a priority emphasized by donors, but as a mere paragraph in proposals. In the organization's donor matrix, which includes all the elements demanded by donors, gender is not even mentioned. In mid-2008, the donor relations department managed to get new cross-cutting issues included in the matrix. To do this, they consulted the operational departments about what they felt should be taken into account when addressing proposals to donors. Several new issues arose, such as HIV/Aids, the food crisis and nutritional policies, but gender was again never mentioned. ECHO and OFDA are both perceived to have a similar level of interest in gender. Only DFID is frequently mentioned as a donor with a real gender approach.

Informal Approaches to Gender Issues at Action Contre la Faim France

Several documents tackling gender issues are available in the international Action Contre la Faim network. A policy document for the international network entitled "Integrating Gender - Mainstreaming in Action Against Hunger—Action Contre la Faim—Accion Contre la Hambre" was produced in 2004. This policy included a list of proposed objectives for 2004. The non-French members of the international network, especially Action Contre la Faim UK, played an essential role in pushing gender approaches within the network and the design of a gender policy.

A report entitled "Women and Hunger—women play a central role in the fight against hunger" illustrates the specific risks and capacities women encounter in dealing with food shortages. This includes an analysis of the general workload women have at household and community levels, and analyzes how this workload is affected by particular crises. "How, for example, does conflict, a financial crisis or drought affect relationships within the household? What do they mean for women—as both wives and mothers? Can outsiders support gender roles exposed to an extreme situation, and if so, how best can we do so?"¹³ In addition, some publications about other topics such as Water and HIV/Aids address gender issues. Also, the Water, Sanitation and Hygiene department has produced its own policy that includes a gender approach.

These documents could be seen as proof that Action Contre la Faim France is genuinely concerned about gender issues. However, according to management staff, Action Contre la Faim France is not really proactive in this area. Staff also agreed that, contrary to NGOs from the English-speaking world, French NGOs generally do not tend to take gender issues into account systematically, and Action Contre la Faim France is no exception to the rule. There is no formal attitude to gender within Action Contre la Faim France over and above having gender balanced teams at headquarters and in country offices.

Action Contre la Faim International Network's 2004 gender policy is not very well known within Action Contre la Faim France. It appears that, within Action Contre la Faim France, the professional experience of individual members of staff determines the extent to which gen-

¹³ Action Contre la Faim—Hunger Watch. "Women and Hunger—Women play a central role in the fight against hunger."

der is taken into account. Those who are the most committed are former employees of OXFAM or Action Contre la Faim's London office.

The Action Contre la Faim staff interviewed felt that there was a need to raise gender awareness within their organization and to develop guidelines and training sessions as they are not yet equipped to incorporate a real gender approach in project designs.

On the other hand, it should be noted that Action Contre la Faim is trying to gender-balance its teams, which is especially hard to do in humanitarian settings. Indeed, Action Contre la Faim has established human resource management policies (recruitment, salary policy, preventing abuse of power) for national staff to guarantee equal treatment of men and women.

Tools for Improving the Implementation of Lessons Learned— What Works and What Does Not

Action Contre la Faim's Program Evaluations: Limited Impact

Evaluations are the main tool commonly used to learn lessons. In this chapter, the different evaluations carried out in Darfur are reviewed in order to analyze their impact concerning gender.

Action Contre la Faim's guidelines for external evaluations are based on the OECD DAC¹⁴ criteria of relevance/appropriateness, coverage, impact, effectiveness, efficiency, sustainability, and coherence, adding two criteria, namely cross-cutting issues (including gender equality) and monitoring. Since 2006, there have been four external evaluations of the organization's Darfur mission, including projects funded by ECHO. However, there have not been any evaluations of OFDA-funded programs. External evaluations are usually requested by Action Contre la Faim field teams and results are communicated to the donors. Thus far, every operational sector has been evaluated and gender has always figured in these evaluations, because it was included in the terms of reference of the evaluations. The conclusions have sometimes been quite critical (cf. Box 1).

Concerning the mid-term evaluation of the food security program, the then program coordinator reported that no specific action plan for gender was implemented in response to the evaluator's criticisms or the recommendations that were made. One of the obstacles which prevented these recommendations from being implemented was clearly the security situation which made it impossible for the teams to increase their presence in the field. However, it is also interesting to note that the project donors, DFID and WFP, did not react to evaluation results on gender. This lack of reaction no doubt contributed to the fact that the recommendations were not followed up.

In addition, Action Contre la Faim staff stressed that the organization has no formal mechanisms for taking evaluation recommendations into account, which can be a weakness in some

¹⁴ Within the OECD, the Commission in charge of development aid (DAC) developed this framework of 7 criteria. Originally designed for development programs, they are commonly used for humanitarian programs.

Box 1. Extracts about Gender from Evaluation Documents

End of Project Evaluation—Water Program in North and South Darfur States—December 2007

“It is noted that neither North Darfur nor South Darfur Water and Sanitation sectors plans have anything to say about gender: either the specific needs of women, or the role of women in decision making and planning. The 2008 Action Contre la Faim draft strategy is equally silent.

[...] During the meetings with Water Point Committees trained by Action Contre la Faim before the security crisis, a few women took active part in the discussions and were active in the management of the water. [...] With the community modality, it appears that women have been excluded from effectively participating in the management of a water point, especially the Operation and Maintenance.¹ Yet, as women and children are the ones drawing water, they need to be more involved in being mobilized to better manage the segregation between humans and animals, as well as the collection, transportation and storage of water.”

Mid-term External Evaluation—Distributions of Food and Agricultural Inputs to Conflict-Affected Populations of North Darfur through New Modalities of Intervention—2007

“[...] Action Contre la Faim was fully aware about the pivotal role played by women in food management. Nevertheless, the evaluation comes out with the conclusion that Action Contre la Faim failed in giving significant space to women participation in the distribution process as well as in the remote control and communication system: Women haven’t been consulted to define specific vulnerability among the communities, both in camps and in rural areas and Action Contre la Faim didn’t ensure women were properly informed about their entitlement. While Action Contre la Faim South Darfur has put a special emphasis on collecting women opinion during post-distribution monitoring (PDM), North Darfur report reflects little concern for it. FA/FS team (expatriate and national staff) in North Darfur is male orientated and we do believe the presence of female staff would be of great benefit for those sectors of intervention.”

¹ Operation and Maintenance (O&M) refers to all activities needed to operate and manage water supply and sanitation systems.

cases. In general, recommendations are taken into account by program managers in new proposals, but this is a question of individual initiative.

To conclude, it is difficult to establish how much evaluations have contributed to promoting gender issues. It is important to note that the terms of reference of the evaluations do take gender into account. However, it would appear that none of the evaluations carried out in Darfur led to any genuine changes on the question of gender even if it was the object of criticism and recommendations. A certain number of obstacles have made it difficult to take up recom-

mendations. First, instability and insecurity in Darfur do not allow for stable processes to be implemented. Second, the formal processes for implementing recommendations within Action Contre la Faim and the donors concerned (i.e. ECHO, DFID, CIDA) need to be reinforced.

The Difficulty of Evaluating the Impact of Donors' Field Strategy Documents

OFDA has published a strategy document for its implementing partners that “provides guidance to award applicants for humanitarian activities in Darfur.”¹⁵ This document is very detailed and gives information about the type of activities which are financed for each sector. As mentioned above, OFDA's Funding Guidance for 2008 focuses both on protection activities linked to sexual and gender-based violence and, in the nutrition section, on the importance of targeting men in nutritional education actions. The existence of such a document will hopefully encourage good practice within Action Contre la Faim.

ECHO, on the other hand, did not have any documents of this kind until recently. The main reference documents were the Global Plan for Sudan, which has a section on Darfur, and an Operational Strategy for Sudan, which was not very detailed. Its Operational Strategy for 2008 states that “cross-cutting issues, such as the environment, child protection, gender and HIV/Aids will receive special attention” without any further guidance or recommendations to the reader. Indeed, one of the main criticisms made in the evaluation of ECHO's programs in Darfur 2006 is that its strategic document is too general and that it does not “provide the implementing partners at field level or the evaluators with a sufficient sense of DG ECHO priorities or of activities it wants to promote.”¹⁶

In response to this finding, ECHO has produced a document called Operational recommendations for proposals for humanitarian projects in Sudan for 2009. This document has the same sector-based approach as OFDA funding guidance documents. It includes a specific section about Sudan divided into three sub-sections: a) Water, sanitation and hygiene, b) Health and nutrition, and c) Food assistance and short-term food security. It is worth mentioning that it includes very little about cross-cutting issues except the environment. The word gender never appears. This absence of any reference to gender is clearly not the best way to encourage implementing partners to develop the gender component of their programs.

Presence of Donors in the Field: An Important Factor in Raising Awareness about Gender among Action Contre La Faim Field Staff

ECHO has set up a permanent office in Darfur, staffed with two Technical Assistants, who are responsible for different areas of Darfur (North and South/West) and different sectors of intervention. The relation between ECHO and its operational partners is mainly managed at this level. ECHO's strategy clearly states that “proposals should be submitted to Brussels headquarters after having been discussed at field level.”¹⁷ Consequently, Action Contre la Faim staff

¹⁵ USAID/OFDA, “Funding Guidance for Darfur, Sudan,” February 2008

¹⁶ ECHO, “Evaluation of DG ECHO Financed Operations relating to the Darfur Crisis,” Dec 2006. SHER Ingenieurs-consultants, sa.

¹⁷ ECHO, “Operational recommendations for proposals for humanitarian projects in Sudan 2009.”

in charge of Darfur at French headquarters often have very little or no direct contact with donors. This mechanism was perceived as very positive in the evaluation of operations funded by ECHO in Darfur 2006.

Until the summer of 2008, OFDA also had offices in Darfur, in Nyala and El Fasher. Interaction between OFDA and Action Contre la Faim took place at this level. Due to a series of security events including the murder of a USAID employee, OFDA decided to leave Darfur and limit their presence to Khartoum only.

Coordination meetings between donors are regularly organized in Khartoum and in Darfur. Gender is rarely discussed in these meetings. In Khartoum, the meetings are often held to share information between donors (ECHO/OFDA/DFID and other bilateral donors), whereas in the field they consist of bilateral discussions between ECHO and OFDA about implementing partners, projects and any gaps or constraints that exist.

In conclusion, ECHO and OFDA field experts play a determining role through their close relations with Action Contre la Faim program coordinators. There are four ways in which they can help their partners' programs evolve:

- 1) Commenting on partners' proposals;
- 2) Conducting field visits to monitor projects;
- 3) Participating in coordination meetings;
- 4) Carrying out joint needs assessments in the field with partners which have a gender perspective (e.g. in the selection of people to interview).

There have been a variety of occasions on which field experts have pushed for gender to be given greater consideration in Action Contre la Faim programs, whether this was when reading proposals (cf. box 2).

When we referred to the example above about women in Darfur not having time to participate in water committees in our conversation with OFDA staff, they stressed that it is an excellent example of why it is so crucial to be able to monitor programs with beneficiaries and local populations in the field. This could have revealed other reasons for the women's non-participation. Gender quotas are not effective if they lead to the participation of some token woman or a prominent individual's wife who does not represent most women's interests or issues.

In the specific example of the Kass program illustrated in box 2, according to Action Contre la Faim staff, when ECHO asked for the role of women in the household to be given a more prominent place in a proposal, this involved only changing the proposal, rather than the project design. Indeed, Action Contre la Faim staff considers that gender is integrated rather informally in their programs in Darfur. It is not an end in itself but rather an operational need. In other words, Action Contre la Faim does not design projects to specifically tackle gender problems in Darfur, but to respond to people's needs. Thus, Action Contre la Faim focuses its initial assessment on households and vulnerable groups rather than on women and men.¹⁸ Conse-

¹⁸ Interview of the author with Action Contre la Faim food security adviser for Darfur at Action Contre la Faim headquarters, October 2008.

Box 2.

Example of comments from ECHO field expert about gender in the first version of a proposal for an integrated water & sanitation and food security program in Kass:

“Gender: even though the proposal is very comprehensive in many ways, there is a total and absolute absence of any kind of gender analysis. You have not even mentioned this point under chapter 5.3 where it is explicitly mentioned. Of course, the gender-focus should guide the development of an entire proposal but not many agencies do that. But they put at least something somewhere while Action Contre la Faim managed to ignore the issue completely. Given the importance of women for the household food security as well as all issues related to family hygiene and handling of water, you have to add a gender focus both on the assessment/findings as well as on the involvement of the beneficiaries and the design of the activities.”¹

Example of comments about gender in the first version of a proposal for the rehabilitation of the Wadi Halouf earth-dam: (The comments came as a result of findings by OFDA teams both in the field and at headquarters.)

“Please provide information on the anticipated gender breakdown of the unskilled laborers. Will both men and women be employed for these activities? How will Action Contre la Faim guard against violence against any workers, particularly women, involved in these activities? Also, if women will be employed, what will Action Contre la Faim do to ensure that this work will not negatively affect the nutritional status of their children? OFDA has seen that an increased workload and working away from the home have a negative impact on care and feeding practices for children under five.”²

Report by the ECHO technical assistant after a field visit to the Kass water and sanitation project:

“A water point committee meeting took place during the field visit. No women were present at the meeting despite the fact that, in theory, the committee has female members. I asked the Action Contre la Faim staff why there were no women present and they answered that the women did not have the time to take part in the meeting. This kind of answer would have been inconceivable with other partners: water point committee meetings would not have taken place without the women.”

[...] During the meetings with Water Point Committees trained by Action Contre la Faim before the security crisis, a few women took active part in the discussions and were active in the management of the water. [...] With the community modality, it appears that women have been excluded from effectively participating in the management of a water point, especially the Operation and Maintenance.¹ Yet, as women and children are the ones drawing water, they need to be more involved in being mobilized to better manage the segregation between humans and animals, as well as the collection, transportation and storage of water.”³

¹ E-mail exchange of the author with ECHO field expert, October 2008

² E-mail exchange of the author with Action Contre la Faim water and sanitation coordinator, October 2008.

³ E-mail exchange of the author with the ECHO field expert, October 2008.

quently, if women are the direct beneficiaries of several Action Contre la Faim food security projects, it is because they were identified as the members of the household in charge of feeding their families, or of growing vegetables.

No Consensus about the Importance of Female Staff for the Implementation of Gender Mainstreaming

Several people interviewed mentioned that gender issues are more vigorously promoted by female expatriates in the field. Thus, a former male expatriate in Darfur stressed that the only time when Action Contre la Faim had problems because gender issues were not sufficiently taken into account in a proposal was when a woman was appointed as an ECHO Technical Assistant in Darfur and that the only evaluation which pointed out that women were not sufficiently taken into account in food security programs in Darfur was led by a woman. Similarly, the current ECHO Technical Assistant stressed that the small number of female expatriate staff in Darfur limits the extent to which Action Contre la Faim is able to tackle gender properly in the day-to-day implementation of its programs. OFDA staff stressed that there is a real need to train male aid workers about gender, but added that untrained female workers can easily overlook gender issues, too.

However, not all interviewees agreed on this point. As previously mentioned, Action Contre la Faim is trying to establish a balance between male and female national staff. As a result, among the 23 aid workers involved in water and sanitation programs in Darfur, nine are women.¹⁹ In addition, some Action Contre la Faim staff argue that the male/female ratio amongst expatriate staff is highly variable and some female staff at headquarters recognize that training on gender could be of great interest to them. As a matter of interest, when you visit Action Contre la Faim headquarters to find out about gender, you will be sent to a man who is recognized as the “gender” person.

In short, not only the gender, but also the professional experience of individual members of staff determines the extent to which gender is taken into account.

Conclusion

The Darfur case study shows that the opportunities for implementing lessons learned can be very limited due to the context. In Darfur the gender question is very closely linked to other themes, such as protection. It is therefore difficult to look at lessons learned on gender without also taking into account those learned on protection. More generally, it would appear that in complex humanitarian contexts, it is not enough to consider lessons learned in one area in isolation.

In Darfur, some political and operational factors hinder the implementation of lessons learned. At a political level, humanitarian actors are limited in their commitment to protection issues by the Government of Sudan, which does not allow them to implement related pro-

¹⁹ Source: Internal statistics given to the author by the Action Contre la Faim human resources management department in Sudan.

grams. In other aspects, the complexity and turbulence of the relations between the Government of Sudan and the international community has led to changes in the set-up of the United Nations presence in the country. For example, the UN mission in Sudan (UNMIS) has been replaced in Darfur by an integrated mission with the African Union (UNAMID). Consequently, the mandate, role and responsibilities of United Nations agencies have been vague, creating coordination gaps between the different humanitarian actors. These gaps have been harmful to the learning process.

At an operational level, the constraints that are inherent to humanitarian action are very pronounced in the Darfur context: the young age, lack of experience and high turn-over of expatriate staff, the security problems and the difficulties of gaining access to the population. These operational constraints are a serious obstacle to the learning process for donors and their partners. Also, the lack of coordination between the three Darfur states slows down the process.

In such a political and operational context, the implementation of lessons depends strongly on donors' field presence and human interaction. These factors are one of the real strengths of ECHO and OFDA. They are both present at the field level and are able to provide guidance to their partners via their field strategy documents and the advice provided by their field experts. This enables them to be involved and have an influence at each phase of the project cycle: initial assessment, design, monitoring and evaluation.

However, with regard to the specific issue of gender, at an institutional level, ECHO, OFDA and their partner, Action Contre la Faim, do not have a real gender policy defining their level of commitment to the topic. However, an absence of a policy does not necessarily mean that there is no commitment at all, as the example of OFDA demonstrated.

Shared or Shirked Responsibilities?

How should gender issues be promoted in such a context? Who is responsible for making sure lessons learned about gender are incorporated—donors or implementing partners? To improve the way that gender issues are dealt with, three issues stand out. The first of these is the idea that responsibility for this question should be shared. Both donors and implementing agencies need to define their own gender policies and establish what level of priority the issue has. Then, to raise awareness amongst staff, the necessary tools need to be developed, perhaps via coordinated/joint training sessions. The second issue is that of donor field presence. ECHO and OFDA should maintain their field presence and close collaboration with their partners which has had a positive influence in the past. Finally, the third issue concerns the composition of expatriate team. Making donor and NGO expatriate teams gender-balanced could encourage field experts to take gender issues more seriously.

Chapter 6

Nicaragua: The Efforts of CARE, the European Commission and the U.S. to Strengthen Local Capacity—A Case Study

Silvia Hidalgo and Soledad Posada

Nicaragua has a long and painful history of sudden-onset disasters precipitated by natural phenomena¹ that have devastated lives, particularly those of the poor and most vulnerable, and suffocated the country's economic and human development. 46 percent of the population is living under the poverty line of one U.S. dollar per day, and according to the World Bank, Nicaragua is one of the world's most disaster-prone countries, having suffered on average a major disaster every two years for the last century.² The situation has been compounded by recurring conflicts and poor governance. Additional threats including climate change, environmental degradation, improper use of resources and land planning continue to increase people's vulnerability to natural hazards. Yet, often it is not the magnitude of disasters, but their frequency that deteriorates the socio-economic situation of the affected population. The recurrence of disaster and prolonged problems in Nicaragua have also resulted in the extended presence of aid agencies, allowing for the establishment of longer-term relationships with local organizations and a greater contextual understanding and footing in society and communities.

Both the U.S., primarily through the U.S. Office of Foreign Disaster Assistance (OFDA) and the EU, through the European Community Humanitarian Aid department (DG ECHO), have aspired to support local capacity in disaster response and preparedness in Nicaragua. Both donors are present in the region, the European Commission through its Regional Delegation for Central America is based in Managua, Nicaragua and OFDA's Office for Latin America is in San José, Costa Rica. Furthermore, both donors have embraced the Priorities for Action of the Hyogo Framework "Building the Resilience of Nations and Communities to Disasters"³ and subscribed to the Principles of Good Humanitarian Donorship. This case study draws on the experience of CARE in Nicaragua with the U.S. and EU disaster preparedness programs—CAMI and DIPECHO—and the recent disaster response for Hurricane Felix in September 2007 in order to identify barriers and effective tools of the two humanitarian donors when trying to mainstream lessons about local capacity into humanitarian policy and practice.

¹ Humanitarian disasters are often the result of the combination of natural phenomena, such as earthquakes or hurricanes, with "unnatural" factors, such as poor watershed management and land use, vulnerability and risk associated with high levels of poverty, etc.

² World Bank, "Nicaragua Hurricane Felix Emergency Recovery Project," Report No. AB3659, 2008.

³ The 5 priorities for action, extensively based on lessons learned from disasters, are: 1. Ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation; 2. Identify, assess and monitor disaster risks and enhance early warning; 3. Use knowledge, innovation and education to build a culture of safety and resilience at all levels; 4. Reduce the underlying risk factors; 5. Strengthen disaster preparedness for effective response at all levels.

Local Capacity and Humanitarian Response in Nicaragua

In addressing the issue of local capacity and humanitarian performance in Nicaragua, several characteristics should be taken into account:

- Local actors have varying levels of capacity and vulnerability as well as shifting commitments to disaster risk reduction.
- Local actors are dependent on external aid and budget support.
- The country is characterized by political division, politicization and migration.
- Besides these important differences within the country there is also a regional divide between the Pacific and the Atlantic areas of Nicaragua.

Irregular Levels of Capacity and Vulnerability and Shifting Commitment to Disaster Risk Reduction

In the wake of Hurricane Mitch in 1998,⁴ the country established a National System for Disaster Prevention, Mitigation, and Assistance (SINAPRED), which is coordinated by an autonomous Executive Secretariat comprised of government actors and non governmental representatives. Organized in a decentralized fashion, the Secretariat is supposed to cover prevention, mitigation, preparedness, response and recovery. Prior to the creation of the system, civil defense, linked to the armed forces, was responsible for logistical and response matters while the National Institute for Territorial Studies (INETER) covered hazard monitoring and research, land use and territorial planning matters. These two institutions continue to play a major role in the newly established system. Nonetheless, developing local capacity in disaster preparedness is not a strategic priority for many of the national authorities and efforts to this end still greatly depend on international donor financing, questioning their longer-term sustainability.

SINAPRED's initial budget has been less than €500,000 per year on average, but in the face of the damage caused by Hurricane Felix in 2007, the National Assembly increased SINAPRED's budget by €3.5 million.⁵ Part of this amount was allocated to programs run in cooperation with different national ministries and institutions responsible for reconstruction and rehabilitation of affected areas in the North Atlantic Autonomous Region. The substantial increase was maintained the following year.

Local emergency committees (COLOPRED) and municipalities often lack the infrastructure and equipment required to manage disaster response. Many communities and local institutions lack awareness, knowledge, expertise, resources and the mandate to manage disaster

⁴ In October 1998, Hurricane Mitch swept through Nicaragua with sustained winds of 112 kilometres per hour, causing devastating floods and mudslides, massive infrastructure and property destruction, and significant population displacement. 867,752 were people directly or indirectly affected. 3,045 people died, 50,000 homes were completely destroyed and 94,000 homes were partially damaged. Nicaragua's central bank estimated losses at \$1.5 billion, not including losses in the agricultural sector or environmental impact

⁵ ECHO Fifth Action Plan.

response. Finally, despite recognition of the need, efforts to systematically integrate disaster risk reduction into development efforts are lagging.

On the positive side, Nicaragua, like much of Latin America, has a long tradition of participatory processes and the country gained a great deal of experience in community organization with the Sandinista movement.⁶

Dependence on External Aid and Budget Support

Nicaragua has been a top recipient of foreign aid in the past two decades. Under the previous government its economy showed signs of improvement, but Nicaragua continues to be dependent on aid.

In the aftermath of Hurricane Felix, the government argued that it had no funds with which to respond to existing or new needs, given the constraints of its budget, debt repayment requirements, and the conditionality imposed by the International Monetary Fund, World Bank, and many traditional donors. Donors are principally involved in the provision of development aid to Nicaragua through budgetary support. However, the current government's relationship with traditional donors is strained and budget support is regarded as providing less leverage for promoting donor policies, including building local capacity and effective disaster risk reduction.

Political Divide, Politicization and Migration in Nicaragua

Given its history, it is not surprising that Nicaragua remains politically polarized despite recent right-left party coalitions. While humanitarian action is meant to be impartial, independent and neutral, disasters, particularly sudden disasters, provide opportunities for political grandstanding and clientelism. As a result, critique has surfaced about the government's preparedness and disaster relief policies. The process of providing aid becomes highly politicized as authorities, both at the national and local levels, use aid to further their personal image and party interests. Efforts conducive to risk management are overshadowed by immediate concerns. NGOs tend to play a key role in the provision of relief efforts and community capacity building, but collaboration with the national government remains unlikely.

With each election, the hard earned technical capacities at the national and municipal levels are put at risk. A change in political party in municipalities implies that all personnel, even the most functional positions, are replaced. Additionally, migration is common at the community level, and thus positions in the local emergency committees and capabilities of community members are oftentimes lost to migration. Consequently, learning from training and experience is lost and efforts towards strengthening capacities are not sustainable.

⁶ The term 'sandinista' comes from the struggle of Augusto César Sandino resisting military occupation of Nicaragua by the U.S. Marines during the 1930s.

Country Differences and Regional Divide

An important characteristic of Nicaragua is the vast differences in capacity, levels of development and culture between the Pacific and the Atlantic regions. The effects of Hurricane Felix exemplified these differences. It primarily affected the most marginalized and neglected people of the country's most vulnerable North-East Atlantic coastal region. This low-lying area is home to thousands of Miskito Indians, who depend on canoes to navigate shallow rivers and lakes to reach higher ground. It is the largest and poorest region of Nicaragua. The Miskito Indians are ethnically distinct from the rest of the population and enjoy a significant degree of political autonomy.

Furthermore, institutional decentralization often makes it unclear at what level responsibilities lie. For example, in the response to Hurricane Felix, the Governor of the North Atlantic Autonomous Region lacked the necessary support and capacity to manage the response. Consequently, even when the international community attempts to respect local capacity and promote locally owned responses, it is often difficult to know which level of authority should be supported, particularly when there is a high degree of autonomy and decentralization. It is therefore unclear what exactly "local" means.

A lack of means of transport and fuel often makes it difficult for implementing agencies to reach affected communities. In the response to Hurricane Felix, for example, logistics presented a real challenge and aid was concentrated in areas accessible by road, even though these areas were not the most affected by the storm.

CARE'S Approach to Local Capacity in Nicaragua

CARE has officially been active in Nicaragua since 1966. In the late 1980s the NGO became an important actor in the country's response to disasters, providing humanitarian and rehabilitation assistance to affected populations. CARE, with its mostly national staff and an established track record, is often perceived as a national actor in Nicaragua despite being an NGO comprised of a global confederation of eleven member countries.⁷

CARE in Nicaragua states that its mission is to foster sustainable change by strengthening people's self-help capacity and providing assistance in emergencies. Building effective partnerships with local actors from the very beginning of operations is critical. An important precondition for the organization is to understand which local actors will help promote humanitarian and development objectives and how to bring them on board, since the implementation of emergency plans without significant involvement of local actors is also a lost opportunity for local empowerment. The advent of this rights-based approach to emergency assistance, focusing on empowerment in stead of humanitarian service delivery, represents a major paradigm shift in how aid is delivered. It has begun to permeate CARE and other aid agencies in recent years. Rights-based approaches tend to challenge authorities and traditional methods of implementing projects. This requires a delicate balancing act concerning the authorities' involve-

⁷ <http://www.care.org.ni/quienessomos.php?care=careennicaragua> (last accessed 26/05/2009). The member countries of CARE are Australia, Austria, Canada, Denmark, France, Germany, Great Britain, U.S., Norway, Japan and Brazil. In Nicaragua, while the population is accustomed to using words in English, all actors refer to CARE with the Spanish pronunciation "Kah- reh."

ment. Rather than focusing on need and beneficiaries, a rights-based approach focuses on people's ability to claim their rights and on the identification of duty-bearers, particularly the state, which has the duty to respect, protect and fulfill all the human rights to which they have committed for all citizens. These include social, economic, cultural, civic, and political rights.⁸

Yet, involving and empowering local actors proves a challenging task in areas of Nicaragua where CARE does not have a presence. Additionally, in Nicaragua a great degree of contextual knowledge and balancing is required in order to strengthen the most vulnerable and avoid clientelism.

Disaster preparedness efforts in Nicaragua attempt to establish community disaster response teams. There are also national disaster response teams which are meant to interact with the local level. In order to strengthen local capacities, one has thus to work at three levels—the community, the local authority, and the national/regional authority. However, CARE staff is confused about the meaning of the term “local,” since humanitarian actors use the term inconsistently. The organization observed that local can be defined in reference to the territorial level, the type of actors or the scope of activities. For example, the European Commission's Disaster Preparedness Program (DIPECHO) in Central America considers the local level to be the community and municipality. OFDA, in turn, used to fund local NGOs directly, but now operates in consultation with the government and acts accordingly.

U.S. and EU Programs in Relief and Disaster Preparedness: CARE's Experience in Nicaragua

Hurricane Felix: The Role of Local Capacity

As in other crises, the magnitude of the disaster caused by Hurricane Felix was determined not only by the storm's intensity, but by the vulnerability of the people living in the affected area. The effectiveness of the humanitarian response depended greatly on both the location and accessibility of communities, and the presence and capacity of local organizations and actors. The international response to Hurricane Felix was initially limited by the fact that many international organizations were either not on the ground or lacked sufficient capacity because the hurricane was expected to have the greatest impact on neighboring Honduras. As a result, many international emergency teams were not deployed in Nicaragua, but in Honduras, and villagers in the North Atlantic Autonomous Region received insufficient warning from officials. These failures were due not only to the shortcomings of the computer models used to predict the storm, but also to the fact that Felix “strengthened more rapidly than any other storm on record, anywhere in the world.”⁹ Furthermore, although local authorities did warn the communities of the imminent storm, there was an institutional fear of “crying wolf,” stemming from their experience of the contrast between the alarm raised in the region in 2005 for Hurricane Beta and the limited damage which it actually caused.

⁸ Buchanan-Smith and Fabbri, “Tsunami Evaluation Coalition Thematic Evaluation on Linking, Relief, Rehabilitation and Development—A Review Of The Debate,” November 2005.

⁹ Willie Drye, “Hurricane Felix Forecasts Mostly Failed, Experts Say.” National Geographic News. 5 September 2007, <http://news.nationalgeographic.com/news/2007/09/070905-felix-models.html>

Despite earlier disaster preparedness and prevention efforts in the North Atlantic Autonomous Region, local people were not sufficiently disaster aware. Sunshine and good weather led the population to believe that there was no imminent danger. The affected communities claimed that they first learned of the danger and believed the warnings when they saw the names of their towns and villages on television news. Locals claimed that, despite warnings, many emergency decisions were not taken, for example, to close schools.

In the context of Hurricane Felix, all actors involved in the response knew that the area's cultural and linguistic differences required locally owned interventions. Unfortunately, many existing national resources on disaster preparedness and response were not compatible with the specific cultural and geographic context and had to be translated or adapted. There were clear differences with respect to other areas of Nicaragua as even community leaders, while proficient in Spanish, had never heard of climate change or had never been affected by a disaster. Therefore, although national and regional protocols and means for intervention existed, the high level of autonomy, the remoteness of the region, and the lack of prior experience in disaster management affected the response.

Although Hurricane Felix was a relatively small-scale catastrophe in terms of the number of victims and destruction caused, it confirmed the vulnerability to recurring disasters. It is in such situations that the concept of donor engagement to prevent and prepare for disaster, as foreseen in the Good Humanitarian Donorship Initiative, has special meaning.

The European Commission in Nicaragua: CARE's Experience

The Response to Hurricane Felix

The European Commission, through ECHO, was a main donor in the emergency response to Hurricane Felix. While members of the international donor community have advocated for the need to “build back better,” ECHO's mandate puts limits on the type of recovery assistance it can provide. For example, at times, the parameters of the primary emergency funding for the water and sanitation sector in the response to Felix did not allow for continuous monitoring and renewed needs assessment, which would have furthered a better understanding of the unfolding context and therefore increased aid appropriateness. Moreover, communication with beneficiary communities is essential if assistance is to be tailored to their changing needs and for the response strategies to be shaped by the priorities and concerns of the survivors. These concerns, and the shift from relief to recovery, should be captured in a follow-up needs assessment. In this sense, ECHO, in the key sector of basic water supply, was viewed as inflexible, because it did not allow agencies to improve pre-existing water supply systems. This decision was regarded as being out of touch with local realities, the cultural context, and the government's desire that the response to the disaster lead to real development.¹⁰ For ECHO, given its mandate, primary emergency decisions are limited to its principal objective “to save and preserve lives in the aftermath of Hurricane Felix.”¹¹

¹⁰ HRI field interview.

¹¹ Commission decision on the financing of primary emergency humanitarian operations from the general budget of the European Communities in Nicaragua.

DIPECHO

ECHO's disaster preparedness program, DIPECHO, aims to improve the capacities of communities at risk to better prepare and protect themselves from natural disasters.¹² The program recognizes that technical knowledge and indigenous knowledge must be merged in a socio-culturally appropriate manner, to establish an effective system that capitalizes on existing knowledge and capacities and maximizes ownership and sustainability. DIPECHO's strengths lie in its focus on the local community. It empowers needy communities, providing them with additional capacities in the form of equipment, local brigades, scientific and technical systems, early warning systems, documentation and risk maps. On the other hand, for CARE, the "Achilles' tendon" of the DIPECHO program is its sustainability. Implementation timeframes are considered limited for the number of activities and numerous objectives foreseen. However, ECHO's mandate does not allow for implementation periods to exceed 15 months. At a different level, DG ECHO does not engage in dialogue with national authorities and hence, exerts less influence at the country level.

CARE's Experience in Working with ECHO

CARE in Nicaragua has been funded by the DIPECHO program for almost ten years and recognizes that many lessons have been acquired throughout that period. With almost every project CARE has implemented, additional lessons have been learned, which are shared among the agencies working under the DIPECHO program. These agencies regularly consult each other and contribute to the design and implementation of the Commission's disaster preparedness programs.

Based on past program experience, the Nicaragua National Consultative Meeting Process, organized by DIPECHO, made the following recommendations regarding local capacity:

- Encourage local participation in the construction of mitigation and evacuation infrastructure in order to ensure efficiency, empowerment and sustainability.
- NGOs are encouraged to design a common advocacy strategy at different levels (local, national) in order to ensure impact.
- Local participation must be encouraged in order to achieve replicability of good practices.
- Risk maps are to be elaborated according to national standards, using conventional symbols, and at a relevant scale for contingency and territorial planning at the local level.
- The Ministry of Education's guidelines and educative materials should be promoted.
- Coordination among the local, sub-national and national levels is strongly recommended in order to foster sustainable and replicable processes.
- Community Early Warning Systems must be connected to the national network.

¹² Article 2(f) of Humanitarian Aid Regulation (EC) of 20 June 1996, DG ECHO's activities in the field of Disaster Preparedness are "to ensure preparedness for risks of natural disasters or comparable circumstances and use a suitable rapid early-warning and intervention system."

- Strengthen the sub-national level in order (i) to facilitate information exchange between the local and national levels and (ii) to offer technical support that is more appropriate to local needs.
- Activities for strengthening institutions must respect the existing legal framework and municipal planning. Partners should advocate for the inclusion of disaster preparedness activities in municipal plans.
- Promote a participatory approach among government staff in order to reinforce the links between communities and public institutions.

For many donors, when disaster strikes, there is pressure to disburse funds immediately. This was also the case with the European Commission, which had initially earmarked €1 million for the primary emergency response to Hurricane Felix. The limited number of partners with the capacity to respond in the region and eligible to receive funding from ECHO, made CARE Nicaragua, through CARE France, a natural ally for the Commission. Given its emergency mandate, CARE felt compelled to apply for primary emergency grants. It received €560,000 from ECHO. CARE was “on alert,” but, much like other actors, it was less prepared to intervene in the Atlantic. Nonetheless, CARE’s emergency response personnel was dispatched from Managua and participated in response activities in the immediate aftermath of the storm. As a result, the organization needed to be simultaneously involved in response, assessment, and proposal drafting for ECHO funding, which proved to be challenging. This was particularly the case because for CARE there is a trade-off between responding rapidly to a disaster and carrying out an in-depth assessment. As such, CARE felt in hindsight that they were too specific when drafting the primary emergency proposal. When needs assessments came back, CARE quickly realized that adjustments needed to be made. The organization especially disagreed with ECHO’s policy that humanitarian response should be limited to restoring pre-existing conditions, without further improvements. Given that the social and economic conditions in the North Atlantic Autonomous Region are far worse than in the rest of the country, the hurricane, with all its negative consequences, could have been an opportunity to improve pre-existing living conditions. Yet, the detailed proposal left CARE little room for maneuver in terms of adapting the response to the actual context and to link relief with development in order to build back better.

The organization’s failure to link relief with development activities created significant tension within CARE teams. While some staff argued that poor access to safe water and basic sanitation can affect a community’s ability to prevent epidemics and cope with disaster, others questioned the method of “building back better” arguing that—under the condition of finite resources—the targeted communities should not receive aid that could be provided by other actors, since such an intervention would mean that fewer people could be reached with aid.

The area of developmental relief is off limits under primary emergency funding of ECHO.¹³ However, a more limited response may impede the targeted communities’ capacity to fully

¹³ For more information about financing decisions see Chapter 3. For more information about developmental relief see Chapter 8.

rebuild. Additionally, the time period for the intervention was too limited, and created logistical challenges.

CARE believes that standard responses are not suitable for humanitarian activities in the North Atlantic Autonomous Region. Indeed, beneficiary selection and intervention criteria interfered with local social community concepts. Communities had great difficulty understanding donor rationale which led to significant problems and proved disempowering for affected communities. Given the European Commission's existing guidelines for primary emergency response, CARE was not able to obtain the level of flexibility from the Commission it felt to be necessary. According to CARE, the cultural norm in the region is that extreme poverty must be dealt with at large. It is difficult, if not impossible, to distinguish within a community between the chronically poor who never had access to basic utilities and those affected by disaster. Given existing living conditions, the process of defining entitlement to assistance according to the donors' criteria became arbitrary and led to considerable problems for the implementing partners. NGOs were threatened and local demonstrations were staged. Due to this lack of flexibility, prospects for turning disaster into opportunity were lost.

The United States in Nicaragua: CARE's Experience

The Response to Hurricane Felix

In the context of Hurricane Felix, the U.S. mainly provided emergency relief supplies and air support. The U.S. military airlifted aid out of Puerto Cabezas to hard hit areas as part of its humanitarian assistance program, which works with countries in the region to improve disaster relief. Approximately \$1.5 million was spent on airlifts, while OFDA provided small grants to local NGOs.

Central America Mitigation Initiative (CAMI)

In February 2000, as part of the \$630 million U.S. Government response, OFDA announced a three-year, \$11 million Central America Mitigation Initiative (CAMI) for the region, with preference given to the most severely affected countries of El Salvador, Guatemala, Honduras, and Nicaragua. CAMI's goal was to reduce the impact of natural disasters in Central America by financing activities that increased the capacity of regional, national, and community authorities and organizations to forecast, respond to, and prevent disasters.

The presidential initiative aimed to improve risk management (preparedness, readiness, and response capabilities) by training emergency personnel and countering the over-centralization of disaster services at the capital level. Furthermore, the program sought to upgrade community knowledge of how to prepare for and respond to disasters, as well as oppose cultural beliefs in myths on the causes of disasters that may have prevented communities from taking action. CAMI focused on training and the provision of the necessary equipment to respond to an emergency. It also implemented several small structural mitigation projects.

After the end of CAMI, U.S. involvement in the region has been more modest. For example, U.S. assistance in response to Hurricane Felix was initially not as significant as that of other donors and much of its relief efforts were channeled through the U.S. Southern Command.¹⁴ The Southern Command played a key role in facilitating the provision of supplies to areas difficult to access. Observers in the region, including the Coordination Centre for Natural Disaster Prevention in Central America claim that the U.S. is now largely absent. OFDA was an important reference in the past, however, and current damage assessment methods are still based on the methodology it developed more than ten years ago.

CARE's Experience in Working with OFDA

The Central American Mitigation Initiative became a flagship program for CARE in the region. It served to radically transform existing approaches to community participation and local capacities, as well as to establish and enhance appropriate methodological approaches and interventions in disaster preparedness and prevention. A key example is the capacity and vulnerability assessment that was developed as a framework for assessment at the community level. CAMI developed a philosophically different approach to community participation. For CARE, CAMI was a stepping stone in the region giving special weight to NGOs, as well as community involvement and capacities. CAMI also helped to map actors' roles, which served to define relationships and guide the actions of a broad array of actors, ranging from communities to municipal authorities to national institutions. The process served to establish working methods and to plan an integration process that would make interventions coordinated and complementary. OFDA believes that its cooperation with several local NGO is a result of CAMI, but views Nicaragua as one of the weakest countries in CAMI.

Yet, for response activities in the aftermath of Hurricane Felix, CARE received minimal funding from OFDA. The Office has designated other partners through which it channels its funding in the area.

Enabling Factors and Stumbling Blocks for the Implementation of Lessons Regarding Local Capacity in Nicaragua

Enablers and impediments to implementing lessons learned on valuing and strengthening local capacities can be categorized under the following four themes: timeliness and time frames; rights and responsibilities; information and communication; local partnerships.

¹⁴The United States Southern Command (SOUTHCOM), located in Miami, Florida, is one of ten unified Combatant Commands (COCOMs) in the Department of Defense. It is responsible for providing contingency planning, operations, and security cooperation for Central and South America, the Caribbean, Cuba and the Bahamas, and their territorial waters; as well as for the force protection of U.S. military resources at these locations. Helping partners in the region prepare for, and respond to, natural and man-made disasters is a key part of SOUTHCOM's humanitarian assistance efforts. The Command remains poised to direct U.S. military forces to help a nation in the aftermath of a disaster if that nation requests help through the U.S. Government. Any such missions are in support of USAID's OFDA. SOUTHCOM directed forces in response to a Sept. 4 request for international assistance from the government of Nicaragua. The deployments were carried out in close coordination with the U.S. Department of State and USAID. Forces airlifted aid out of a Puerto Cabezas airfield to hard hit areas on Nicaragua's northeast coast. Overall, U.S. aircraft flew 173 sorties, airlifting more than 490,000 pounds of aid. <http://www.southcom.mil/AppsSC/factFiles.php?id=27>

Timeliness and Timeframes

Pressure to act quickly in the relief phase often undermines inclusive approaches to humanitarian assistance. While actors have recognized the importance of including local actors, moreover, their short time horizon prevents them from implementing these lessons. For both ECHO and OFDA, it is the absence of a long-term view that often cripples the ability to engage in proper disaster risk reduction, since capacity is best built before disaster strikes. Humanitarian donors, however, feel pressured to provide the bulk of their response in the immediate aftermath of a disaster. Visibility considerations and domestic pressure focus a response on relief and rehabilitation, rather than preparedness and prevention. Examples of donor funding outside emergency scenarios (DIPECHO and CAMI) show that these initiatives often help to focus on and strengthen local capacity.

Rights and Responsibilities

A key lesson emerging from advocacy research¹⁵ is that strengthening local capacities involves empowering citizens to challenge their own government to fulfill their rights and take decisive action to reduce disaster vulnerability. Emphasis on local capacity goes hand in hand with adopting participatory approaches. The many reasons for valuing and building the capacity of local organizations and local people have to do with efficiency; local knowledge; ensuring that mitigation and preparedness measures are locally embedded; and laying the foundations for sustainable development after the crisis has passed. Working with, and strengthening local organizations is central to a rights-based approach to humanitarian action.

The challenge for aid agencies when considering a rights-based approach is how to apply it in practice. It becomes a difficult balancing act to reduce vulnerability in a more sustainable manner in the long-term, address violations of rights, and simultaneously develop collaborative relationships with authorities in disaster preparedness programs. In the context of CARE in Nicaragua, its efforts in disaster preparedness are entrenched in a positive longstanding relationship with local authorities.

An important issue is knowing where to establish boundaries in terms of promoting good governance in disaster risk reduction. As donors' humanitarian aid departments are not usually involved in poverty reduction strategies and country plans, it becomes an even greater challenge to push for disaster risk reduction at the national level. For policies to change and for local actors to become genuinely responsible, rights and responsibilities must be established and advocated for. On the positive side, humanitarian engagement in disaster risk reduction promotes a focus on the community level and an attempt towards prioritizing the most vulnerable areas. It is unlikely that governments at a national level, and all the more in the case of Nicaragua that receives budget support, prioritize local capacities in disaster risk reduction.

¹⁵ Tearfund Disaster Risk Reduction Advocacy Guide.

Information and Communication

OFDA considers the lack of institutional memory and institutional change as the main impediments to applying lessons learned and good practice. For example, members of armed forces that participated in providing response to a given disaster are not the same in a similar disaster some time later. A similar situation occurs with staff on the receiving side. For OFDA “too many new actors need to learn, and once they have learned, they move to another position, many times to a completely different area.”

Understanding how humanitarian emergencies relate to underdevelopment and underutilized local capacities, which can be strengthened, is central to mainstreaming local capacities in global aid efforts and country policies. Local capacities associated with the provision of relief and disaster preparedness often fall into a no man’s land. It is perhaps humanitarian efforts that have the most to gain from local capacities in terms of preparedness, as local actors are first responders in times of emergency. Preparedness and prevention go hand in hand and should be mainstreamed into development strategies, which embark on state efforts and capacity building and have the necessary budgets available to address the issue. Humanitarian aid projects are more piecemeal as humanitarians, by mandate, prioritize life saving activities and the provision of relief in disaster response. It follows, therefore, that at the donor headquarter level, only limited humanitarian funding is allocated to disaster preparedness.

From a regional perspective, observers consider that coordination and information sharing have been limited across European Commission programs. New or ongoing Commission programs seem to lack both the means and flexibility to create synergies with the DIPECHO program. Moreover, these programs in their design did not consider the wealth of experience and information the DIPECHO program offers. A clear example of this lack of linking across services is the under-utilization of the DIPECHO Central America participatory country strategy documents. New Commission programs lack the necessary consideration of priorities and criteria to guide their activity in disaster risk reduction.

According to both OFDA and ECHO, communication between the EU and U.S. is very strong in the Caribbean and is improving in Central America. The tide of collaboration and information sharing is on the rise.

Local Partnerships

The DIPECHO program is based on the concept of valuing and strengthening local capacities, yet it is unable to directly fund national organizations. Under existing regulations, CARE in Nicaragua can only be funded via CARE France. At the national consultative meetings, where CARE and other national actors such as Civil Defense participate, Nicaraguan NGOs are invited, but choose not to attend as they feel that they are not on equal footing with their foreign counterparts. OFDA by contrast focuses to a greater extent on motivating local NGO participation and awards them small grants.

Effective Tools and Methods

Actors in the region have identified a number of other effective tools and methods for strengthening local capacity, such as:

- Conducting humanitarian response needs assessments side by side with local capacities assessments.
- Mapping local capacities at all levels. Local capacities must be mapped at the national, regional and local levels. CARE in Nicaragua has been effectively engaged in the process of mapping capacities at all levels but learned that it had fewer partners and capacities identified on the Atlantic side and that this affected the quality of its response and put further strain on CARE's personnel to ensure the operation's efficiency and effectiveness.
- Providing a seamless transition from the preparedness and relief phase to the recovery and development stages.
- Providing increased assistance in terms of coordination to give unity to NGO work in the sector.
- Participatory consultation processes identifying the priorities for preparedness and response in the region.
- Publishing lessons learned documents, new appropriate technologies and successful disaster relief and preparedness projects experiences for dissemination among stakeholders.
- Having a contractor selected before the response, in order to move financial resources faster (in the case of OFDA).
- Having grant guidelines for NGOs and other actors. Holding a briefing session for such actors so that the guidelines and procedures which are necessary to access funding are well understood.
- Holding donor meetings before the hurricane season in order to prepare for the response. In the Caribbean, OFDA meets with Canada, DFID and the EU, usually in April, to prepare for upcoming hurricane season.
- Preparing distribution plans for different countries and areas within countries with the governments of the region and NGOs.

Conclusions

The critical periods for working with and strengthening local organizations are before the disaster to build preparedness, and throughout the recovery phase to build ownership and sustainable structures. However, disaster response still prevails. In Central America, 90 percent of the mobilization of resources occurs after the disaster hits. If donor involvement is mainly forthcoming in the wake of a disaster, capacities have usually not been sufficiently built or

identified. In the aftermath of an emergency, implementation periods are short and recovery processes focus on improving existing conditions and engaging in rehabilitation efforts. Multiple tasks, the complexity of recovery efforts, and limited timeframes often eclipse efforts to strengthen local capacity.

Boundaries need to be redrawn to integrate short-term perspectives focusing on immediate needs, with longer-term perspectives in support of development processes. In his essay on “Humanitarian Futures,” Randolph Kent concludes that “in the future, we will need a humanitarian paradigm shift that understands disasters and emergencies not as unfortunate occurrences that take place at the margins of human existence, but as reflections of the ways that human beings live their ‘normal lives’, and hence the ways that they structure their societies and allocate their resources.”¹⁶

While it is recognized throughout the humanitarian community that there is a need to respect and promote local capacity, international actors all too often equate the term local with the national level. Hurricane Felix illustrates the importance of distinguishing and prioritizing needs and capacity building at a more local level, especially in contexts such as the North Atlantic Autonomous Region, where decentralization is, and must be, a reality, and where communities are isolated. International aid should aim to recognize, identify, use, and strengthen local capacity. It is important for agencies to seek to build and capitalize on existing local networks, and to strengthen existing coping strategies and support systems. CARE Nicaragua has emphasized its awareness of this lesson after its response to Hurricane Felix.¹⁷ With little surge capacity in the affected area, the ability of the humanitarian community to respond to needs depended on the quality of truly local staff and organizations.

Local capacities must be built, strengthened, and recognized prior to disasters so that they can effectively be used in disaster response. This is true in the case of Nicaragua as well as in other contexts. Yet, local capacity efforts linked to disaster risk reduction tend to fall into a no man’s land, with neither development nor humanitarian agencies feeling responsible to address the issue properly. Additionally, the topic is still misunderstood both at the country and the donor level.

Specific to the Nicaraguan context is the European Commission’s presence with a regional delegation in Managua and relatively significant funding. In contrast, the U.S. has limited activity in the country. In the Nicaraguan context, the DIPECHO program has become well known and has developed strong relationships with partners such as Civil Defense, a key actor in disaster response and preparedness. The importance of Civil Defense within the system and the tradition of local organization and participation in Nicaragua favor effective disaster preparedness.

What is common to other contexts is the need for flexibility to tailor response to local communities and their specificities. While protocols and guidelines for selecting projects need to be clear, once the community has been identified and selected, processes and activities should be designed in accordance with the overarching goal of valuing and strengthening local capac-

¹⁶ Randolph Kent, “Humanitarian Futures. Practical policy perspectives,” HPN Network Paper No. 46 (London: ODI, April 2004), www.odihpn.org/documents/networkpaper046.pdf

¹⁷ Humanitarian Response Index field interview.

ity. Depending on the context, hazard and the type of population residing in the community, their specific vulnerabilities and capacities, choice of activities and plans should be adapted.

Furthermore, strategies that are flexible enough to adapt to different phases and interventions are the most effective way to reach vulnerable people with the right aid. Humanitarian action and development aid are separate types of assistance, for many well justified reasons. The timely rehabilitation of communities suffering from sudden-onset disasters requires flexibility and speed. Experience, however, shows that recovery is essentially a development issue. In the delicate transition from relief to recovery, repeated needs assessments should be carried out to prioritize communities' needs, adapt the response to an evolving context, and move towards long-term livelihood strategies. In a disaster-prone area like the North Atlantic Autonomous Region, responses must mainstream disaster risk reduction, giving full consideration to social and cultural realities.

Chapter 7

Palestine: European Commission and U.S. Strategies to Work with Local Capacities— A Case Study

François Grünewald

Many evaluations of humanitarian operations after disasters have shown that local capacities are essential components of a timely and efficient response. Implementing this lesson is particularly important in conflict- and disaster-prone areas, which experience alternating periods of calm and violence. In the Palestinian context, for example, access to the affected population is often restricted and difficult. During military operations or enhanced closures, communities can be cut off for extended periods of time from any form of external assistance. While interventions of ambulances during military operations often remain possible (although extremely difficult and dangerous), the delivery of simple medical services in the cut-off communities is almost impossible, unless local health capacities have been developed in the area before the peak of the crisis.

In health, as in other sectors of humanitarian assistance, the quality of the process is thus intrinsically linked to the successful engagement with and strengthening of local capacities and communities. For example, the work that has been done to develop and train a network of health volunteers to deliver first aid and pre-hospital care by the OXFAM network has been able to boost the capacities of their local Palestinian NGO partners. Similarly, the effort of the International Committee of the Red Cross (ICRC) to strengthen the capacities of the Palestinian Red Crescent Society is paramount to the management of emergency situations. The current Gaza crisis shows again that the capacity of local health actors is crucial for efficient emergency response, not so much because of their technical capacities but simply because of the high level of danger related to the provision of health services in the combat zone. Palestinian volunteers and professional health workers demonstrated that in times of obscurity, when all other actors withdrew, they were the last able to keep alive the little flame that Henri Dunant ignited in the darkness of the battlefield of Solferino.¹

However, while the extremely resilient Palestinian society has until now been able to absorb the recurring shocks related to the protracted conflict with Israel, there are signs that it might soon meet its limits. The dwindling legitimacy of the Palestinian Authority, which opened the doors to extremism, the progressive disintegration of social relations, as well as the increasingly fragile psycho-social condition of many women, girls, boys, and men reflect the increasing vulnerability of the Palestinian society. This vulnerability furthered inter-Palestinian con-

¹ On the basis of his publication of *Souvenirs of Solferino* in 1959, Henry Dunant initiated a process which led to the elaboration of the modern bases of International Humanitarian Law, the Geneva Conventions, and the creation of the International Committee of the Red Cross (ICRC).

frontation finally leading to the split between Gaza and the rest of the occupied Palestinian territories.

At the same time, because of weak (quasi) governmental structures, the aid system, from needs assessment to aid delivery and reporting, depends more and more on the humanitarian services provided by Palestinian NGOs, community based organizations, or the Palestinian staff of international aid agencies. However, investments by international aid agencies in local capacities, which are increasingly the humanitarian lifeline of Palestine, remain marginal. Moreover, existing support to local capacities is currently based on bilateral funds from the United Kingdom, the Netherlands, Germany, France or Sweden, rather than from the U.S. or the European Commission.

However, some American and European NGOs have embarked in fascinating capacity strengthening efforts and both donors are accepting, under certain limits, that these efforts be financed by their humanitarian funds.

Given this apparent discrepancy between the needed support for local capacity and the current engagement of the transatlantic donors in this area, this case study examines the donors' willingness, capability, and approaches to support Palestinian civil society organizations involved in humanitarian assistance. It focuses particularly on the provision of emergency health services, because they are critical to the survival of the conflict-affected population and a symbol for the implementation of the humanitarian principles of humanity, impartiality, and independence.

The aim of this case study is to identify the factors that currently promote or hinder the U.S. and the European Commission to strategically strengthen the Palestinian capacities to respond efficiently and effectively to the health needs arising from recurring emergencies. The study also develops recommendations to better address the issue in the future.²

The case study is structured in five sections. Following this introduction, section two outlines briefly the Palestinian context and describes the main Palestinian stakeholders with respect to humanitarian assistance. Section three reviews the U.S. and EU humanitarian strategies and how they relate to capacity building in the context of the Palestinian crisis. Section four attempts to identify constraints and levers in the engagement of the two largest donors in capacity building. Finally, section five distils key points and recommendations.

² With the new peak of violence in Gaza and the Obama Administration taking office in Washington D.C. during the time of research, actors were not only too busy to give interviews, but parts of the information given in this study might soon become outdated. However, the need for strong local capacities, as well as the challenges for the transatlantic donors to appropriately support them, will most likely remain untouched by future developments. Furthermore, the conflict in the Middle East is a highly complex one and probably no person working on or in it can have an objective view on the current events. While the author is committed to a clear representation of facts, he has also lost friends and former students during the current crisis and will always be influenced by his own experiences and standpoints.

Palestinian Humanitarian Capacity

Definition of Local Capacity

In the case of the conflict in Palestine, the capacity of international actors to intervene is frequently hindered by either active and violent military operations or administrative blockades. Local actors are able to undertake the tasks that are needed for individuals, families, and communities to survive despite the conflict and the blockades. Thanks to local capacities, by and large basic services continue to run and essential activities, which are needed to ensure the survival of civilians in the midst of conflict, can still be implemented.

The Palestinian Authority, Local Politics and the Role of Donors

There are different levels of local capacity in any given context. Usually, one can distinguish between national capacity, capacity on the level of the civil society, and capacity at the individual level. However, since Palestine is not yet a nation state, the expression “national capacity” has to be used in the limits imposed by the current political situation.

However, what comes closest to national capacity in terms of mandate and structure is the Palestinian Authority (PA). It represents the institutional process towards the creation of a Palestinian State as per the Oslo Agreements of 1993 and is organized in the form of a series of ministries, with a cabinet around the President of the Palestinian Authority and its Prime Minister.

Due to many restrictions on its physical and economic means, the Palestinian Authority has only a limited capacity to deliver social services. Therefore, a large part of the services, including health, can only be provided through the activities of many NGOs and UN agencies. In Gaza for instance, the United Nations Relief and Work Agency (UNRWA) is the largest provider of social services. In the West Bank, international NGOs and their Palestinian partners are critical providers of social services, especially in areas where the political situation impedes the work and circulation of staff of the Palestinian Authority.

Formally, the Fatah-supported Palestinian Authority is in charge of providing social services, including health, as well as to ensure security and the rule of law, to the affected populations in their respective territories. The Palestinian Authority, made idle by its own corruption and by the systematic encroachment of Israel’s policies and operations on its legitimacy, has been unable to provide relevant services and therefore lost support within its own constituency.

The parliamentary elections in early 2006 were recognized by all observers as fair and free. Yet, they put the Hamas movement into the driving seat. As a result, U.S. and European direct support to the Palestinian Authority was discontinued, because Hamas, legitimizing violence and rejecting Israel’s right of existence, is on the U.S. and EU lists of terrorist organizations.

The tension between Fatah and Hamas deteriorated into an open conflict which resulted in a geographical split between Hamas-controlled Gaza and the West Bank under Fatah’s rule. This split makes it difficult for the Palestinian Authority to assert its quasi-governmental role building suitable and reliable political institutions and ensuring the security and well-being of its population.

Palestinian Civil Society

Given the weakness and the limited capacity of the Palestinian Authority to provide relevant emergency assistance, Palestinian civil society plays a critical role in service delivery, especially in humanitarian assistance. Different types of bodies, including religious social institutions and secular Palestinian NGOs are involved in humanitarian assistance. NGOs find themselves in charge not only of advocating certain policies, but partly of drafting and implementing them *in lieu* of the collapsing authorities.

Luckily, the Palestinian situation is one where local capacities are often not the limiting factor. There are plenty of educated people and despite all the difficulties encountered, Palestinian civil society has managed to stay active, dynamic, and committed. The Palestinian NGO sector is rooted in a generation of political activists who decided to set up civil society organizations since they saw little future in achieving social change via direct political engagement within the main political parties. The religious social institutions, some of them linked to political parties such as Hamas, also play a critical role in social security and social service delivery. They pursue clear objectives: Improving life of the most deprived Palestinians, demonstrating Islamic solidarity, and making political gains on this basis.

For many Palestinian NGOs, who intended to move fast towards development, the shift to “more humanitarian assistance” was seen as a regression. However, in the very difficult circumstances of recurring violent conflict, relief assistance is often the only option to alleviate further suffering. Therefore, the Palestinian humanitarian sector is strongly committed to its people and devoted to coordination within itself, with Palestinian quasi-state institutions and with international actors.

Yet, there are also significant downsides to the continuously increasing responsibilities taken over by Palestinian civil society: The vibrant civil society sector, being unable to sustain its activities without strong support from external financial sources, begins to further the development of a dependency syndrome, the installation of power relations that are not based on democratic principles, as well as corruption over relief distribution and beneficiary selection.

At the same time, the effectiveness of the humanitarian services provided by Palestinian civil society will remain limited, because humanitarian assistance programs can not succeed while serious and systematic breaches of International Humanitarian Law (IHL) continue to cause harm and distress that assistance seeks to relieve.

Europe, the U.S. and their Humanitarian Assistance for Palestine

U.S. Humanitarian Assistance for Palestine

The United States is an important donor providing assistance to the Palestinians. Bilateral programs implemented by USAID are estimated at around \$2.2 billion since 1993. Bilateral assistance has supported programs in the areas of water and sanitation, infrastructure, education, health, economic growth, and democracy. USAID also contributes significantly to the United Nations Relief and Works Agency’s global budget, which is critical to the implementation of the

organization's core mandate in health, education, and camp management. In addition, the United States is also funding humanitarian assistance in both the West Bank and Gaza, including emergency food, health care, and access to safe water through local and international NGOs.

However, OFDA funds few projects in Palestine since the majority of USAID funding comes from the USAID mission in Tel Aviv. The actions funded are considered humanitarian by the U.S. Government, but since the mission already works on-site, there is no further need for OFDA funding.

The U.S. is particularly active in the sector of health through its so-called humanitarian crisis response. This mechanism supports the delivery of pharmaceuticals and medical supplies, electric generators, etc. to health institutions amounting to a total value of \$955,544. These resources enable different NGOs, UN agencies and the ICRC in both West Bank and Gaza to provide and maintain health services.

In reaction to the dramatic events of 9/11, the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001”³ was enacted by the U.S. Senate and House of Representatives “to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.”⁴ As a consequence, USAID imposed on all NGOs working with U.S. Government funding to verify lists of staff working with local NGO partners and to strictly control funds to avoid their transfer to suspected or blacklisted institutions. Since a large proportion of international NGOs and most Palestinian NGOs refused to abide by the U.S. Patriot Act, access to financial resources from the U.S. Government was significantly reduced in the post-9/11 era.

U.S. Humanitarian Assistance and Local Capacity

Although the USAID mission is the main player in the Occupied Palestinian Territories, OFDA contributes to some important humanitarian programs through international NGOs. For example, the Emergency Medical Assistance Program, implemented by CARE International, aims at supporting and strengthening the healthcare system in the West Bank and Gaza in order to maintain the health and well-being of Palestinians affected by the Israeli-Palestinian conflict.

The Emergency Medical Assistance Program is composed of three elements, one of which aims specifically at supporting local health actors. In the budget allocation phase of this specific sub-component, CARE International used the resources to support six Palestinian NGOs providing rehabilitative or emergency care services. In the second round of sub-grants of the program, CARE was awarded approximately \$1.3 million, transferred to 11 local NGOs which provide rehabilitative or emergency care services.

There are clear rationales behind the U.S. decision to support the Emergency Medical Assistance Program, for example that it offers an easy control mechanism over the delivery of health services. Additionally, the specific sub-component on capacity strengthening reflected

³ Public Law 107-56, 107th Congress, enacted October 24th, 2001. Henceforth called U.S. Patriot Act.

⁴ Ibid.

OFDA's awareness of human resources shortages, particularly in the lowest segment of the health chain. Indeed, there are a lot of Palestinian medical doctors and staff, but many of them either left the country or are more engaged in private practices than in public health service. CARE International is both one of the largest partners of USAID and an agency with a strong interest in working through national NGOs. OFDA's choice to work through CARE to reach Palestinian NGOs was therefore rather logical.

In OFDA-funded operations, there is theoretically a wide margin for capacity strengthening activities, reflecting the Office's wide experience with this type of activities in other countries. However, as described above, in the Palestinian context, one of the main constraints on human resource development and capacity strengthening is the U.S. Patriot Act, which impedes an efficient and effective strengthening of local capacity.

That is, the different branches of the U.S. Government involved in aid to the Palestinian people did not explicitly prevent support to local capacities, but are putting a lot of constraints on it related to the promulgation of the anti-terrorist acts.

EU Humanitarian Assistance for Palestine

The EU is involved in a number of ways in Palestine, including through the participation of the European Council in the Quartet, economic relations between the EU and the region, and assistance to the Palestinian Authority through various aid mechanisms. The main aid mechanisms are under the auspices of the Directorate-General for External Relations and the Directorate-General EuropeAid⁵ and are locally managed by the European Commission Office in Jerusalem. After the Paris Donors conference on Palestine in 2007, the European Commission launched a new aid mechanism in February 2008 in order to “*show a strong support to the Palestinian Authority which is fully engaged in a credible and legitimate peace initiative with Israel under the leadership of President Abbas and Prime Minister Fayyad.*”⁶ The mechanism funds the payment of Palestinian Authority salaries, but also other critical economic activities.

This approach is complemented by a strong involvement of DG ECHO in humanitarian assistance. DG ECHO has been present in Palestine for many years with international and national staff in Jerusalem, travelling extensively to the West Bank and Gaza. DG ECHO also has a strong Regional Office in Amman/Yemen and, since 2006, an office in Lebanon. DG ECHO's regional presence is critical for the donor to understand the evolution of the situation, monitor projects, and to ensure proper follow-up. With 30 to 50 million Euros spent annually for the Palestinian people, DG ECHO is a very significant humanitarian player in Palestine. DG ECHO's engagement takes several forms:

First, DG ECHO supports UN agencies, including the UN Office for the Coordination of Humanitarian Affairs, the Food and Agricultural Organization, the World Food Program, and the World Health Organization, which play critical roles in different aspects of the humanitarian response. Moreover, DG ECHO provides funds to the United Nations Works and Relief Agency for Palestinian refugees in the context of a special partnership, which was initiated in 2005.

⁵ EuropeAid is responsible for implementing external aid programs and projects.

⁶ Presentation by Koos Richelle, Working Together: ENPI Special, Support to Palestine, N°1, 02/2008.

Second, significant contributions to the ICRC allow the organization to implement assistance and protection activities in the West Bank and Gaza. DG ECHO also provides funds to several European Red Cross societies working in the region for their programs in health, including emergency surgical services.

Third, DG ECHO funds European NGOs. The 2007 global plan, for instance, provided approximately €20 million to more than 25 NGOs in order to cover needs in water and sanitation, health, food security and nutrition, and psychosocial assistance.

EC Humanitarian Assistance and Local Capacity

For DG ECHO field staff, there is no special approach to supporting local capacities. Additionally, as part of DG ECHO funding procedures, to ensure that the humanitarian principles of independence and impartiality will be upheld and to facilitate proper accountability and visibility to European tax payers, DG ECHO does not provide direct funding to local NGOs. Yet international NGOs who chose to work with Palestinian partners are not prevented from doing so. That is, local capacity is only indirectly covered by a special paragraph in the so-called Single Form.⁷ The paragraph, regulating the relations between the international NGO signatory of the contract and its possible local partners is not specific to Palestine and remains rather generic, asking simply for the name, legal status, and the role of the local implementing partner.

As with U.S. funding, institutions receiving European Commission funds are requested to limit their contacts with Hamas. However, in Hamas-dominated municipalities in West Bank and in the whole of Gaza, relief organizations need to deal, at least at the working and technical levels, with Hamas. Strict adherence to the rule of avoidance of all contacts with Hamas would drastically limit European NGOs' ability to efficiently work with local partners.

To conclude, there is no clear European policy towards strengthening local capacity for humanitarian assistance in the Palestinian context. DG ECHO is constrained by its regulations to channel funds only through European NGOs, but gives them formally a lot of freedom for subcontracting. Yet, in Palestine this freedom is limited by the European policy towards Hamas.

The Transatlantic Donors' Engagement for Supporting Local Capacities in Palestine

As described above, OFDA and DG ECHO allocate a significant level of resources to humanitarian assistance in Palestine. Yet, this assistance only has a limited focus on local NGOs. None of the donors has a policy guiding their humanitarian partners to support local capacity. On the one hand, both donors give their international partners significant leeway to work with local partners. That is, the initiative for the allocation of resources to strengthen local capacity remains with the international partners of OFDA and DG ECHO. On the other hand, anti-terrorist laws and policies towards Hamas put significant limits on the international NGOs' ability to work with local partners.

⁷ The Single Form is the format that is used in the project-related contractual relations between DG ECHO and its partners. It allows for the preparation of all funding requests and reporting documents in a single document.

While the U.S. and the European Commission suspended most budgetary aid to the Palestinian Authority to avoid resources being handled by Hamas ministries, humanitarian budgets were significantly increased. The idea was that NGOs could alleviate part of the Palestinian population's suffering and play a substitutive role by receiving large amounts of money to implement programs that the Palestinian Authority was no longer able to run.

However, many NGOs, especially those with a long presence in the region, refused to play that role and consequently did not profit from the increasing amount of available funds. In addition, several NGOs receiving U.S. funding decided to decline the financial support, because of the strings attached by the U.S. Patriot Act. By contrast, the few international NGOs working in Gaza and the West Bank, continued to receive significant financial support from DG ECHO, even if it was acknowledged that some of them, for instance OXFAM and Solidarity Belgium, were mainly working through Palestinian NGOs. DG ECHO funds can be partly used to strengthen local partners, albeit in a limited way. Of course, this situation degraded further when Hamas took full control of the Gaza strip.

Yet, the availability and use of funds to strengthen local capacity is not only determined by donor policies. There are also very different operational strategies among international NGOs. Many of them have developed training strategies in order to facilitate the activities of their Palestinian partner organizations in times of crisis. Other agencies, however, implement their programs themselves, without involving local partners. They work mostly through Palestinian staff members who are employees, rather than partners. This does not necessarily mean that these international NGOs do not make an effort to strengthen the capacities of their staff. It simply implies a different focus: Instead of increasing local ownership, they emphasize the improvement of individuals' technical skills.

Additionally, the relations between Palestinian NGOs and Western NGOs are uneven. The insistence of some international NGOs on the humanitarian principles is perceived by Palestinian NGOs as a lack of engagement, if not a protection of the internationals' turf and access to financial resources. Yet, international NGOs that get involved in advocacy are rapidly spotted by Israeli security services and risk to get expelled.

Of course, both international and national NGOs share certain elements of a common vision to minimize human suffering and to save lives. Additionally, both international and national actors, facing a protracted conflict with constantly deteriorating living conditions and recurring suffering for the civilian population, often feel urged to not only provide emergency assistance but to address the root causes of human suffering. However, for the NGOs to broaden their scope of activity to also include political and diplomatic lobbying entails an institutional engagement that is at odds with the humanitarian principles of neutrality and impartiality. Consequently, the enlarged scope becomes a question of mandate, institutional responsibility, and capacity to find the right balance between operational interventions and advocacy.

At the same time, UN agencies are dealing very differently with the constraints related to the U.S.' and European Commission's new aid strategies. Both donors are important sources of funds for the UN Relief and Works Agency. Even after Hamas' election success, OFDA remained the most generous donor for the organization's emergency operations, followed by DG ECHO. This engagement did not mention capacity strengthening for disaster manage-

ment and humanitarian assistance, but by mid-2008 the agency started nonetheless to develop a disaster preparedness program, which included both training of locals and a pre-stocking of relief items.

Impediments and Levers for the Transatlantic Donors to Build Local Capacity on the West Bank and in Gaza

The political complexity and the high volatility of the West Bank and Gaza in the post-9/11 context is the single most important factor that hinders the implementation of the lesson that local capacities are key to quality emergency response in Palestine.

However, there are also numerous other factors that hinder the implementation of this lesson. The Palestinian Authority is still weak, challenged internally by the split between Fatah and Hamas and contested due to past corruption. Internationally; it is challenged both by the Israeli government and by the fact that the conflict is directly related to the two donors' own security concerns and important foreign policy doctrines.

As a consequence, the transatlantic donors only have an ad-hoc strategy on how to address the question of local capacity in Palestine. Both donors can be described as passively positive towards engagement of their international partners in local capacity strengthening, as long as this engagement does not conflict with anti-terrorist policies. In this complex and sensitive context it matters enormously to whom funds are made available and through which channels. The corruption prevailing in part of the Palestinian Authority and the lack of political palatability of Hamas make UN agencies and reliable international NGOs the primary partners of the transatlantic donors. Yet, higher levels of control and better accountability to the donors do not lead to a strengthening of local capacities.

Nevertheless, there are positive opportunities that humanitarian actors could seize, particularly in the light of the vivid and qualified Palestinian civil society. Another key positive factor is that there are many European and American NGOs that have been working for a long time with Palestinian NGOs and have clear strategies on how to support their humanitarian response capacities. It is important to continue these activities because there are limited alternatives to local capacity involvement, given the regular blockades affecting international access and service delivery in many areas.

Conclusions and Recommendations

This case study shows that there is, in the current context of Palestine, a stark contrast between the need to use existing local humanitarian capacity and the effort to further strengthen it. This is particularly true for emergency health services, and the transatlantic donors' willingness and ability to do so.

The situation in early 2009 calls for new and innovative approaches to dealing with the Palestinian conflict. First and foremost, this includes the need to strengthen the capacities of Palestinian civil society to engage in humanitarian assistance. The main challenges are in essence political. The following key issues have to be kept in mind when addressing them:

- Which strategy the new Israeli Government will decide upon and implement with regard to the “two states option” and how much it will ease/block access to the affected areas and facilitate/hamper humanitarian assistance;
- What kind of engagement can be expected of the new U.S. Administration under President Barack Obama;
- Which strategy the European Union will adopt and defend at the political level in the Quartet, at the economic level in view of the need to ensure that Israel will respect its economic and fiscal engagements vis-à-vis the Palestinian economy, and at the level of assistance.

While the political challenges have to be dealt with by the appropriate institutions, there are also some important issues at stake on the operational level. Among them, three are particularly important:

- **Recognition of existing capacities and their limits:** After sixty years of crisis and a significant investment in training and social structuring, Palestinian civil society is a strong partner which requests both the U.S.’ and the European Commission’s recognition and support. The frameworks for deciding who can receive capacity building support need to be adjusted to the new situation.
- **Complementarity in supports to the different types of stakeholders:** How can the transatlantic partners ensure that a dynamic civil society involved in humanitarian assistance does not substitute for what should be a task of the government? How can donors ensure that their support of civil society capacity does not counteract efforts in state-building and private sector development?
- **Capacity appraisal and strengthening:** It is necessary to determine the level of existing competencies in order to build a strategy for capacity strengthening that builds on existing strengths and addresses gaps. Solidarity Belgium, for example, is engaged in a multi-year program identifying the needs for capacity strengthening and has been implementing corresponding activities. On behalf of this organization, Groupe URD conducted a SWOT analysis of existing capacities, which allowed for a clear identification of needs.⁸

Due to the high level of unpredictability in Palestine, appropriate programming tools that allow for flexibility and facilitate security management for expatriate and national NGO staff are essential. Without anchoring activities in the local society and engaging with local capacities, it would be utopian to try to reach the required level of understanding of the context. In addition, local capacities are often the only actor that is able to stay behind in acute crisis situations. Engaging with them and supporting them would go a long way to strengthen resilience of civil society, NGOs, communities, families, and individuals.

⁸ F. Grunewald Mission report in oPt; January/February 2007.

Part III: Linking Relief, Rehabilitation and Development

Chapter 8

The Will to Bridge? European Commission and U.S. Approaches to Linking Relief, Rehabilitation and Development

Kai Koddenbrock with Martin Büttner

This chapter assesses the approaches of the European Commission and the United States Government to linking relief, rehabilitation and development (LRRD). It provides an analysis of their policies, strategies and field approaches in the Democratic Republic of the Congo (DRC), South Sudan, Chad and Afghanistan. The analysis shows that promoting LRRD would be easier if systemic tensions between the humanitarian and development sectors were tackled more openly. Currently, the donors' implicit circumvention of these tensions prevents creativity and pragmatism in reaching across the aisle.

In the case study countries, humanitarian assistance has been delivered for decades, sometimes interrupted when a post-conflict phase seemed to be reached. During these phases, donor budgets for food aid, health provisions and other forms of refugee and IDP support were cut and humanitarian aid agencies had to leave, just to return shortly after when fighting and mass displacement resumed. The resulting long term use of short term humanitarian instruments has led to persistent calls to render them more complementary to longer term development instruments. Reacting to this pressure, donors have increasingly underlined their intent to achieve this. Yet moving beyond expressions of intent has proven difficult.

The guiding humanitarian principles of humanity, neutrality, impartiality, and independence create tensions with a developmental approach that is based on cooperating with national governments. Development assistance is willing to take sides and to pursue broadly political agendas. Principled humanitarians clearly reject such activities for themselves. Institutional compartmentalization and differences in operational activities further contribute to the challenges around linking the two sectors. However, the core question is to what extent the humanitarian and development sectors are *willing* to work together without compromising their distinct identities. To increase credibility and transparency—core values of both the U.S. Government and the European Commission—both donors should make a clear decision if they want to mainstream LRRD into their guidance documents, funding decisions, and field action or if they regard it as threatening the humanitarian identity.

During the last decades, the understanding of what LRRD means has shifted. The assistance *continuum*, dominated by hand-over thinking, has given way to the *contiguuum*, which calls for simultaneity and complementarity of different aid instruments to increase their effectiveness. Proponents of LRRD argue that humanitarian assistance can work to the detriment of development in various ways and should strive to prevent that. It may prolong conflict because it frees fighting parties from the pressure to fend for the population under their control. It may

also provide incentives for corruption for local government or rebel members, support apathy among beneficiary communities which get used to free hand-outs or distort local economies by importing large amounts of goods. LRRD calls for humanitarians to take that into account. LRRD for the development sector may mean to increase contributions to preparedness and to be more willing to engage in conflict settings, as their work may deliver important peace dividends.

Despite apparent difficulties to promote LRRD, possibilities for it do exist even in situations of recurring conflict and humanitarian need. For example, training nurses in IDP or refugee camps who are able to react to unexpected displacement movements reconciles the humanitarian and the development realm. But mostly, this kind of capacity strengthening is perceived as being too long term oriented and as subtracting funds from more immediate in-kind service delivery. Investing in people and their existing capacities is perceived as beyond the humanitarian mandate. Better trained nurses, doctors, and water and sanitation specialists originating from the conflict zone, however, are also able to contribute to the health systems development donors aim to support in certain countries of protracted crisis. This is just one example where a genuine link between relief and development could be established. However, these opportunities are rarely seized.

This chapter adopts a donor government perspective and identifies challenges and opportunities for both the European Commission and the United States Government in promoting LRRD. A chapter on the UN or on international NGOs would focus on other and certainly more operational aspects. By adopting an explicit donor focus, the study aims to complement the wealth of material that has already been produced on the implementation of LRRD at the field-level. It prioritizes the conceptual and institutional instead of the more operational sector-specific approaches that are usually chosen to analyze LRRD. Comparing the European Commission and the United States Government is a challenging endeavor, as the former is the executive branch of the European Union - a mixture of a supranational and intergovernmental organization¹—while the latter is a national government. The study thus only aims to provide an overview of these two important humanitarian donors and does not claim to provide strictly comparative data.

Given the difficulty of making reliable predictions about the sustainability of peace agreements, of engaging with politically effective authorities, and rampant insecurity of staff members, achieving LRRD is most challenging in conflict-related and protracted crises.² This is why Afghanistan, the DRC, South Sudan, and Chad were chosen as case studies (see following chapters). The chapter thus focuses on complex emergencies and leaves the discussion on the links between LRRD, disaster preparedness and mitigation in natural disaster contexts largely aside.

These case studies included desk research and numerous key informant interviews both by phone and face-to-face at the field and headquarters level. The amount of field research was very limited, however. To further inform the research process two LRRD workshops were held at the GPPi-CTR transatlantic conferences in Berlin and Washington D.C. in 2008.

¹ See chapter 1.

² European Commission, 2001 Communication, p. 6

The chapter is organized into four parts. The first part discusses the conceptual debate around LRRD. The second deals with the strategic, institutional, and financial set-up of both the European Commission and the United States with regards to LRRD. The third part synthesizes core findings from the four case studies and leads to the fourth part, the recommendations. These recommendations aim to open up avenues for increased interaction between the humanitarian and development sectors to achieve stronger links between relief, rehabilitation and development. The evidence gathered about the two most important donors' differences and commonalities in approach may contribute to mutual learning, increased transatlantic cooperation and possibly joint action in times of important political changes on both sides of the Atlantic.

The LRRD Concept—Evolution, Challenges and Implications

Although conceptual thinking about linking relief, rehabilitation and development (LRRD)³ already started in the late 1980s, there still appears to be no common understanding of the nature, scope and operational relevance of the concept.⁴ This is not surprising given its complexity. The desperate call of many practitioners and academics to put the conceptual debates to rest and focus on more operational and pragmatic steps to promote LRRD is thus understandable. It remains beyond doubt, however, that increased conceptual clarity would also facilitate better implementation. “A lack of clarity at headquarters may lead to serious policy confusion at the operating level,” as Smilie and Minear put it.⁵ There is nothing to lose, but a lot to gain in trying to bring more clarity into current debates around transition, early recovery and LRRD.

What LRRD Aims to Link

Anything close to a consensus on what LRRD means hinges upon a common understanding of the activities of relief, rehabilitation and development that are to be linked. Unfortunately, in attempting to define the borders of these concepts, one cannot help but concede that “there are more grey than black and white areas—certainly much more than many in the humanitarian sector are prepared to acknowledge.”⁶ An important part of the humanitarian sector would argue that relief or humanitarian assistance is a short-term measure; it aims to save lives and to alleviate suffering, respects the humanitarian principles of humanity, impartiality, neutrality, and independence, and does not address the root causes of the crisis at hand. However, a multitude of organizations do much more than that under the label of humanitarianism: They address human rights violations by sending bulletins on rebel or state atrocities across the globe or by

³ See Ian Smilie, “Relief and Development: The Struggle for Synergy,” Thomas J. Watson Jr. Institute for International Studies, Occasional Paper #33 (1998), p. xxv and footnote 14, who argues that the term “LRRD” was developed as an “alternative to continuum thinking” during the 1960–80s, and may have emerged from a 1994 IDS Conference.

⁴ For an overview on LRRD thinking, see Smilie (1998), *Ibid.*, pp. xxii–xxvi; Margaret Buchanan-Smith and Paola Fabbri, *LRRD—A Review of the Debate* (Tsunami Evaluation Coalition, 2005); Margaret Buchanan-Smith and Simon Maxwell, “Linking Relief and Development: An Introduction and Overview,” *IDS Bulletin* 24, no. 4 (1994), pp. 2–16.

⁵ Ian Smilie/Larry Minear, *The Quality of Money: Donor Behavior in Humanitarian Financing* (2003), p. 16.

⁶ Michael Barnett/Thomas G. Weiss, *Humanitarianism in Question—Politics, Power, Ethics* (Ithaca: Cornell University Press, 2008), p.14.

Box 1. Some Humanitarian Workers' Ideas on the Humanitarian-Development Distinction¹

Interviews in Goma, Kinshasa, Brussels, and Washington D.C. revealed that explanations abound for the core difference between the development and the humanitarian logic. However, the overarching objective of both humanitarian and development assistance is to support people who need it. This common objective is rarely cited. Instead, representatives refer to their differences. An ECHO official stated that humanitarian aid deals with vulnerability and focuses on the individual, while development aid aims to fight poverty and focuses on the community. An OFDA official agreed that humanitarian aid deals with vulnerability and saw development focusing on the viable. In addition, humanitarian aid replaced extraordinary state functions, while development aid took over or supported ordinary state functions. Because of these differences, an OCHA representative said that the link between relief, rehabilitation and development was “not really viable, but necessary,” a statement that underlines nicely the paradox and complexity of that conceptual conundrum: it does not really work but it should be followed.

Although presented as dichotomies, all these terms are interconnected. Vulnerability often depends on poverty; the individual is part of a community; and viability is not opposed to vulnerability, it refers rather to utility and feasibility while vulnerability is the description of the state of an individual. But the crucial part of the statements made by both European Commission and U.S. officials is not necessarily what they see as the difference but the fact that they construct a clear difference without acknowledging the links at the conceptual level.

This is, of course, not a new observation. The clear separation gets blurred if humanitarians become interested in societal change. The OECD stated already in 2006: “Like other donors, [the U.S.] has also been considering the relative merits of “traditional” as opposed to “activist” approaches to humanitarian action. Whereas the former emphasizes neutrality and impartiality, the latter seeks to address underlying causes of humanitarian crises, such as conflict, and is prepared to take sides to achieve other goals, such as improving medium-term security.”²

¹ Taken from the DRC case study.

² OECD, The United States. Development Assistance Committee (DAC) Peer Review (2006), p. 81.

lobbying governments and the UN. Some also aim to alleviate poverty, or provide access to medicines to prevent future suffering.⁷ This comes close to what is often understood by development assistance: reducing poverty, promoting adherence to human rights, increasing human security, or even democratization. In addition, development assistance is said to be more long-term oriented and tends to cooperate closely with the government or civil society. “Rehabilitation” is in an even more difficult state. Often lumped together with recovery or reconstruction,

⁷ Ibid, p. 11.

its meaning can be best described as something between humanitarian and development assistance, even though these terms themselves are far from being clearly delineated.

While many implementing organizations do combine both humanitarian and development approaches in their work, bureaucratic logic has it that donors have greater difficulties in linking both areas. In addition, influential humanitarian organizations like the International Committee of the Red Cross and Médecins sans Frontières are forcefully opposing the call for closer integration and cooperation.⁸ This chapter pays strong attention to the conceptual fights between humanitarianism and development because these actors, as well as the European Commission and the U.S., take the distinction very seriously.

The following interview excerpts from the Congo case study illustrate how creatively borders and conceptions are drawn and how the conceptual debates are mirrored in the convictions of humanitarian staff on the ground. Building on the assumption that staff ideas are paramount for policy implementation, this shows that more clarity on boundaries and areas for potential integration would help promote LRRD.

How LRRD Aims to Link

Building on this core challenge of identifying the borders and potential commonalities of humanitarian and development assistance, one can tackle the next challenge: How to organize the linking? It should be kept in mind, however, that linking tends to imply a broader humanitarian mandate that is willing to compromise the purity of the humanitarian principles.

Linear Transition Revisited

Initial thinking on LRRD presumed a rather linear and continuous transition from humanitarian to development assistance, the “continuum model” of LRRD. From that perspective, LRRD is a matter of sequencing relief, rehabilitation and development assistance, and of defining appropriate exit strategies for relief and recovery interventions. This type of linear transition is most likely to occur, if ever, in natural disaster situations in which the government is not contested through conflict and disposes of strong emergency response capacities. In such contexts, relief and rehabilitation can be perceived of as temporary measures designed to deal with an extraordinary disaster situation until a level of socio-economic “normalcy” is achieved and external support becomes unnecessary.

However, even in such contexts, transition is hardly ever linear in the sense of rehabilitation succeeding the relief phase, followed by that of development. Rather, practice and research have shown that LRRD is best pursued if rehabilitation and (return-to) development measures are implemented immediately after the start of and alongside relief activities. Findings of the LRRD studies undertaken by the Tsunami Evaluation Coalition (TEC) have made a case in

⁸ Donini et al. (2008) distinguish between four types of humanitarian actors: 1. Principled; 2. Pragmatist; 3. Solidarist and 4. Faith-based. See Antonio Donini, et al., “The State of the Humanitarian Enterprise,” Feinstein International Center, Tufts University (2008), p. 11.

point for the response to the Indian Ocean Tsunami which for too long was dominated by service-delivery response (i.e. direct handouts of goods).⁹

Context Matters! LRRD in Protracted Crises and Post-Conflict Situations

LRRD is particularly relevant for protracted crises and post-conflict situations. In these aid contexts, it is even more difficult to observe linear transition. Conflict trajectories are usually not linear, but highly dynamic and periodically shifting from periods in which transition appears possible back to full-fledged armed hostilities. Many crises are “protracted,” with conflict and natural disasters reinforcing instability and poverty. Moreover, existing government authorities may support transition and development in some parts of the country for political motives, but not in others.

As a result, different population groups are likely to have different needs at the same time. Thus, relief, rehabilitation and development assistance may actually coexist and overlap. This insight has given way to what is referred to as a “contiguuum” approach to LRRD, a term reportedly coined by the European Commission. The contiguuum acknowledges that different aid instruments need to be applied simultaneously, in complementary fashion and linked across space and time.¹⁰ Given that even in natural disasters linear transition is neither likely nor desirable, the “contiguuum model” of LRRD, is now largely considered, including by donors, to be more adequate than its “continuum” predecessor.¹¹ However, the latter approach continues to be dominant and strongly influences current approaches to “achieving LRRD,” in particular among donors, despite them saying that a contiguuum approach to LRRD is generally more adequate.

Implications of the Current Understanding of LRRD

Despite the evolution of the concept from continuum to contiguuum, the latter faces substantial implementation challenges and implies crucial choices the assistance community has to make. Under the assumption that every crisis has a designated time slot for either humanitarian or development actors, assistance is comparably easy to organize. It also better allows the humanitarian sector to stay faithful to the principles. By contrast, the expectation that all actors should stay alert and engage in a complementary fashion requires a much higher level of analysis and communication and even compromise among them.

Working with the State and Building Systems

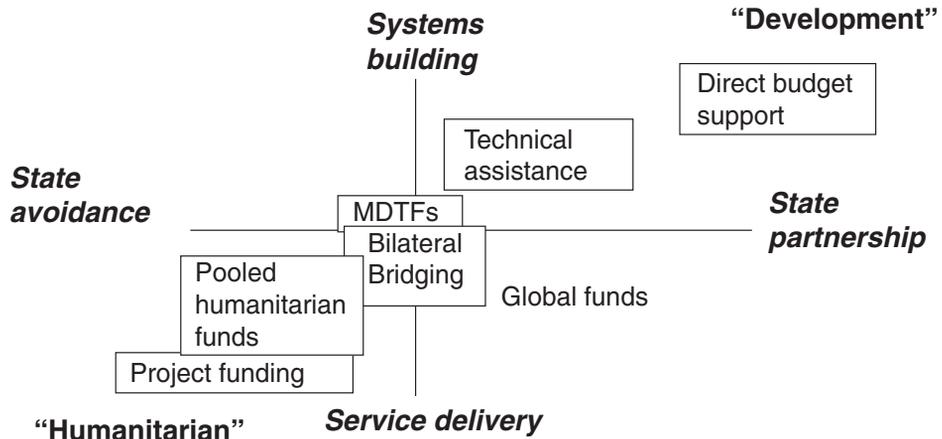
The core dilemmas of LRRD in protracted crises evolve around the relationship with the state and the willingness to promote more long-term systems building. This is a consequence of the relationship between humanitarian neutrality and independence and development assistance with its more transformative outlook. Establishing, for example, a sustainable health sys-

⁹ See the 2006 studies of the Tsunami Evaluation Coalition.

¹⁰ Smilie (1998), op. cit.

¹¹ Buchanan-Smith and Fabbri, 2005, op. cit.; Smilie (1998), op. cit., p. vi

Figure 1.



Source: Olga Bornemisza, Ann Canavan, Petra Vergeer, *Post-Conflict Health Sectors: The Myth and Reality of Transitional Funding Gaps*, Health and Fragile States Network, Royal Tropical Institute, Amsterdam, 2008.

tem in a protracted crisis region is not possible without engaging the political authorities in the area. Getting access to internally displaced persons (IDPs) or refugees in order to hand out food aid (the service-delivery approach) also has to be negotiated in case of conflict, but actors do not necessarily need to build a solid working relationship with the respective authorities. They do the handouts themselves. From a donor perspective, these fundamental choices translate into different funding mechanisms, implying different levels of working or not working with the state and building or not building systems. The following graph from the Dutch *Royal Tropical Institute* illustrates this:

The graph shows overlaps that make rigid linear phase thinking hard to sustain. When a donor provides, say, technical assistance, pooled humanitarian funds, and project funding in a country at the same time, these mechanisms need to be simultaneous and complementary. This points to the contiguity logic. A clear-cut phase approach would only be thinkable if donors engaged with only one instrument at a time, i.e. only project funding or only direct budget support. In the protracted crises of our case studies this is clearly not the case.

At the heart of LRRD is therefore the choice to be made between working with the state or not, and of being willing to build systems instead of engaging in decade-long service delivery in protracted crises—in short, to adhere to the strictly humanitarian logic described in the first section or to be ready to integrate a more developmental perspective. This choice has direct implications for increased accountability to beneficiaries and to their ownership. The following paragraph attempts to explain why.

LRRD and Ownership

As argued by Beatrice Pouligny,¹² local ownership is increasingly recognized as important even in the humanitarian realm. Ownership thinking requires focusing on cooperative processes in the theatre of intervention as much as on impact. Cooperative processes are understood as an end in themselves. A logistical service delivery approach may have an impact on affected populations in the short term, but in its current state does not allow a serious participatory process that would increase accountability towards them and increase long term impact. This is the case because this approach tends to be accompanied by state avoidance and avoidance of almost all categories of local actors. This may partly be explained by the humanitarian duty to remain neutral and the resulting fear to get trapped in the complex social environments of conflict zones. But if neutrality is understood as not engaging in communication and cooperation with those concerned, the principle becomes self-defeating. Such an understanding is detrimental to establishing sustainable partnerships in humanitarian assistance.

Furthermore, the assumption that community level or local level partnerships can be sustainable without dealing with the state or its temporary subsidiary in rebel held zones is unrealistic. The separation between state and society often found in humanitarian and development discourse comes very close to wishful thinking. One cannot provide assistance in a conflict zone against the will of the reigning power brokers. Even when trying to circumvent them, the work of humanitarian agencies will be inadvertently influenced and even determined by them. Thus, establishing partnerships with the people who receive assistance also requires entering into negotiations with those exerting power over them. This is what state partnership and systems-building also call for and this is where LRRD can be strengthened.

Donors adopting a less rigidly compartmentalized approach to humanitarian assistance and development are thus better placed to live up to the calls for ownership. With its consideration of the long term impact of humanitarian assistance, LRRD is thus a useful framework to promote beneficiary ownership in humanitarian assistance. It is an open question, however, if the broader humanitarian mandate resulting from this really is in the interest of humanitarian donors.

Three Ways to Square the LRRD Circle

To illustrate the implications of this core question consider two hypothetical scenarios on how to square the LRRD circle that aim to expose the inherent contradiction in adhering to humanitarian principles and to LRRD *at the same time*. The first scenario shows the possibility of promoting LRRD if all aid sectors adopt the humanitarian rationale. The second explores the opposite: All sectors openly do international politics.

Scenario 1: Humanitarian assistance remains true to independence and neutrality, as most of the guidance suggests. As a consequence, to eliminate the conceptual contradictions in the call for LRRD, donors work hard to reframe development assistance as a solely needs-based activity without any political objectives. To push this further and to live up to the calls for

¹² Béatrice Pouligny, *Supporting Local Ownership in Humanitarian Action*, GPPi Policy Paper, 2009, available at: www.disaster-governance.net/publications

increased civil-military coordination coming from the security end of the aid spectrum, even the military adopts this rationale. In such a scenario, linking humanitarian, development and military assistance would become quite feasible, as they would have the same objective: Saving lives without politics. LRRD could become a reality.

Scenario 2: Humanitarian assistance abandons strict adherence to the humanitarian principles and acknowledges that it is politics in two ways. First, as an important tool of harnessing *soft power* for both the Commission and the U.S., humanitarian assistance is explicitly integrated into the family of foreign assistance tools. It so becomes a field of experts being logistically able and willing to take risks while contributing to the overarching policy aim of reducing suffering and poverty worldwide. This stabilizes international order, prevents terrorism from spreading and migrants from migrating. Second, humanitarian assistance has considerable political effects in its area of intervention—another reason why the decision to consider it a political affair was taken wisely. Linking relief, rehabilitation, and development becomes a rather straightforward affair, for humanitarians, development agencies and the military pursue the same political objectives and are eager to work together. However, humanitarian access to populations in need in politically sensitive countries becomes severely restricted and security of humanitarian personnel continues to deteriorate.

The current approach of living with the contradictions and to keep muddling through, we may call this **scenario 3**, has to be situated between these two extreme cases. Muddling through, however, is not squaring the LRRD circle. Complementarity is not systematically sought and cooperation between donor departments is haphazard and scarce in contrast to the situation in scenarios one and two. Tensions and contradictions remain deliberately untackled. For donors, this may of course be a very suitable strategy. It has worked for the last twenty years and might continue to do so for the coming decades. Particularly the humanitarian sector has attracted increasing budgetary support over the years by mobilising around the principles and by not explicitly refusing the calls for more cooperation with the other parts of the aid spectrum—such as LRRD. Whether this is the most effective assistance possible remains in doubt.

Most publications on humanitarian assistance call for preserving a narrow humanitarian mandate without providing hard evidence for its superior effectiveness. Recent statements by reputable scholars underline this. Analyzing the impact of integrated missions and the broader humanitarian mandate enshrined in it on the security of humanitarian personnel, Adele Harmer states: “Organizations based their arguments on anecdote and general speculation, and were limited in their argumentation because most information about the security of humanitarian operations is not shared among humanitarian agencies.”¹³ Referring to the coherence debate and thus on the relative benefits of narrow and broad humanitarian mandates, Antonio Donini acknowledges that “despite the new data, however, it remains unclear whether greater coherence makes a difference in terms of how aid agencies are able to do their work and/or are perceived by local communities.”¹⁴ He further qualifies this by stating: “‘Integration’ and ‘coherence’ are not particularly controversial from the perspectives of communi-

¹³ Adele Harmer, “Integrated missions—A Threat to Human Security?” *International Peacekeeping*, 15 Vol. 4 (2008), p. 533.

¹⁴ Donini et al. (2008), p. 18.

ties in DRC, while they are in Afghanistan and Iraq.”¹⁵ Detailed and context-specific analysis is thus required. Increasing attention to LRRD could facilitate this. In some contexts a narrow mandate might be desirable in others a broader one.

Although considering strategic muddling through as an explanation for current donor approaches, this chapter is based on the assumption that the reasons for not moving forward on LRRD lie in a lack of conceptual scrutiny and clarity. Despite the calls to move the debate to the more operational level, it seems paramount to provide more clarity on the matter. Norms and ideas shape the way institutions are built and how they operate. Contradictory norms lead to overly complicated institutions. At the institutional level, it is thus critical to gauge the commitment of donor departments to the differing and partly opposing messages sent by normative and strategic LRRD guidance documents. More specifically, it means to scrutinize to which parts of these messages the departments revert to.

Donors and LRRD

Why a Donor Perspective on LRRD?

Most policy research and evaluations on LRRD, including those commissioned by donors themselves, so far have focused on the ‘LRRD quality’ of aid projects by implementing aid agencies, either by sector (e.g. food security, shelter, water and sanitation), by project region or a combination thereof.¹⁶ Given the often high numbers of relief agencies on the ground and the corresponding challenge of proper coordination, this focus on implementing agencies is understandable. At the same time, the extent to which donors, as one important actor group in humanitarian action, may be able to promote LRRD objectives—particularly through the provision of funding to specific assistance projects and initiatives—remains understudied.

This chapter argues that adopting a LRRD focus, which spans policy formulation as well as crisis-related decision-processes and funding decisions, enables donors to think more clearly about the often quite solid boundaries between their humanitarian and development departments. By clarifying existing boundaries, strategic aims and recognizing bureaucratic egoisms, donors can enter a negotiation process between their different departments resulting in greater flexibility. This promises to increase the effectiveness of donor assistance strategies because it better takes diverse needs and complex social processes into account.

¹⁵ Donini et al. (2008), p. 20

¹⁶ The Tsunami Evaluation Coalition e.g. focused on how LRRD had been achieved (or not) in tsunami-hit Aceh and Sri Lanka. Also see Groupe URD: Linking Relief, Rehabilitation and Development in Afghanistan (2007). For sectoral studies on LRRD, see e.g. Aqua Consult, “Concept Paper for Mainstreaming Water and Sanitation in Emergencies, Protracted Crises, LRRD and Disaster Preparedness Operations,” commissioned by DG ECHO (2005). For evaluations of the LRRD quality of donor-funded activities in specific crisis contexts, see e.g. Peter M. Schimann, Joanne Philpott (AGEG Consultants), “Mid-Term Evaluation of DG ECHO Financed Actions in the Greater Horn of Africa” (2007).

European Commission and U.S. Approaches to LRRD

European Commission

Given the conceptual complexity indicated in section one, it is not surprising that clarifying the role of humanitarian and development assistance is a challenge for the European Commission. This is visible in the core strategic guidance documents the EU has issued both to motivate member states to harmonize their policies and to bind the Commission's approaches. Contradictions exist for example between and within the European Union *Consensus on Humanitarian Aid* and the *Consensus on Development*. These contradictions show how difficult it is to implement LRRD when confronted with the bureaucratic and principled urge to preserve and fortify established boundaries and separate mandates.

Conceptual Challenges

The 2007 *EU Consensus on Humanitarian Aid* states that the humanitarian principle of "independence means the autonomy of humanitarian objectives from political, economic, military or other objectives."¹⁷ However, the *Consensus* also underlines that "in transitional environments, there remains a need to ensure synergies between humanitarian and development assistance whilst respecting their distinct objectives, principles and approaches."¹⁸ This is the core contradiction: Synergies cannot be found by staying completely autonomous. Furthermore, while "[t]he principles that apply to humanitarian aid are specific and distinct from other forms of aid, EU humanitarian aid, including early recovery, should take long-term development objectives into account where possible, and is closely linked to development cooperation whose principles and practices are outlined in 'the European Consensus on Development'."¹⁹

That 2005 *EU Consensus on Development* adds another level of contradiction, as it regards humanitarian assistance as a *modality* of development assistance and thus situated *under* its umbrella not *next to* it. This is a problem from principled humanitarian action: "Development assistance can be provided through different modalities that can be complementary (project aid, sector programme support, sector and general budget support, *humanitarian aid* [emphasis added] and assistance in crisis prevention, support to and via the civil society, [...], etc.), according to what will work best in each country"²⁰. The Humanitarian Consensus has not replaced the Development Consensus. Both are valid guidance documents and LRRD applies to both the humanitarian and the development DGs of the Commission.

The crux of the matter is: How do you take "development objectives" into account while staying "autonomous" of any other objectives than humanitarian ones? Is there really a way of squaring this circle? The LRRD logic would say so, but existing guidance and institutional

¹⁷ EU (2007), *Consensus on Humanitarian Aid*, paragraph 22.

¹⁸ EU (2007), *Consensus on Humanitarian Aid*, paragraph 78.

¹⁹ EU (2007), *Consensus on Humanitarian Aid*, paragraph 22.

²⁰ EU (2005) *Consensus on Development*, paragraph 26.

setups point to the opposite while calling for LRRD at the same time. The guidance documents issue contradictory messages.

The 2007 *EU Communication Towards an EU Response to Situations of Fragility* mirrors this. It states with regard to LRRD that “the purpose remains to try and achieve better harmonisation of analyses and policies, integration of strategies (including coordination, coherence, complementarity), and synergy of activities over a period of time, covering both humanitarian and development approaches to the situation.”²¹ As distinct approaches, they are, again, regarded as different entities and thus impossible to link²² or even integrate. LRRD features prominently in this Communication and is presented as a post-crisis response strategy, even connecting to overarching “governance and security concerns,” which is certainly far outside a narrow humanitarian mandate. The recently devised programming guide for strategy papers *Integrated Transition Strategies*²³ from October 2008 calls for “very close liaison” between different Directorate Generals and for “linking and integrating in a complementary way different interventions and instruments.”²⁴ It remains unclear, however, how this integration of strategies shall be achieved without damaging fundamental humanitarian principles or, to the contrary, “depoliticizing” development cooperation (see scenario one above). Is there really a way to link the two assistance logics if they are understood as following distinct and even opposing principles?

Institutional Challenges

The European Commission has made efforts to clarify the roles and responsibilities of its humanitarian and development services, but the institutional setup remains as complex as the strategic guidance analyzed above. In the European Commission, five Directorate Generals are involved in humanitarian and development assistance: DG ECHO as the lead-DG in humanitarian assistance,²⁵ DG Development as the development and foreign policy lead for African, Caribbean, and Pacific (ACP) countries, DG RELEX for the non-ACP countries, DG AIDCO as their implementing agency and DG Environment when it comes to civil protection activities. Similar to the U.S. missions, from 2004 on the European Commission has engaged in a de-concentration process transferring authority for funding decisions, programming and contracting to its country delegations. This process, however, only concerns DEV, RELEX and AIDCO. ECHO does not participate in this process and operates largely independently from the EU Delegation. This is, of course, not very conducive to establishing links through joint assessments or planning. This underlines the ambivalence which ECHO experiences in promoting LRRD while trying to remain independent. In this instance, ECHO prioritizes distinction and separation over synergies and complementarity.

²¹ EU COM(2007) 643 final, p. 8.

²² Accepting the identity of humanitarian assistance as separate and purely independent from everything else makes linking impossible. You can only link entities that have a minimal degree of overlap. Linking French to English, for example, would only make sense if some French words existed also in English and vice versa. A certain degree of commonality is required. The narrow humanitarian mandate prohibits this, as it is completely separate.

²³ European Commission (2008), *Programming Guide for Strategy Papers, Programming Fiche, Integrated Transition Strategies*.

²⁴ *Ibid.*, p. 2.

²⁵ In 2007, the short-term food aid budget line moved from DG Europe Aid to ECHO, which means that it is now able to provide a multi-sectoral assistance package.

As LRRD is about linking humanitarian and development assistance, it is important to note that the revised 2005 *Cotonou Accord* established a complex system for European Commission development assistance. Disbursing the intergovernmental European Development Funds in its A- and B-envelopes,²⁶ it is based on the cooperation between a National Authorizing Officer (usually the Minister of Finance or his designee) and the European Commission Head of Delegation. The EU draws up a Country Strategy Paper (CSP) which is then signed into a National Indicative Program (NIP) after joint consultations between the European Commission and the respective government. The political development rationale of working with the state cannot be made institutionally more obvious. The B-envelopes can be used for emergency assistance. It is often from this fund that Commission “LRRD-programs” as seen in Chad, DRC and Afghanistan are financed.²⁷ This creates a window of opportunity for LRRD. However, the crucial relationship to ECHO remains untouched by this budgetary instrument managed by DG RELEX, DEV and AIDCO.

The realignment of European Commission foreign assistance instruments in 2007 has introduced changes that may improve the implementation of LRRD. In particular the newly established Food Security Thematic Program managed by AIDCO offers a potential opportunity. In addition, the RELEX-managed Instrument for Stability may prove flexible enough to reconcile short-term with long-term assistance although the Instrument for Stability strategy paper of 2007 states that a clear distinction can be made between it, the European Development Fund, the Development Cooperation Instrument and ECHO funds. The strategy stresses that the Instrument for Stability will only be used in “the post-crisis early recovery phase (as opposed to the more immediate humanitarian relief phase).”²⁸ Obviously, this is a hard distinction to make. It also follows continuum thinking despite the official acceptance of the contiguum concept.

At the operational level, the institutional and strategic lack of clarity is mirrored in various documents guiding European Commission funding decisions connected to LRRD. The 2008 ECHO operational strategy for the Democratic Republic of Congo states, for example, that it will “step up its advocacy for, and active involvement in, LRRD to address more effectively many of the root causes of peoples’ vulnerability to food crises (poverty, livelihood erosion, chronic food-insecurity).” This constitutes a major step into the direction of the conceptual integration of humanitarian and development assistance, as it explicitly acknowledges that vulnerability and poverty are linked. Nevertheless, it violates the humanitarian principle of independence from any objective other than humanitarian.

In addition, the current Financial Partnership Agreement (FPA) which NGOs have to sign to be eligible for ECHO funds mentions LRRD as a cross-cutting issue and asks NGOs to present their “continuum strategy.”²⁹ While cross-cutting issues could be regarded as overarching and important in general, they tend to be those topics that administrations do not really

²⁶ See chapter 1 and case study chapters for specific examples of B-envelope use.

²⁷ See case study chapters for more.

²⁸ http://ec.europa.eu/europeaid/where/worldwide/stability-instrument/documents/ifs_strategy_2007-2011_en.pdf, January 14, 2008.

²⁹ ECHO 2007 FPA, p. 7.

know how to deal with. Gender also tends to be a cross-cutting issue.³⁰ Moreover, the FPA wording disregards the official European Commission communication on LRRD of 2001; the Inter-Service Group report on the implementation of LRRD from 2003; The Inter-Service Quality Support Group LRRD programming guide of 2006; and the preliminary LRRD analysis framework by still referring to a continuum instead of a contiguuum.

The 2001 LRRD Communication called for an integration of LRRD thinking into the Country Strategy Paper (CSP) process³¹ managed by DG RELEX, DG DEV and DG AIDCO and into ECHO Global Plans. As seen in the DRC case, however, the DRC 2002–2006 CSP and the subsequent addenda signed in 2005 and 2007 do not mention LRRD at all. Furthermore, there is an explicit LRRD-program in Eastern DRC, managed by the EU Delegation. The country strategy does not even mention this program. The same applies to the new CSP 2008–2013, mentioning humanitarian assistance on half a page despite its yearly allocation of roughly €50 million and the stated aim to mainstream LRRD thinking into it.³² By contrast, the ECHO Global Plan 2008 frequently alludes to LRRD and underlines ECHO’s willingness to “pursue the Commission’s policy of LRRD.” It is doubtful whether this is actually implemented to any meaningful extent.³³

These examples show that hand-over and continuum thinking still abound even at the strategic headquarters level, although such approaches have officially been declared dead since 2001. The deliberately unresolved tensions between the humanitarian and development assistance logics are the basis for this. Moreover, more specific operational guidelines, strategies and plans remain imprecise. Clarifying and explicitly naming areas of integration and separation may enable the European Commission to come to terms with the complex call for simultaneous and joint planning, assessing, and partial implementation which LRRD and the contiguuum idea imply.

United States

LRRD is not a common term within the U.S. assistance family. It uses terms like development-relief, relief to development, or relief, transition, and development. The variety of these terms shows that there is a less focused debate on a specific conception like LRRD. The issues, however, are comparable and have been debated for decades. Already in 1976 a U.S. report stated that the relationship between USAID’s disaster assistance programs and its general development programs currently was “conceptually confused.”³⁴ The U.S. thus grapples with similar challenges of clarifying boundaries and areas of possible integration.

³⁰ The others are “connectedness,” “sustainability” and “mainstreaming (e.g. Disaster Risk Reduction, Children, Human rights, Gender, Environmental impacts, others to be specified),” see ECHO 2007 FPA, p. 7.

³¹ European Commission (2001) *Linking Relief, Rehabilitation and Development—An assessment*.

³² European Commission (2008), *Country Strategy Paper République Démocratique du Congo 2008–2013*, pp. 22–23.

³³ See DRC chapter for examples of a rather non-linked relationship between ECHO and other European Commission instruments.

³⁴ Olson, *The Office of U.S. Foreign Disaster Assistance (OFDA) of the United States Agency for International Development (USAID) A Critical Juncture Analysis, 1964–2003* (2005), p. 38.

Conceptual Challenges

The United States has seen major strategic and institutional realignments in the last years and a proliferation of guidance. After the 2002 *Foreign Aid in the National Interest Strategy*, USAID issued in 2004 the *Foreign Aid in the 21st Century White Paper*, which led to the 2005 USAID *Fragile States Strategy*—a remarkable succession of strategic documents. The ensuing 2007–2012 *Strategic Plan for USAID and Department of State* called *Transformational Diplomacy* grapples with the distinction between development and humanitarian assistance: “Humanitarian assistance is [...] the *genesis* [emphasis added, KK] of the transition to long term political, economic, and social investments that can eliminate the root causes of conflict and displacement.”³⁵ This is a delicate choice of terminology. Calling humanitarian assistance the *genesis* of development points to a certain degree of connection and thus of inseparability. Humanitarian assistance “gives birth” to development assistance. However, eliminating root causes is a task of the more “long term political, economic and social investments.” The separation and integration challenge in the U.S. thus resembles that of the European Commission. A connection is supposed to exist, but objectives are said to be separate.

The more specific 2006 *USAID Policy Framework for Bilateral Aid* underlines that humanitarian assistance is provided on the basis of need. Nevertheless it “is often provided to countries where USAID is concerned with other goals, such as transformational development, overcoming fragility, and [...] will be provided in ways that reinforce the Agency’s interests in these other goal areas and set the stage for follow-on development efforts.”³⁶ This is clearly a call for closer cooperation between the humanitarian and development realm—exactly what LRRD requires. It is also an example of clearly and potentially overtly politicized humanitarian assistance. Critics decry that; others may welcome it as transparent and honest.

Yet, even this clear guidance does not manage to eliminate the tensions between linking humanitarian assistance to development and safeguarding the independence of the former. Following the 2005 *Fragile States Strategy*, for example, resistance emerged to the proposition to merge the OFDA Disaster Assistance Teams with the envisioned Fragile States Quick Response Teams on the grounds that OFDA sees its work as distinct and separate from transformative political action.

Nevertheless, the U.S. has made more progress than the European Commission in clarifying what complementarity and cooperation between the humanitarian and development realms may mean. The *USAID/Food for Peace 2008 P.L. 480 Title II Program Policies and Proposal Guidelines* have entirely integrated the LRRD perspective under the name of development-relief. In fact, this document is the clearest and most specific guidance document about LRRD among both the European Commission and the United States. It is used to guide implementing agencies’ applications and program designs and states that in trying to reduce food insecurity, “development-relief programs will usually be designed to achieve both an immediate impact—protecting lives and maintaining consumption levels, and longer-term impacts—helping people and communities build more resilient livelihood bases.”³⁷ In this document, the

³⁵ U.S. Department of State, *Transformational Diplomacy* (Washington, DC, 2007), p. 30.

³⁶ USAID, *Policy Framework for Bilateral Aid: Implementing Transformational Diplomacy through Development* (Washington D.C., 2006), p. 18.

³⁷ USAID, *P.L. 480 Title II Program Policies and Proposal Guidelines* (Washington, DC: 2008), p. 13.

idea that short-term interventions should also contribute to a more long-term approach towards the underlying causes of food insecurity is regarded as self evident. This is an unusual statement, as shown above.

Institutional Challenges

In the U.S., three Departments and one agency are involved in the provision of humanitarian and development assistance: The Department of State, the Government agency USAID (whose head is also Director of Foreign Assistance under the Secretary of State), the Department of Agriculture and the Department of Defense.³⁸

Within USAID, the Department for Democracy, Conflict and Humanitarian Assistance comprises the core humanitarian offices. The Office of Foreign Disaster Assistance (OFDA) has the lead on humanitarian assistance and deals mainly with non-food humanitarian assistance, while the Office of Food for Peace deals with food aid. The newly established Office for Military Affairs, the Conflict Management and Mitigation Office, and the Office for Transition Initiatives also play a role in humanitarian assistance, but only on the margins. The margins, however, are at the core of LRRD. The Office for Transition Initiatives (OTI) is “helping local partners advance peace and democracy in priority countries in crisis. Seizing critical windows of opportunity, OTI works on the ground to provide fast, flexible, short-term assistance targeted at key political transition and stabilization needs.”³⁹ The Conflict Management and Mitigation Office promotes “social cohesion and reconciliation through community-driven reconstruction, building local capacity for decision-making and conflict resolution [...]”⁴⁰

The remaining humanitarian funds are disbursed by the Bureau of Population, Refugees and Migration (PRM) under the authority of the State Department. It has the refugee protection mandate and deals with returning refugees and repatriation programs.

The U.S. Office for Foreign Disaster Assistance (OFDA) decides on the need for country strategies on a case-by-case basis.⁴¹ They are part of an overall USAID country strategy, which points at OFDA’s high degree of integration into the overall U.S. assistance structure. In contrast to the ECHO Global Plans, these strategies remain internal. It is thus hard to gauge what position OFDA has on development-relief. It remains to be seen how OFDA deals with the urge to further integrate and align with the other U.S. foreign assistance actors in the near future—an eternal and recurrent topic within USAID.⁴²

Another novelty embodying LRRD within the U.S. foreign assistance structure is the Office of the State Coordinator for Reconstruction and Stabilization. Drawing on staff from both State and USAID, it is tasked to “prevent or prepare for post-conflict situations, and to help stabilize and reconstruct societies in transition from conflict or civil strife so they can reach a

³⁸ For more, see chapter 1.

³⁹ http://www.usaid.gov/our_work/cross-cutting_programs/transition_initiatives/, May 27, 2009.

⁴⁰ http://www.usaid.gov/our_work/cross-cutting_programs/conflict/support/afr.html, May 27, 2009.

⁴¹ USAID, *Policy Framework for Bilateral Aid* (2006), op. cit., p. 17.

⁴² See Olson (2005), op. cit.

sustainable path towards peace, democracy and a market economy.”⁴³ It is building up a Civilian Response Corps, funded with \$248.6 million in FY 2009, tasked to complement the OFDA disaster assistance and reconstruction teams and the military in post-conflict settings.

This institutional setup is replicated in the U.S. mission structure in the countries of crisis. The U.S. mission there usually hosts staff from OFDA, the Office of Food for Peace and the regional bureaus of USAID that are responsible for the development realm. According to interviewees, Food for Peace exerts less project oversight than OFDA; it is less involved in implementation.

Being part of the overall USAID and U.S. Mission structure, the humanitarian and the development side are institutionally connected. A U.S. official describes it as such for the DRC case: “USAID/DRC has the overall development assistance relationship with the DRC and is the primary office implementing projects using funding allowed to our mission under various accounts (DA, CSH, ESF⁴⁴). Our humanitarian offices, OFDA and FFP, conduct analyses to determine whether that assistance is required. The Ambassador must declare a disaster and request humanitarian assistance in order to allow for these offices to provide assistance.”⁴⁵ However, OFDA and FFP retain a certain degree of autonomy because their funding decisions are made by their headquarters in Washington D.C.⁴⁶

This latter fact points at the structurally similar challenges that the European Commission and the U.S. face. The humanitarian departments insist on having a high degree of independence because this is their preferred identity. Nevertheless, this renders the coherence and complementarity called for by LRRD difficult. In sum, this analysis shows that the U.S. is both more willing to chose the more political scenario by acknowledging that OFDA contributes to overall policy aims and has managed to integrate short-term and long-term assistance better in their Office of Food for Peace. This is not necessarily a coincidence. Choosing a broader humanitarian mandate also makes LRRD more achievable, as shown above. Many criticize the U.S. for this, as this is not in line with the humanitarian principles and endangers humanitarian assistance as a separate field. Donors like the European Commission try to opt for a more principled approach with ECHO. This does not square well with the LRRD concept. To really preserve the independence of ECHO, the Commission would have to let it off the LRRD-hook.

Operational Hurdles to LRRD

The analysis of strategic guidance documents and the overview of institutional complexities in the European Commission and the U.S. Government show why achieving LRRD is challenging for both. These strategic and institutional challenges translate into specific operational

⁴³ <http://www.state.gov/s/crs/66427.htm>, May 27, 2009.

⁴⁴ These are congressional budget accounts: DA = Development Assistance, CSH = Child Support and Health, ESF = Economic Support Fund.

⁴⁵ USAID official.

⁴⁶ USAID official.

practices that further impede increased cooperation between the humanitarian and development realms.⁴⁷

Separate Needs and Situation Analyses

A core hurdle to determining “who does what, where, and when” and to what extent humanitarian and development assistance are to go hand in hand has to do with the lack of joint situation and needs analyses. If perceptions differ, actions will hardly be brought together.⁴⁸

The European Commission has recently tested an LRRD analysis framework, which would be a step in the direction of joint situation analysis. This LRRD analysis framework explicitly calls on DG DEV, AIDCO, RELEX and ECHO to engage in joint situation analysis, needs assessment, and to develop a consolidated response building on their respective strengths and weaknesses. Adhering to this framework would render complementary and simultaneous humanitarian and development assistance possible. However, interviewees from the South Sudan case study have described it as a desk document without real field relevance.⁴⁹

The lack of interest in that framework underscores that coordination and working relationships between the different Commission services are limited. Each service appears to pick its region and does not engage jointly and simultaneously with others in a region with multifaceted needs. It also illustrates again that officials think that humanitarian assistance and development follow distinct norms and objectives.

Exit over Contiguum

However, there are examples where the wide variety of Commission instruments is applied simultaneously. In North Kivu in eastern DRC, for instance, some funding comes from development budgets like the European Development Fund A-Envelope, some from the B-Envelope, from ECHO, the Instrument for Stability, and the Food Security Thematic Program. Nevertheless, the Commission’s approach still appears to follow phase thinking. In North Kivu, for example, ECHO exited and returned repeatedly. It did not provide relief funds to North Kivu in 2006 and 2007 and regarded the situation as no longer humanitarian in nature. It was thus the development instruments that tried to minimally cover the region. When heavy fighting returned in 2008, ECHO resumed its activities. Although people have been continually displaced and it was foreseeable that all-out fighting would return, Commission operations were heavily tilted towards getting out and handing over instead of working together with an LRRD and preparedness perspective in mind. In fact, this resembles an understanding of LRRD as being primarily about ensuring linear transition.⁵⁰

⁴⁷ The results obtained for the LRRD case studies are much more detailed for the European Commission than for the United States Government. This explains that some paragraphs are more substantial on the European Commission side.

⁴⁸ T. Mowjee, *European Union policy approaches in protracted crises*. HPG Background report (London; ODI, 2004), p. 9.

⁴⁹ For more, see South Sudan case study, Chapter 9.

⁵⁰ See e.g. ECHO, *Operational Strategy* (2008), p. 2: “In the wider field of the links between emergency, rehabilitation and development (LRRD), the need for effective links between the different instruments must be considered not only to

This phase-driven approach, and the fact that different funding lines come with specific limitations attached concerning scope, time, and local involvement, means that the European Commission misses opportunities for more comprehensively strengthening livelihoods and crisis resilience among the affected populations it seeks to support.

Differences in Capital Intensity

Humanitarian assistance allocates several times as much per beneficiary than development assistance.⁵¹ Any effort to render the two complementary needs to take this fact into account. Sphere standards are high and should be scrutinized in light of their possible link to development. LRRD thus does not mean that every humanitarian activity should be followed up or complemented by a matching development activity. Affected populations that enjoyed a relatively decent provision of health services in IDP camps, for example, will have to accept an inferior level of coverage once they are back home and supported by development assistance. The Chad case study provides ample evidence on this.⁵² It is thus even more paramount to prioritize and strategize jointly to at least identify some core complementary programs.

Complex Contracting Procedures

Both the European Commission and the United States Government have accelerated contracting procedures for their main humanitarian offices, ECHO and OFDA. However, their developmental services are considered to have complex and extremely time-consuming legal requirements that are hard to bear for more fast-paced and less risk-averse humanitarian actors.⁵³ To improve LRRD, fears of critical auditing have to be eased and contracting procedures harmonized.

Lack of Knowledge on LRRD Organizations

To implement their LRRD policies, donors to a large degree depend on able organizations and suitable assistance activities. In both the European Commission and the United States, the identification of such organizations and activities seems to be haphazard rather than strategic. Major implementing partners like the United Nations World Food Program complain that LRRD activities, such as their Protracted Relief and Recovery Operations, remain heavily underfunded because neither OFDA or ECHO, nor the respective developmental services perceive them as fitting neatly into their mandates. They fall through the grid.

ensure a *continuity of action towards the transition to development*” [emphasis in text by author]. 10 years ago, Ian Smilie had already observed that “in practice the continuum is alive and well largely because no better image has gained currency. Successful attempts to encourage synergy—that is, to conduct emergency activities in ways that promote positive and enduring change and to approach development activities as investments in preventing emergencies—have been rare. Significant impediments present challenges in the areas of timing, funding, and understanding. As a result of impediments related to these three challenges, humanitarian efforts within the framework of the continuum still replicate earlier mistakes.” See Smilie (1998), op. cit.

⁵¹ European Commission official.

⁵² See Chapter 12 on Chad.

⁵³ For more detailed discussion, see the information provided on the Commission LRRD-program in chapter 10.

Lack of Knowledge on LRRD Activities

Although frequently discarded as buzzwords, capacity development or capacity strengthening are clearly assistance activities that are more in line with the LRRD logic than service delivery approaches. But both the European Commission and the United States are extremely hesitant to fund them despite resulting opportunities to link service-delivery with systems-building, the short term with the long term. Funding for NGOs such as the International Medical Corps (IMC), which is training nurses who are able to react to unexpected displacement movements triggered by renewed fighting, might constitute genuine LRRD funding. Better trained doctors and water and sanitation specialists, for example, will also be able to contribute to the health systems the European Commission and the United States aim to support.

Recent Approaches and the Way Forward—Lessons from the Case Studies

In previous sections, this chapter has analyzed the overall approaches of the U.S. Government and the European Commission to LRRD. They uncovered that donors face challenges to promote LRRD on a conceptual, institutional, as well as operational level. These levels are all interdependent and without thorough attention to all three, improvements will continue to take place slowly and accidentally.

This section summarizes additional lessons from the case studies on the Democratic Republic of Congo (DRC), South Sudan, Chad, and Afghanistan. They show in particular the effects of contextual factors for LRRD, the similarities and differences of the U.S. Government and the European Commission in this respect, and their concrete programs attempting to link relief, rehabilitation, and development.

Contextual Factors Affecting LRRD*Political Interest*

As promoting LRRD requires departing from a narrow humanitarian mandate it comes as no surprise that both the European Commission and the United States choose to invest more in development and LRRD programs in those countries that are of higher political interest to them. This is indicative of the dangers that LRRD entails for principled humanitarian action.

Chad, as part of the French “*pré-carré*,” is politically much more important to the European Commission than to the U.S. As a consequence, the European Union stationed nearly 4,000 EUFOR peacekeepers there between 2008 and early 2009 and has made Chad a considerable testing ground for a less principled humanitarian mandate, an LRRD-program and their new Instrument for Stability. The U.S., by contrast, has little political interest in the country and only engages in narrow mandate humanitarian funding.

South Sudan has been a political priority for both the European Commission and the U.S. for decades. The exceptional mobilization around the Darfur conflict in the U.S. and the privi-

leged relationship of the Khartoum Government with the former U.S. administration turned Sudan into the most important receiver of U.S. funds in all Africa. Because of its political importance, both the European Commission and the U.S. have been creative in setting up LRRD activities such as the European Commission's Humanitarian Plus Program, Post-Conflict Community-Based Recovery and Rehabilitation Program and the U.S. BRIDGE Program.

Thanks to its central geographical position, its resources and particular historical relationship with both the European Commission and the U.S., the DRC also receives a lot of attention from both donors. This political interest, demonstrated by the massive funding provided for the 2006 elections and the largest UN peacekeeping mission MONUC, has translated into several LRRD or development-relief activities on both sides.

Afghanistan is a special case. Because of the highly militarized nature of both European Union (which is the context the Commission is perceived in in Afghanistan) and U.S. assistance strategies, LRRD cannot be seen as separate from the Provincial Reconstruction Teams and the controversies surrounding them. In addition, the explicit state-building agenda of both donors points to the heart of the LRRD challenge: After providing predominantly humanitarian assistance under the Taliban regime, both the European Commission and the U.S. have been struggling to link their humanitarian and development assistance under the umbrella of a highly political security agenda whose overarching aim is to strengthen the central state in order to counter terrorism. In situations such as these, humanitarians have a hard time isolating and distancing themselves from the more transformative activities of their development and security colleagues.

Military Security

The case studies show that military security provided by the UN, NATO, the EU, or unilateral military missions is a double-edged sword for LRRD. While it may reduce humanitarian space and endanger access, it is also an enabling factor for more long-term development activities and for the institutional willingness of donor departments to get involved in LRRD-activities. Afghanistan, South Sudan, and eastern DRC are clearly cases in point. Without the substantial military presence of MONUC in Goma, the provincial capital of North Kivu, the European Commission would certainly be less willing to continue its large LRRD-program activities in the area. Without the protection provided by the Provincial Reconstruction Teams, humanitarian convoys would not leave their warehouses in many parts of Afghanistan.

The Existence of a Political Framework

Connected to political interest and security is the political framework within which development cooperation and humanitarian assistance take place. Is there a formal peace agreement detailing the way forward? Is there an official cooperation contract between the donor government and the partner government? LRRD tends to take place in situations where a clear political framework and state contracts exist and the state is sufficiently willing and able to cooper-

ate in more development-oriented activities. This is the case with the current LRRD-program in DRC and the South Sudan BRIDGE program. The Humanitarian Plus Program, however, was established in the absence of a formal cooperation contract. There is obviously a high degree of variability—a sign that a lot is possible in the grey area of LRRD. However, much more could be done if the key challenges outlined above were systematically addressed and conceptions clarified.

Key European Commission and U.S. Similarities and Differences

The humanitarian offices of the European Commission and the U.S. Government, ECHO and OFDA share a strong commitment to humanitarian principles and to a narrow understanding of the humanitarian mandate. To overcome their “obsession” with exit strategies and to allow a more pragmatic approach to LRRD, they both need to improve their relationship with their development departments. OFDA could improve its cooperation with the development side within USAID and ECHO could liaise more closely with DG DEV, DG AIDCO and DG RELEX (as well as other DGs that touch upon their activities, such as DG Environment and DG Trade). As discussed, the most comprehensive and conceptually sound development-relief guidance of both the European Commission and the U.S. was produced in USAID’s Office of Food for Peace. To what extent that best practice in the food sector might be expanded to other sectors remains to be seen.

The European Commission and the United States also share a lack of enthusiasm for pooled and multi-donor trust funds, mostly managed by the United Nations and/or the World Bank. Many NGOs interviewed in the case studies welcome this because it gives them the possibility to pick and choose, as it creates a “humanitarian funding market” with varying requirements and administrative procedures. The UN is understandably more critical of this lack of integration into common structures. It sees pooled funds as an important mechanism to increase effectiveness and accountability of humanitarian funds. In theory, multi-donor trust funds provide opportunities for more flexible funding as they comprise funding from different donors and departments. This flexibility would then render LRRD more feasible. It is for that reason that the Dutch *Royal Tropical Institute* positioned them right at the intersection of the state and systems continua (see graph on page XXX).

In their relationships with implementing partners, evidence is mixed on whether the European Commission and the U.S. support LRRD programs. While the EDF B-Envelope was sometimes praised for its flexibility and sometimes criticized for its slowness, there were complaints that both the U.S. and the European Commission were hesitant to fund programs like the World Food Program’s Protracted Relief and Recovery Operations (PRRO). According to interviewees, they were regarded as being neither humanitarian nor development and would thus sometimes fall through the funding grids.

European Commission and U.S. LRRD or Development-Relief Programs

European Commission and United States LRRD program design is varied and non-systematic, but at the same time quite flexible. This is due to different political and humanitarian situations and the lack of clear guidance and institutional responsibilities in the grey area

between humanitarian and development assistance. The variety of programs set up in Chad, South Sudan, DRC, and Afghanistan reflect this.

As indicated in the context section above, the more political interest a donor has in a country, the more likely it will be to set up LRRD-programs. In **Chad**, the European Commission has set up three programs that can be brought under the LRRD label:

- The *Programme d'Accompagnement à la Stabilisation* (Stabilization Program) which supports IDP return, host populations and the transition from relief to development. It is financed by the 9th European Development Fund and has a total budget of €13.1million.
- The *Programme multisectoriel pour l'intégration socioéconomique des populations autochtones et réfugiés du département de Grand Sido*, also known as the *LRRD-project*. Its aim is to improve living conditions for the local population and refugees in the Grande Sido area, and to reduce the risk of insecurity brought about by local inter-community conflicts.
- The *Instrument for Stability*, which is sometimes referred to as an LRRD instrument and sometimes is not, is used in Chad to support the police and the census process for the upcoming elections—neither of which is closely related to humanitarian activities.

The U.S. is providing a limited amount of funding to the LRRD-project but has not set up any programs on its own. The U.S. lack of political interest can be seen in the fact that its Office for Transition Initiatives (OTI) has engaged in Chad with only \$118,000 in 2007.

In **South Sudan**, both donors engage in LRRD activities. The U.S. focuses currently on the following:

- The *BRIDGE Program* aims to help the Southern Sudanese Government at state and county levels with the transition from existing relief programs to more sustainable methods of government-managed service provision. This program is still in its early stages.
- OTI works through the NGO PACT and a private sector actor, Development Alternatives Incorporated (DAI).⁵⁴ The approach is to provide quick, flexible and small grants to a range of local government and civil society actors in ways that demonstrate immediate peace dividends.

The European Commission funds LRRD-activities through the following mechanisms:

- The Sudan *Post-Conflict, Community Based Recovery and Rehabilitation Program* (RRP), which is a rural livelihoods focused program that also provides support to basic services and to building the capacity of local government. The RRP is administered by UNDP and implemented by a consortium of 48 NGOs in ten states (5 Northern and 5 Southern, affected by the North/South conflict. For the time being, Darfur has been

⁵⁴ For more, see Chapter 13.

excluded from this initiative. The European Commission committed €50 million (\$70 million) to the RRP.

- *Multi Donor Trust Fund (South)* European Commission financing for this World Bank-administered trust fund is €48 million, €24 million of which was specifically given for the WFP road rehabilitation program.
- The *EU Humanitarian Plus Program* was launched in 2002 and came to an end in 2008. It was designed as a one-off program aiming to revive development cooperation between Sudan and the European Commission in the absence of a valid country agreement. It took a longer-term view of addressing immediate needs by supporting the rehabilitation of systems and services and enhancing local capacities. The second phase of the Humanitarian Plus program was launched in 2004 and particular emphasis was placed on linking relief, rehabilitation, and development in the priority sectors of food security, education, health care, and water and sanitation.
- With the *Food Security Thematic Program* the European Commission supports 12 ongoing projects in southern Sudan to a value of €15 million. These projects focus on agriculture, alternative livelihoods, water and natural resource management, and environment.

In the **DR Congo**, while none of the two donors engages in the OCHA and UNDP-managed Pooled Fund, a variety of instruments are used by both the European Commission and the U.S..

The European Commission has engaged all of its new foreign aid tools applicable to the “grey area” between humanitarian and development assistance:

- It has set up a large *LRRD-program* for Eastern Congo worth about €100 million for 5 years. It focuses on infrastructure rehabilitation, health and capacity building. With its varying levels of cooperation with ECHO since its inception in 2002 and its conflicted relationship with the Congolese central Government, it is a revealing example of the challenges of active LRRD-promotion.⁵⁵
- The *Food Security Thematic Program* comprises €11–12 million in both 2007 and 2008.
- The *Instrument for Stability* contained €18.5 million for 2006 to 2008.

The United States engages in development-relief activities particularly in the food sector:

- The Office of Food for Peace (FFP) has three *Multi-Year Assistance Programs* from 2008–2011, worth about \$34 million, with Mercy Corps, Food for the Hungry International, and Africare/ADRA in South Kivu, Northern Katanga and non-turbulent parts of North Kivu. These are meant to be a transition from the emergency to development. Meanwhile, FFP funds WFP for its emergency operations.

In **Afghanistan** the European Commission has started to fund LRRD programs in specific areas, known for their high level of vulnerability. A good and recent example of this trend is

⁵⁵ For more, see Chapter 10.

the Commission's Food Security Thematic Program call for proposals entitled "Linking relief to rehabilitation and development through food security interventions in areas affected by natural disasters and prolonged insecurity in Afghanistan." The call used terms such as "vulnerability linked to conflict and disaster," "recovery from disaster" and "strengthening resilience."⁵⁶

The variety of funding mechanisms chosen in contexts that are quite similar with respect to the needs of the population and to the limited grasp the central state has on the regions of protracted conflict shows the slightly reactive and haphazard decision-making process on LRRD among both the U.S. and the European Commission.

It seems it is not the situation that determines the choice of instruments but rather the current political relationship with the host government and staff priorities in the country and at the respective country desk at headquarters. This leads to shifting willingness to engage with the state in systems-building or to fluctuating interest in UN or World Bank pooled or multi-donor trust funds. In DRC it did not meet European Commission or U.S. needs, while it did in South Sudan. Multi-donor trust funds provide opportunities to link relief, rehabilitation, and development, despite frequent NGO criticism of relatively slow funding disbursement, because they are based on a unified situation analysis. The reactive nature of LRRD also leads to varying levels of support to LRRD-prone activities like the WFP's Protracted Relief and Recovery Operations. A more strategic approach to LRRD might render these donor choices more systematic.

Recommendations

This analysis of the two donors' conceptual approaches, institutional set-ups, and operational challenges has shown that LRRD does take place in a rather haphazard and non-systematic way. Linking the conceptual and organizational cultures of humanitarian and development assistance is a highly complex and controversial topic that both the European Commission and the United States are struggling to deal with. To achieve pragmatic change in this realm, the donors should adopt the following steps:

The Conceptual Level

1. A first step towards improving LRRD would be to recognize clearly that there is an LRRD or early recovery gap in specific operations.
2. An honest and pragmatic discussion should then take place about the boundaries, the objectives and guiding principles of the humanitarian, transition, and development sectors that have caused that gap to emerge. Although this seems to be a continuous discussion, it is very rarely thought through. It is only through normative clarification and better understanding that serious steps at linking and complementarity can be made. Some officials complain about the defensiveness of both the humanitarian and development scene, which is not conducive to problem-solving. A better understanding of each other can only be achieved through open dialogue. This includes taking a hard look at current guidance and international declarations. Both the European

⁵⁶ For more, see the Afghanistan case study, Chapter 11.

Commission and the United States have subscribed to the Paris Declaration on Aid Effectiveness and the Good Humanitarian Donorship Initiative (GHDI). Unfortunately, the core principles of coordination, coherence, and complementarity partly contradict the narrow and principled humanitarian mandate advocated by the GHDI. These contradictions resurface in the strategic guidance analyzed above. Increased dialogue has to tackle this.

3. This dialogue will open up at least three avenues on how to deal with LRRD. First, keep muddling through by adhering to the humanitarian principles and paying lip-service to LRRD. Second, preserve a narrow humanitarian mandate which necessarily entails that the humanitarian sector stays clear of the LRRD agenda to retain its independence. Third, broadening the humanitarian mandate—which compromises core humanitarian principles—but makes humanitarian participation in LRRD possible. To increase credibility and transparency—core values of both the U.S. Government and the European Commission—both donors should make a clear decision on these three options and mainstream it into their guidance documents.
4. To facilitate this decision both donors should conduct a cost-benefit analysis of the narrow vs. broader humanitarian mandates. This is obviously methodologically hard to do but has to move to the center of donor attention if an informed decision between principles and pragmatism is to be made.

The Institutional Level

5. During that dialogue, assuming that LRRD remains desirable, institutional responsibilities should be clarified to prevent LRRD programs of implementing agencies from falling through the grids.
6. At the same time, the European Commission and the U.S. Government as the biggest development and humanitarian donors should recognize the opportunities that lie in their broad engagement. Competition between their departments should thus be transformed into increased complementarity.
7. To keep the dialogue realistic it should be kept in mind that the capital intensity of humanitarian assistance per beneficiary is substantially higher than that of development assistance. This leads to disparate levels of service provision and poses a challenge to complementary humanitarian and development activities. Sphere standards are very high and should be scrutinized in light of their possible link to development.

The Operational Level

8. Joint situation analysis and needs assessments among the different donor departments and services are essential to develop a common understanding of the crisis situation at hand and to harmonize policies. Without rapprochement of analyses, policies will not come closer.
9. Building on increased joint analysis, we recommend developing specific scenarios on how to link service delivery with system-building in all sectors in specific country con-

texts. This needs to be *very* specific and practical. Scenario-building will have the effect of opening avenues for cooperation between humanitarian and development assistance that were not considered before.

10. In the context of scenario-building it is important for donors to develop a clearer understanding of implementing agencies approaches and strategies towards LRRD. There are organizations that are much more advanced than others in this respect. Systematic screening of the organizations that receive European Commission and U.S. funding with regards to their LRRD capacities is a key mechanism for donors to promote LRRD.
11. Particular emphasis should be placed on funding organizations that engage in capacity development. The activity that is hardest to support in both humanitarian and development assistance is capacity development. This has been on the agenda for a long time in the development community, with its longer term approach and more strategic interaction with beneficiaries. In humanitarian assistance it has been less of a focus. However, capacity development is the activity that will yield the highest results in linking relief and development. People in the beneficiary country tend to stay there and contribute to humanitarian response and to the development of the country. They are also important agents of preparedness—the other side of the LRRD-coin. Supporting them is both life-saving and sustainable—the ideal combination called for by LRRD.

Chapter 9

South Sudan: European Commission and U.S. Approaches to Linking Relief, Rehabilitation and Development—A Case Study

Paul Harvey

South Sudan is a fascinating context in which to scrutinize the links between relief, rehabilitation and development. As one of the world's longest running complex emergencies and largest assistance operations, South Sudan has been a crucible for many of the debates around relief and development and the appropriate interaction between the two approaches over a number of decades. Moreover, the current peace process has led to the introduction of a range of innovative financing mechanisms which have been unusually well evaluated and analyzed. Seen from the perspective of the Raising the Bar research project, South Sudan is a particularly interesting case because funding approaches adopted by the European Commission and the U.S. have significant differences.

The aim of these case studies is to adopt a specifically donor perspective on Linking Relief, Rehabilitation and Development (LRRD), asking: 'to what extent can the European Commission and the U.S., as the most important donors of humanitarian and development assistance, promote good LRRD outcomes at the field-level?'

The underlying premise or hypothesis in the terms of reference was that 'specifically for donors, adopting a LRRD focus, spanning both policy formulation and funding decisions, can increase the effectiveness of donor assistance strategies—in the sense that livelihoods are more effectively protected, are made more resilient to future shocks, and are less and less dependent on foreign assistance.' This case study sets out to examine this hypothesis in the context of South Sudan with a particular focus on European Commission and U.S. donor policies. The main body of this study focuses on donor policies and financing instruments introduced since the signing of the Comprehensive Peace Agreement in 2005. 2008 marks the mid-point of the interim period mapped out by the Comprehensive Peace Agreement and was intended to mark the boundary between the recovery period (2005–07) and a development period. This mid-point makes it an opportune moment for reflection and analysis on the effectiveness of donor policies in promoting peace and development since the signing of the Comprehensive Peace Agreement.

The case study is based on a review of the available published and grey literature and a small number of interviews and correspondence with key European Commission and U.S. officials. A limited budget and therefore time available for the case study means that this is a short, analytical piece, not an in-depth piece of research. There was not scope for any field level research and interviews with South Sudanese government officials, clearly one of the key stakeholders,

were not possible. Fortunately there is a rich, recent literature on financing mechanisms in south Sudan on which to draw.¹

Relief and Development in South Sudan

There is a long history of debates about relief and development in South Sudan during the civil war. Operation Lifeline Sudan was the chief mechanism for delivering assistance and channeling donor financing during the civil war and retained a primary relief focus. However, both within the Operation Lifeline Sudan umbrella and in donor policies, fierce debates raged during the 1990s about the extent to which it was appropriate to fund activities that could be labeled as rehabilitation or development. Donors grappled with the need to maintain humanitarian principles of independence and neutrality whilst facing calls from assistance agencies at field level to support building of local capacity and engage in activities that went beyond 'life-saving' relief. South Sudan was one of the key arenas in which debates about the appropriate divisions between relief and development actors, principles and financing in the context of a protracted crisis played out. There is also a need to frame donor assistance strategies in South Sudan within the overall politics of international relations between Sudan and the donor countries. Strained relations between the government in Khartoum and western governments, concerns about widespread human rights abuses and assistance diversion by both parties to the conflict as well as a strong political lobby especially in the U.S. in favor of the southern rebel movement have all had important influences on assistance policy.

As Murphy² notes, humanitarian assistance instruments during the civil war were often stretched to the limit as development type approaches crept in, including prolonged service provision. USAID, in particular, implemented a development assistance program before the signing of the Comprehensive Peace Agreement for livelihoods, education, agriculture and peace building. The European Commission Humanitarian Plus programme also helped to provide multi-year funding and maintain support for basic services.³

In some senses, the signing of the comprehensive peace agreement has made the challenge of linking relief, rehabilitation and development (LRRD) simpler. There is at least now a clear process of recovery going on, an emerging government structure to engage with and declining levels of insecurity. It has in some ways become a conventional challenge of building governance capacity and supporting the recovery of services and livelihoods following a conflict. In common with many conflicts, the peace process is fragile, security risks remain and renewed conflict may continue to create humanitarian needs as evidenced by recent violence in Abeyi. The concept of the contiguum and the need for simultaneous capacity to engage in relief,

¹ The author wishes to thank the following interview partners: Tiare Cross, USAID/Sudan, OFDA Northern Sudan Program Officer; Mark Douglas, USAID Program Officer; Wendy Fenton, Consultant; Pam Fessenden, OFDA; David Gressley, UNMIS Regional Coordinator, South Sudan; Sureka Khandagle, OFDA; Nicolas Louis, ECHO Representative, Juba; Kurt Low, Supervisory Program Officer for USAID/Sudan; Jennifer Mayer, OFDA; Sara Pantuliano, ODI Researcher; Tom Slaymaker, ODI Researcher; Ken Spear, Sudan Deputy Country Representative, Office of Transition Initiatives, United States Agency for International Development; Marv Koop, Country Director, PADCO, European Commission, Sudan; Paul Symons, European Commission, RELEX Khartoum.

² P. Murphy, "Managing the middle ground in South Sudan's Recovery from War. Basic service delivery during the transition from relief to development," a report commissioned by DFID Sudan and the Joint Donor Team (2007).

³ W. Fenton, "Funding Mechanisms in South Sudan: NGO Perspectives," Draft January 29 2008. Juba NGO Forum.

rehabilitation and development is clearly needed. The situation in Sudan is complicated by the ‘one government, two systems’ approach enshrined in the Comprehensive Peace Agreement meaning that engagement is needed both with the Government of National Unity at a Khartoum level and with the emerging government of South Sudan at a Juba level. There are also huge challenges raised by the sheer scale of the country and of the recovery challenge. Decades of civil war mean that the task is often less one of rebuilding than of starting anew in terms of access to services, meeting key development goals and developing state capacity at local and regional levels. As Médecins Sans Frontières note for the health sector; “it is impossible to apply conventional notions of ‘post conflict’ to South Sudan, which in many ways is starting from scratch. Before the war, the region had a severe lack of general infrastructure and health systems and decades of conflict destroyed what little existed.”⁴

Financing Instruments in South Sudan

Donors to South Sudan have provided assistance for a myriad of complex bilateral and pooled funding mechanisms. Indeed, it has become something of a hotbed for the introduction of new pooled funding approaches and for attempts to find mechanisms to bridge the ‘recovery gap’ between relief and development funding.

There has been particular use of what are labeled as ‘pooled instruments’ which can be defined as vehicles for providing assistance where several donors put funds into one instrument. It is not entirely clear why South Sudan has proved such a hotbed for the use of pooled funds and some argue that it has suffered through being something of a guinea pig for current donor enthusiasm for harmonization. In part it reflects global commitments through both Good Humanitarian Donorship and the Paris Principles to harmonization. The perceived success of the Multi Donor Trust Fund in Afghanistan also seems to have been a factor with the problematic assumption that a similar model could be rolled out in South Sudan. There is an interesting contrast to be drawn with northern Uganda where there is a complete absence of pooled funding instruments for recovery. The reason for this seems to be the presence in Uganda of strongly established donors with development approaches and relationships with the Government of Uganda leading to an assumption that relief can be relatively rapidly phased out and development funding through existing relationships introduced. In South Sudan, by contrast, the length of the war and the difficult political relations between the government in the north and western donors meant that there were little or no development relationships and funding modalities to return to. Arguably these two neighboring countries present two extremes—Sudan with an embarrassment of riches when it comes to recovery funding instruments and Uganda with not enough.

Pooled funds, however, have not taken the place of bilateral projects whereby individual donor governments directly fund particular projects, agencies or governments. Both the European Commission and the U.S. as donors have retained substantial bilateral program. The U.S. does not support any of the pooled funding mechanisms whereas the European Commission

⁴ Médecins Sans Frontières, “MSF South Sudan Activities Update,” <http://www.doctorswithoutborders.org/sudan> (2008); Médecins Sans Frontières, “Greater Upper Nile, South Sudan: Immediate Health Needs Remain Amid A Precarious Peace,” <http://www.doctorswithoutborders.org/publications/article.cfm?id=3353&cat=special-report>.

supports some of the pooled instruments as well as having a bilateral program. The Government of South Sudan (Government of South Sudan) estimated that there were 26 donors and multilateral agencies operating in South Sudan, funding 169 projects but this relied on self reporting so is likely to be an underestimate.⁵ USAID and the European Commission are the two largest donors in South Sudan.

The range of pooled and bilateral instruments introduced in South Sudan are summarized briefly below, drawing largely from Taylor Brown's 2008 report on The Joint Donor Partnership Instrument Mix (Taylor Brown 2008).

The Multi-Donor Trust Fund for South Sudan which was established as part of the Comprehensive Peace Agreement and was intended to be the cornerstone of the assistance architecture for South Sudan. The Multi-Donor Trust Fund channels donor financing and the Government of South Sudan's oil revenue toward achieving the reconstruction and development needs outlined in the Joint Assessment Mission. The World Bank administers the Fund and the UN plays a key role in implementation. For the period 2005–07, donors pledged a total of US\$356.5 million to the Multi-Donor Trust Fund–South Sudan.

The Common Humanitarian Fund was created in 2006 to deliver early, predictable and coordinated funding to address the humanitarian needs of Sudan. The Common Humanitarian Fund is administered by UNDP, is a national fund and received US\$204 million in contributions in 2007. In practice, the Common Humanitarian Fund has been stretched to provide significant funds for early recovery and transition activities (including basic services) as well as humanitarian activities.

The Capacity Building Trust Fund was established in 2004 in the lead up to the Comprehensive Peace Agreement. The Capacity Building Trust Fund was intended to fund both recurrent costs and build the capacity of the nascent Government of South Sudan. It was also intended to provide funds for quick impact programs in the private sector. Initially, the Capacity Building Trust Fund was expected to bridge the gap until oil revenue and the Multi-Donor Trust Fund could provide more structured funding to Government of South Sudan and early recovery needs. In practice, the Capacity Building Trust Fund funds have been used flexibly to fill a wide range of gaps related to capacity building and recovery. The Capacity Building Trust Fund is administered by UNICEF and has received \$19.4 million in total contributions between 2004 and 2007. The current fund is coming to an end, but the Government of South Sudan and UNICEF have proposed an extension and replenishment.

The Strategic Partnership Arrangement is a UNDP administered framework for supporting the Comprehensive Peace Agreement and Joint Assessment Mission in the areas of governance and rule of law. The Strategic Partnership Arrangement is co-financed by the UK, Denmark and the Netherlands. Sweden plans to contribute funds to the Strategic Partnership Arrangement during the coming year. The Strategic Partnership Arrangement seeks to complement the Multi-Donor Trust Fund by providing flexible and quick support to governance and early recovery projects and programmers. It has provided funding for 24 projects from a pool of \$64 million. The Strategic Partnership Arrangement has recently been extended until March 2009.

⁵ Taylor Brown, "The Joint Donor Partnership Instrument Mix 2008–11: An Options Paper," the IDL Group. 2008.

Other pooled funds in South Sudan include the Emergency Response Fund (providing relatively small funding for rapid onset emergencies) and the Global Fund (for HIV/AIDS, tuberculosis and malaria).

In response to the perceived gap in financing for recovery particularly on the part of the Multi Donor Trust Fund there is a plan to introduce a Sudan Recovery Fund.

The Basic Services Fund is a DFID funded program financing the delivery of basic services (health, education and water) through non-state providers. Initially conceived of as a bridge to the Multi-Donor Trust Fund, the Basic Services Fund has a total budget of \$34 million for the period 2006–2008.

USAID has negotiated a bilateral framework agreement with the Government of South Sudan for all U.S. development (non-humanitarian) assistance that benefits south Sudan for the period of U.S. fiscal years 2008–2012. The framework document is a Regional Assistance Grant Agreement that provides funding for development objectives that are mutually prioritized by the U.S. Government and the Government of South Sudan. While there is no funding ceiling for the Regional Assistance Grant Agreement, funds are incrementally provided as they become available; total obligations as of December 31, 2008 exceed \$200 million. Private-sector entities overwhelmingly implement these resources, although the U.S. and the Government of South Sudan coordinate all U.S. development assistance to South Sudan through the Ministry of Finance’s Budget Sector Working Groups.

This complex mix of instruments has been unusually well documented and evaluated with a flurry of recent reports focused on the performance of the various assistance instruments being used by donors in South Sudan.⁶ This case study draws on this rich literature and on interviews with key European Commission and U.S. officials to highlight the key findings and emerging issues in relation to linking relief and development. These include:

- Difficult dilemmas and trade-offs between the goals of building local and government capacity for service delivery and securing an immediate ‘peace dividend’ via the expansion of service delivery through international assistance actors.
- Whether or not the laudable goals of pooled funding around greater coordination and harmonization have to some extent been prioritized over effectiveness. And linked to that, whether or not there has been too much focus on financing instruments at the expense of broader policy engagement.
- The fragility of the peace and recovery process and the need to maintain the capacity for humanitarian action.

First, however, the paper examines in more detail the funding and approaches of USAID and the European Commission.

⁶ Brown, *Ibid.*; 2008; Fenton, *op. cit.*; Murphy, *op. cit.*; Million Peter and E. LoWilla, “Too big, too many, too much: policies and instruments of the European Union in ‘post-peace agreement’ areas: a coherent contribution to stability, security and development?” Study commissioned by the Association of the World Council of Churches related development organizations in Europe, 2008; ScanTeam, “Review Post Crisis Multi-Donor Trust Funds,” 2007, <http://www.worldbank.org/rmc/cofidr/MDTFReportExecSum.pdf>.

USAID

The U.S. Government is the largest international donor to Sudan, and USAID has a range of large projects covering humanitarian, recovery and development objectives. According to its 2008 financial year budget (money to be spent in 2009), USAID will be allocating non-humanitarian assistance of \$272 million in these priority development sectors: \$115 million to the support of ‘just and democratic governance’ (most of which is targeted to South Sudan); \$58 million to basic services (health, education, and water and sanitation); and US\$96 million for economic growth activities, including activities for infrastructure, agriculture, private sector competitiveness, microfinance, property rights and policy, and environment. USAID’s humanitarian assistance funding, including food assistance and transition initiatives, is estimated to be more than \$660 million in fiscal year 2008, of which \$483 million will be spent in Darfur. USAID is a critical donor in many public-service sectors. For example, Fenton estimates that USAID supported 81% of donor supported health facilities in South Sudan from 2005-2007, the majority from USAID/OFDA funding.⁷

Sudan is the highest priority country in Africa for the U.S. Government and USAID/Sudan is committed to supporting the implementation of the Comprehensive Peace Agreement; providing relief and reduction of suffering in Darfur; promoting a viable and lasting peace process in Darfur; and supporting the democratization of accountable governance throughout the entire country. USAID activities seek to buttress the Comprehensive Peace Agreement with tangible peace dividends through support to governance, social service delivery, livelihood diversification, IDPs and returnees, and infrastructure improvement.⁸

The most recent call for proposals is focused on building responsibility for the delivery of government services (through a program entitled ‘BRIDGE’), which aims to help the South Sudanese government at state and county levels with the transition from existing relief programs to more sustainable methods of government-managed service provision.⁹ This is currently going through a competitive solicitation process for proposals and is seen as an innovative way of linking relief and development. The geographic focus of the program also lends itself well to supporting the transition from humanitarian assistance-based, NGO-led interventions to more sustainable, locally-driven development, as the areas where this development assistance program will be implemented are in states that border the North and of Abyei, Southern Kordofan and Blue Nile (the so-called Three Areas), where USAID has predominantly program mainly humanitarian assistance up to now. USAID’s 2006-8 strategy noted that, “humanitarian and development assistance programs will work in tandem to achieve results.”¹⁰

⁷ Fenton, *op. cit.*

⁸ USAID, “Sudan—Complex Emergency, Situation Report #1, Fiscal Year 2008.” http://www.usassistance.gov/our_work/humanitarian_assistance/disaster_assistance/countries/sudan/template/fs_sr/fy2009/sudan_ce_sr01_10-03-2008.pdf.

⁹ USAID, “Annual Program Statement for Building Responsibility for the Delivery of Government Services (BRIDGE) Program,” 2008, http://www.usassistance.gov/locations/sub-saharan_africa/countries/sudan/docs/aps_sudan_jul08.pdf.

¹⁰ USAID Sudan, “Strategy Statement 2006-08,” http://www.usassistance.gov/locations/sub_saharan_africa/countries/sudan/docs/sudan_strategy.pdf.

USAID funding for South Sudan has come from four main sources: Development Assistance from the Africa Bureau; and through three offices of the Democracy, Conflict, and Humanitarian Assistance Bureau: the Office of U.S. Foreign Disaster Assistance (OFDA), the Office for Transition Initiatives and the Office of Food for Peace (FFP). These interconnected programs provide a theoretical transition from relief to development within U.S. Government funding, as OFDA, FFP (emergency food assistance programming) and Office for Transition Initiatives projects phase out as longer term development assistance comes on line. In November 2007, OFDA anticipated that a more favorable environment for long-term assistance measures would enable a significant reduction in humanitarian funding.¹¹

OFDA funding provides support in the areas of health, water, food security and livelihoods. Supporting the provision of health services has been one of the main focuses for OFDA and is the biggest sector for its support with \$28 million of funding in 2008 for the south and \$16 million in the Three Areas. In 2006, OFDA was providing support to 332 health facilities. This number has gradually been declining and by the end of 2008 was down to 209, with facilities being handed over to the Government of South Sudan and long term development donors. Progress is being made on handing over facilities but there is a difficult balance to be drawn between a decline in the quality in services following hand-over and the continuation of unsustainable parallel systems implemented by NGOs.

The Three Areas is a high priority area for U.S. funding in general, with Office for Transition Initiatives and OFDA support in these areas seen as critical to the success of the peace process. There is a focus on civil service integration and on linking SPLA systems into governance structures at state level and on partners who can assist in civil service integration whilst providing support to services. Areas of high return are a particular priority for investment.

In South Sudan, OFDA works largely through international NGO partners with which OFDA has had a longstanding relationship and partnership. OFDA prefers not to put funds into the UN workplan but rather work through NGOs that it feels are more flexible and better at reaching remote and hard to reach populations, have a stronger on the ground presence and are more cost effective. USAID remains the largest donor to the World Food Program, although there are concerns about its ability to make an effective transition from relief to more recovery orientated programming.

OFDA traditionally will only provide funding for a 12 month period, leaving NGOs with little to no predictability on what their OFDA supported budget will be from year to year as OFDA budgets are uncertain from year to year. This is recognized as one of OFDA's biggest drawbacks and makes investments in some types of activities difficult, such as haffirs (water catchments) which take more than 12 months to effectively implement. On the other hand, the speed and flexibility of OFDA and Office for Transition Initiatives funding were seen as major advantages, particularly compared to pooled instruments or, to a lesser degree, to USAID's longer term development assistance funding instruments.

¹¹ OFDA, "OFDA Sudan (excluding Darfur) public guidance for potential partners 2008 program approach and priorities," 2007, http://www.usassistance.gov/our_work/humanitarian_assistance/disaster_assistance/resources/pdf/OFDA_Sudan_2008_Public_Guidance.pdf.

Office for Transition Initiatives in the south worked through a NGO called PACT and later through a private sector actor called Development Alternatives Incorporated (DAI). Its programming is now focused on the Three Areas, implemented by PADCO, another private sector actor. The approach is to provide quick, flexible and small grants to a range of local government and civil society actors in ways that demonstrate immediate peace dividends. The implementing agencies have considerable locally delegated authority and the ability to move quickly and take risks. The aim is to fund catalytic, foundational activities which can be built upon by longer term development actors. A particular strength of the small grants mechanism is seen as its ability to deliver funding directly to Sudanese Government and civil society entities with relatively little bureaucracy. Another perceived strength of Office for Transition Initiatives is its flexibility, which allows funding for activities and purchases that other donors are not necessarily able to support, such as supporting Government offices in terms of buildings, furniture and equipment. Such support addresses an urgent and appropriate need of the Government of South Sudan, considering its low starting point of basic infrastructure.

In South Sudan, USAID/FFP is currently supporting the UN World Food Program as well as NGOs to provide food assistance to address food insecurity in nearly all of the ten states. USAID/FFP's strategy has been to encourage its partners to phase out of direct distribution of free food assistance to all but the most vulnerable populations, such as newly returning populations from the North and refugee camps in neighboring countries. FFP has funded activities such as food-for-work, food-for-training, and emergency school feeding to its partners, with the understanding that these activities are intended to address food insecurity of populations in a more sustainable, recovery-oriented manner. In September 2007, USAID/FFP funded a field-study to look at the current food programming and recommend ways in which food assistance could be targeted and program in a more sustainable ways.¹² USAID/FFP's budget is divided between emergency and non-emergency funds; the Sudan FFP program is still funded exclusively with emergency funds. There are limitations on how these funds can be used—recovery is the current focus, not exclusively food assistance. USAID/Sudan is very interested to integrate non-emergency food assistance into its development assistance programs in the future. Development assistance through the Africa Bureau is starting to provide support to the Government of South Sudan through budget sector working groups in ways that support the Paris Principles around alignment. This provides more stable and multi-year funding streams.

U.S. donor representatives interviewed for the study felt that the three offices (Office for Transition Initiatives, FFP and OFDA) within the Bureau for Democracy, Conflict and Humanitarian Assistance (DCHA) worked well together based on strong personal relationships and years of experience both in the south and Darfur. International coordination with USAID development assistance was also generally seen as strong, although more challenging due to different approaches, focus and priorities.

European Commission

European Commission assistance to South Sudan falls into three broad categories. The European Commission is the largest donor to the Multi-Donor Trust Fund after the Joint Donor

¹² T. Frankenberger, et al., "Sudan Food Assistance Strategy, FANTA project" (USAID and TANGO, 2007).

Partnership (JDP) which consists of the governments of Canada, Denmark, the Netherlands, Norway, Sweden and the UK. The development program focuses on education, rule of law and rural livelihoods. In particular, the European Commission funds the Sudan Post-Conflict, Community Based Recovery and Rehabilitation Program, which is a rural livelihoods focused program that also provides support to basic services and building the capacity of local government. The Recovery and Rehabilitation Program is administered by the UNDP and implemented by a consortium of 48 NGOs in ten states (Five Northern and five Southern, affected by the North/South conflict. For the time being Darfur has been excluded from this initiative. The European Commission committed €50 million to the Recovery and Rehabilitation Program, evenly divided between the Northern and Southern components of what is, a national Program. Humanitarian assistance is managed by the European Commission Humanitarian Office (ECHO). ECHO funding is expected to be maintained or increase in the coming two to three years. As with OFDA, in practice much ECHO funding goes to the provision of basic services.

In the two first years following the peace agreement, ECHO allocated over €30 million through its implementing partners for humanitarian projects in South Sudan. In 2007 to support returns and early recovery programs ECHO increased its assistance to €29 million. Currently ECHO is in the process of planning additional funding for 2008.

Additional funding from the donors who finance the projects over a longer time frame will ensure the continuation of some of ECHO's emergency projects. Some of these longer-term funding mechanisms are the European Commission's Recovery and Rehabilitation Program, Humanitarian Plus Program, Food Security Thematic Program and the Water Facility. The latter two have already started funding some of ECHO's food security and water projects.

Key Themes

Strategy, Terminology and Approaches to Linking Relief and Development

It is easy to get trapped in a confusing and often unproductive debate about terminology in transitional contexts and this has clearly been an issue in South Sudan. As Murphy notes, the assistance community has been struggling with transition and has been “getting bogged down in ascertaining whether an activity should be humanitarian, recovery or development-like—instead of creating the rationale (through evidence based analysis) for improving the alignment and mix of assistance instruments and programs with the context at hand.”¹³

A recurring issue was the lack of any overall strategic framework for the recovery process. As Chandran et al argue, here is a strategic gap in early recovery and little evidence of strategy that encompasses political, security, development and humanitarian tools across bilateral and multi-lateral actors. Several of those interviewed noted that the Joint Assessment Mission could have formed the foundation of an operational strategy to guide the recovery process but that it has “faded as a living document.”¹⁴ As Murphy argues, the absence of a consolidated

¹³ Murphy, op. cit.

¹⁴ R. Chandran et al., “Recovering from War: Gaps in Early Action, City,” A report by the NYU Center on International Cooperation for the UK Department for International Development. 2008.

Box 1. Main European Commission Recovery and Development Programs

The European Commission is funding several large recovery and development programs in Sudan. Its policy is very much one-country, two systems. Most of its programming is therefore national with both a northern and Southern component, with the funding evenly divided between the two. As part of these national programs, the main programs supported in South Sudan are detailed below:

1. Recovery & Rehabilitation Program

Recovery and Rehabilitation Program is a national ‘quick-start’ intervention targeting livelihoods recovery within rural communities. The program is €54 million over four years and is targeting five conflict affected areas in each of North and South Sudan, which are now more stable and where there is potential for recovery interventions. The main elements of the program are 1) Institutional Capacity Building at county and state level 2) Livelihoods 3) Basic Services.

2. Sudan Productive Capacity Recovery Program (SPCRP)

This national program has two objectives; a) to promote rural livelihoods through direct support for projects and, b) to support institutional capacity building at different levels and different stakeholders in the area of food security. The financing for the program is €80 million over four years, evenly divided between the northern and Southern components. The program is implemented by the Ministry of Agriculture and Forestry and Ministry of Animal Resources and Fisheries, in collaboration with implementing agencies such as the UN Food and Agriculture Organization and various NGOs.

3. Food Security Information for Action

The objectives are: To strengthen capacity for generation, management and analysis of food security data and, to support decision making and planning in food security policies. The national programs financing is €20 million over four years, evenly divided between the northern and southern components. Food Security Information for Action is implemented through a partnership between key Government of National Unity and Government of South Sudan institutions in the food security sector.

4. Multi Donor Trust Fund (South)) (Multi Donor Trust Fund–South Sudan)—the European Commission has not contributed to the Multi-Donor Trust Fund (N)

European Commission financing for the Multi-Donor Trust Fund–South Sudan is €48 million, €24 million of which was specifically given for the WFP road rehabilitation program. European Commission shares its permanent seat on the Oversight Committee with another EU member state, Germany. Within the Multi-Donor Trust Fund sectoral programs, the European Commission and Germany have agreed to provide follow up and support to the education and rural development programs (water, agriculture, livestock projects). European Commission has also provided technical assistance to the Multi-Donor Trust Fund Technical Secretariat. European Commission coordinates the follow up Multi-Donor Trust Fund programs with the Joint Donor Team and other major Multi-Donor Trust Fund donors.

5. Rule of Law, Human Rights & Good Governance

The main objective of European Commission support is to ‘promote peace, recovery and development through institutional capacity building and confidence building between civil society and institutions’. The main financing decisions are:

Rule of Law—€6 million (infrastructure and capacity building for Ministry of Legal Affairs, Judiciary, Comprehensive Peace Agreement Dissemination)

—Security Sector - €22 million (de-mining and the D.D.R program)

—Media €1 million (support to the rehabilitation of Juba Printing Press)

—Technical assistance—€1 million—Government of South Sudan ministries in Rule of Law sector

6. Capacity Building Trust Fund

The European Commission has provided €2 million to the Capacity Building Trust Fund which is a ‘pooled fund’ managed by its main donors and the Ministry of Finance and Economic Planning. UNICEF is the custodian of the fund while KPMG is the financial manager. The Capacity Building Trust Fund is now providing support to ‘public finance management’ training at the Government of South Sudan and state level. A ‘Government of South Sudan training fund’ has been piloted and is supporting coordinated training programs for civil servants over 10 different Government of South Sudan ministries. The fund is also supporting Government of South Sudan capacity to run ‘in-country’ training and capacity building programs for civil servants through support of the Government Accountancy Training Centre (GATC) in Juba.

7. EU Water facility

The European Commission provides approximately €8 million in support of the rural water sector in South Sudan, channeled through UNICEF. The European Commission also supports a substantial water project (€2.15 million) in the northern part of Terakeka County, through the international NGO, ACORD.

8. Food Security Budget Line (FSBL), which changed to the Food Security Thematic Program (FSTP) in 2008

The European Commission supports 12 ongoing projects in South Sudan to a value of €15 million. These projects focus on agriculture, alternative livelihoods, water and natural resource management and environment. The FSTP, which will consider further projects this year, is much more focused on longer term LRRD than the now ended FSBL, which tended to address more “urgent” food security issues that are more the mandate of ECHO.

9. Livestock Epidemio-Surveillance Project

The European Commission has assigned €3.55 million of a €6 million national project in South Sudan. This is a major follow-up project to the long running regional PACE program for the eradication of Rinderpest and the monitoring of other livestock diseases.

10. De-mining

The European Commission has provided €5 million for de-mining activities by the UN Mine Action Service in South Sudan and a further €1.5 million for de-mining in two Southern states.

11. Non-State Actors development

The European Commission is providing €3 million nationally, evenly divided between Northern and South Sudan for the development of the capacity of Non-State Actors to manage project design and implementation in wide ranging, poverty reduction strategies.

Box 2. The Recovery and Rehabilitation Program

Following the signing of the Comprehensive Peace Agreement in January 2005, the European Commission re-launched its development cooperation with Sudan with a €54.575 million Recovery and Rehabilitation Program, which includes UNDP co-financing of €4.575 million, the bulk being funded with €50 million of STABEX funds. As such, it should be recognized as a Government program to provide an early peace dividend of the Comprehensive Peace Agreement. Thus, the Recovery and Rehabilitation Program is a five year initiative (2005–2009), managed by UNDP, on behalf of the Government of National Unity and the Government of South Sudan.

The program was first envisaged in early 2003, following the North/South ceasefire, in recognition of a real possibility of a final peace agreement. The program design resulted from detailed and frequent consultation with the Government of Sudan in Khartoum and the Sudan Peoples' Liberation Movement in Nairobi. Thus, its management arrangements and its implementation modalities are peculiar to the circumstances of the time and the capacities, or lack of them, of the contractual parties and beneficiary communities and local administration.

The Recovery and Rehabilitation Program is the largest and most comprehensive recovery program in Sudan, serving up to 800,000 Sudanese. A total of 48 national and international NGOs are working together in ten consortia of NGOs in ten states across the country to build water points, health care units, schools, and sanitation systems, design projects that provide income generation for poor households, improve the local administration's capacity, and respond to other priority needs as defined by the communities themselves.

The purpose of this program is to provide immediate peace dividends to war-affected communities. It aims at reducing the prevalence and severity of poverty and increasing food security amongst conflict affected rural households across Sudan. One of its specific goals is to link relief, rehabilitation and development. The Program commenced in January 2005 and is scheduled to run for a period of five years, ending on 31st December 2009.

Source: COWI Consortium Sudan Post-Conflict Community Based Recovery and Rehabilitation Program (Recovery and Rehabilitation Program), Mid Term Review, City: Prepared by WS Atkins International Ltd, The COWI Consortium. 2008

strategy around the recovery process remains a major impediment to greater coherence.¹⁵ European Commission in-country representatives, before and after the Comprehensive Peace Agreement, have been calling for the development of a 'Marshall Plan' for Sudan and especially the Southern states (personal communication). This lack of strategic leadership was also a problem of too many conflicting voices and the World Bank, UN and donors all attempting to play leadership roles without sufficient coordination.

Both the European Commission and the U.S. have, however, arguably been relatively effective at maintaining flexibility between relief and development instruments and encouraging transitions from relief to longer term funding. OFDA in its 2007 guidance for partners in relation to health care called for the inclusion of clear and measurable plans for transitions from relief to long-term funding and for complete relief to development checklists for each facility

¹⁵ Murphy, op. cit.

Box 3. EU Humanitarian Plus Program

The EU Humanitarian Plus Program was launched in 2002 and will come to an end in 2008. It was designed as a one-off program designed to revive development cooperation between Sudan and the European Commission in the absence of a valid country agreement. It took a longer term view of addressing immediate needs by supporting the rehabilitation of systems and services and enhancing local capacities. The second phase of HPP was launched in 2004 and particular emphasis was placed on linking relief, rehabilitation and development in the priority sectors of food security, education, health care and water and sanitation. Fenton notes that the program played an important role in providing continuous support to service delivery. It benefited from strong management by a private company, Euroconsult Mott Macdonald, who kept the same team members over the life of the program, traveled frequently to the field and had a good understanding of the context and relationships with implementing partners.

Source: Fenton, op. cit.

to be supported. It called for all health programs to include strong capacity building components.¹⁶ The European Commission has increasingly shared proposals between ECHO and those responsible for development financing and aimed to support transitions from ECHO to longer term funding. Sudan was also one of the countries where a LRRD analysis framework was tested although at the field level it was perceived as desk analysis and more of an imposition than a useful analytical tool. What several of the interviewees argued, however, was that both the European Commission and the U.S. have perhaps remained too focused on their own particular projects and funding instruments and have failed to take a more strategic and coordinated approach to wider issues relating to recovery and linking relief and development.

Funding Mechanisms

South Sudan has turned into something of a test case for pooled funding approaches with an extraordinary array of financing instruments. Advocates of pooled funding arrangements argue that they can enable donors to meet commitments to harmonization and alignment, cut transaction costs for both receiving and donating governments and enable better coordination of both policies and activities at field level. However, there are large question marks over how effectively they function in practice and whether these potential benefits are being realized, particularly in the context of South Sudan. Ironically, given that greater harmonization is one of the rationales for pooled funding, the multiplication of mechanisms and their complexity has made coordination difficult.

There are also interesting contrasts in donor approaches to pooled funding. The EU is the second largest donor to the Multi Donor Trust Fund - South Sudan but has also maintained a range of bilateral funding arrangements. DFID has been a major supporter of pooled funding arrangements but still introduced its own Basic Services Fund in response to the limitations of the Multi-Donor Trust Fund—South Sudan. The U.S. has not supported any of the various

¹⁶ OFDA 2007, op. cit.

pooled funding arrangements, both because of legislative constraints and because it remains unconvinced of their effectiveness.

The various reviews have clearly illustrated the limitations of pooled funding arrangements and, particularly, the failure of the Multi Donor Trust Fund - South Sudan to deliver quickly enough in the crucial first years following the signing of the Comprehensive Peace Agreement. As Chandran et al note, the Multi Donor Trust Fund - South Sudan suffered from a Catch 22: “World Bank officials explain that they had no ability to expend from the Multi Donor Trust Fund - South Sudan in the absence of government officials themselves setting the priorities, approving expenditures etc.—but the government officials in question had next to no human resources, and the purpose of the Multi-Donor Trust Fund was precisely to help build that capacity.”¹⁷ USAID officials interviewed noted a concern with the Common Humanitarian Fund in that it led to a proliferation of small projects from a wider range of agencies and reduced funding for some of the larger agencies, such as the World Food Program.

There is clearly a need to balance the desirable objectives of pooled funding with a concern for immediate effectiveness and the ability to disburse funding rapidly and flexibly. This suggests that a mix of instruments is probably needed as argued by Murphy, who notes that “a plurality of funding mechanisms should not be seen as indicative of weak or fragmented planning, but rather a response to the multifarious stakeholders, timeframes, sector and programmatic approaches that need to coexist in South (sic) Sudan.”¹⁸ Fenton similarly argues for a mix of flexible approaches and instruments, which together meet immediate service delivery and longer term, state building needs.¹⁹ It is, however, hard to avoid the conclusion that the proliferation of financing mechanisms may be creating confusion and that there has been something of an over-focus on the ways in which money is moved that may have distracted attention from how effectively it is being spent at field level.

Too often donors are still making judgments on financing mechanisms in terms of their success in allocating money. It was also noted that huge amounts of time were spent on deciding allocations of who gets what in pooled funding mechanisms such as the Common Humanitarian Fund, which perhaps distracted attention from what is being done with the money. Several of those interviewed felt that there was a need for a greater focus on questions around assistance effectiveness and monitoring what is actually happening on the ground in terms of project implementation and impact. Too little attention is also given to the question of whether or not people actually are recovering their livelihoods, the shifting strategies being employed in building new livelihoods and ways in which these could be better supported. There is a real need for stronger livelihoods analysis which examines issues around policies, institutions and processes as well as key livelihood assets.

The European Commission and U.S. bilateral funding arrangements have been important in enabling funds to continue to flow immediately following the peace agreement whilst joint funding arrangements became established and continue to play an important role given the ongoing limitations of joint funding.

¹⁷ Chandran, et al., op. cit.

¹⁸ Murphy, op. cit.

¹⁹ Fenton, op. cit.

Time Frame and Preparedness

The timeframe for linking relief and development was a recurring theme in the literature and in interviews. The Comprehensive Peace Agreement has imposed something of an artificial six year time-frame around recovery and a fairly linear assumption that it will be possible to move from relief to recovery to development. As Murphy argues, “rather than a passing phenomenon between a humanitarian crisis and conditions for supporting longer term development, transition in South Sudan is the context to address over the medium to longer term.”²⁰ However, the need for this longer term perspective has not necessarily been reflected in donor funding mechanisms or strategies. U.S. OFDA funding for NGOs is on an annual basis causing uncertainty and lack of continuity as policy shifts.

There have been attempts to move towards a slightly longer-term perspective within particular funding windows. The Recovery and Rehabilitation Program for instance provides three-year funding. Many of the financing instruments available, however, have remained relatively short-term and the various uncertainties about what funding was available from which instrument has meant that funding has often been unpredictable making longer term strategic planning and investments in capacity difficult.

Another recurring theme was the lack of preparedness to gear up support to recovery after the signing of the peace deal. The protracted peace negotiations meant that the peace deal was hardly a surprise and yet there were still significant delays in getting key funding instruments, organizational capacities and policies in place. An example was the lack of a framework agreement between the World Bank and the UN, which created at least a year of significant delays for important instruments.

Coordination

Several of the people interviewed for the study noted the good cooperation on linking relief and development issues within the different parts of European Commission and U.S. assistance to South Sudan. The European Commission Juba sub-office has played a part in this, as have strong individuals with long experience in Sudan, employed by both the European Commission and the U.S. Proposals received from NGOs are shared between ECHO and other DGs of the European Commission and the transition of particular projects between ECHO and longer term funding supported. Similarly, the U.S. encourages transitions from OFDA to development support.

Coordination between the European Commission and the U.S. was seen by various interviewees as more problematic. In the early years after the signing of the Comprehensive Peace Agreement this wasn't helped by the fact that the European Commission was largely based in Khartoum and the U.S. in Nairobi. This lack of a robust Juba presence in the early stages of the peace process was a constraint to participation in strategic level planning and one interviewee noted that, “their absence was felt.” There was one senior level diplomatic EU post in Juba but this had nothing to do with programming European Commission funds. The European Commission did have one representative in Juba from about October 2005 to the present but

²⁰ Murphy, *op. cit.*

at a relatively junior level. Peter and Lo Willa argue that this severely affected day to day business and relations with the Government of South Sudan.²¹

Some of those interviewed, however, did note the good coordination at field level between the European Commission and the U.S. particularly between ECHO and OFDA in the humanitarian sphere. Again, this often rested on strong individuals with good contextual experience. An interviewee described ECHO and OFDA coordination as “easy and efficient” with a good exchange of information, swapping of proposals and co-funding where appropriate. Coordination with the Office of Transition Initiatives was seen as more difficult. Several people interviewed noted the tendency of USAID to work in relative isolation and that they were more difficult to coordinate with both because of this isolation and due to a tendency to jump from initiative to initiative. USAID officials stressed that they were committed to coordination and to participating in the various pooled funding mechanisms as observers.

Perhaps the most ambitious attempt at donor coordination was the Joint Donor Office established in Juba, but this is widely seen to have been a failure, having been invested with too little authority to be effective. It was established in Juba in May 2006 by Denmark, Netherlands, Norway, Sweden and the UK with Canada joining in 2007.

Relations with the State

A key distinction between relief and development is how donors and assistance agencies relate to the state. Development assistance is generally premised on working with and through state institutions whereas humanitarian assistance often works around state authorities. As Murphy notes, the critical question of how donors, assistance agencies and their mechanisms best relate to and invest in South Sudan’s emerging state has often been lost in debates over contending relief and development priorities.²²

Various interviewees noted that NGOs were slow to make a shift from direct implementation to a greater focus on state level capacity building and that this has constrained the achievements of programs like the European Commission Recovery and Rehabilitation Program. As the mid-term review of the Recovery and Rehabilitation Program notes institutional development of local government is not “an area where NGOs have expertise or are comfortable” and they found the transition from humanitarian assistance delivery to participatory development difficult.²³ The question for donors is whether or not they could have done more to encourage and support NGOs in making the necessary shifts.

More generally, Chandran et al’s argument that capacity building programs need to be able to take risks to build national capacity in the absence of clear national direction rings very true for South Sudan. They note the risk of paralysis in waiting for government to have the capacity to lead. In the early years of the Comprehensive Peace Agreement donors seem to have had an unrealistic expectation of how quickly Government could build capacity and some of the basic

²¹ Peter and Lo Willa, op. cit.

²² Murphy, op. cit.

²³ COWI Consortium Sudan Post-Conflict Community Based Recovery and Rehabilitation Program (Recovery and Rehabilitation Program), Mid Term Review, City: Prepared by WS Atkins International Ltd, The COWI Consortium, 2008

measures that would be needed to do so. Just implementing the measures contained in the Comprehensive Peace Agreement and the Joint Assessment Mission placed extraordinary burdens on the government of South Sudan. They note that in Sudan, “the peace agreements and needs assessment together mandated the creation of over 250 commissions and councils—all to be implemented under the aegis of a new Vice President with next to no human or financial resources. There was no recognition of the scale of this task, and therefore no rapid mobilization of resources to achieve this.”²⁴ USAID’s support just to build functioning Government offices in Juba is an example of the sort of basic support that is still needed to enable Government to start fulfilling basic functions.

There was a particular lack of consistent support in key sectors that form the foundations of building an effective state. There has been an ongoing lack of holistic support to security sector transformation and instead a hodge-podge of initiatives which mean it remains a problem area. There were also key missed opportunities to provide stronger support in the fundamental area of support to the management of public finances. A combination of insufficient attention and institutional competition led to a failure to put in place an independent procurement agent for 2 years after the Comprehensive Peace Agreement and there were also key failures to put in place strong systems of payroll management for public sector staff. As one interviewee put it these failures to focus on key foundational elements and the tendency of donors to focus on bits and pieces has led to a ragged recovery.

Role of International NGOs, UN Agencies and Other Actors

International NGOs played a critical role in maintaining some limited access to basic services and relief during the civil war. The signing of the Comprehensive Peace Agreement has seen an understandable desire on the part of donors to move towards greater government ownership and away from direct NGO service delivery. However, there were unrealistic expectations about how quickly this was likely to take place. In the process, funding for NGOs dried up during a particularly critical two year period after the signing of the Comprehensive Peace Agreement and valuable skills and capacities were lost.

Responsibility for this loss of capacity needs to be shared between donors and NGOs. It was partly a result of a lack of responsive and flexible funding to maintain basic services and focus on actual delivery at field level. But it was also related to NGOs’ slowness to react to the changed circumstances following the Comprehensive Peace Agreement and engage more strategically with government, emerging pooled funding mechanisms and with new development actors. As Murphy notes, many agencies want to engage in longer term horizons but struggle with how to relate to newly forming and only partly functioning local Government authorities.²⁵ There are also insufficient incentives for NGOs to change ways of operating because of the widespread continuation of short term planning cycles and funding.

Part of the problem is arguably with the way that questions around the respective roles of international NGOs, Government and local actors get framed. Too often, this is presented in

²⁴ Chandran et al, op. cit., p. 29.

²⁵ Murphy, op. cit.

either/or terms—in the sense that there is a need to move from funding NGOs to more direct funding to Government, for instance. However, given nascent government capacities in South Sudan, and the need to maintain and expand service delivery and assistance with recovery processes, what was needed was not a switch from one provider to another, but an ‘all hands on deck approach’. Both emerging government institutions and NGOs with existing programs and capacity needed additional funding to capitalize on the opportunities presented by the peace process.

This is clearly described in relation to the health sector by MSF (2008)²⁶ who note that sustained financial commitment to short and long term health services is essential but that emergency donors are reducing their presence, significantly cutting the resources devoted to health needs. They note that there are few development organizations on the ground to run development projects and argue that it is vital that emergency health care programs continue to be funded even as longer term projects begin. Despite rhetorical and policy commitments to the simultaneous need for relief and development it still seems that in practice donors often reduce relief funding before development mechanisms are realistically able to deliver key services.

NGOs continue to play a critical role in the delivery of services. For example, in the health sector it is estimated that NGOs provide 86 percent of health services in South Sudan and pay around 75 percent of health worker salaries, with much of the funding still coming from OFDA and ECHO.²⁷

An important, negative feature of the majority of the financing mechanisms has been that they have tended to exclude local civil society and national NGOs. The Recovery and Rehabilitation Program has been an important exception with support to national partners encouraged through the consortium approach. The Office for Transition Initiatives small grants mechanism has also been able to transfer funds relatively efficiently to Sudanese local government and civil society institutions.

An interesting contrast between the European Commission and the U.S. has been the U.S. Government’s greater use of private sector contractors for implementing programmes, particularly those funded by OFDA, Office for Transition Initiatives and USAID’s Africa Bureau, the latter for longer term development programs. The European Commission would normally use private sector consultancy companies for implementing programs via normal European Development Fund tendering procedures. However, in the immediate aftermath of the Comprehensive Peace Agreement, the Government of South Sudan had no experience of European Commission systems and the Northern Government had had no practice for 14 years. This meant that the skills needed to conclude such contracts were not available. Likewise, the European Commission wished to take advantage of the experience of all NGOs on the ground, which meant that the European Commission rules of origin could not be applied. This necessitated going through an international organization (UN, World Bank and the Red Cross) for both management and procurement.²⁸

²⁶ MSF 2008, *op. cit.*

²⁷ Fenton, *op. cit.*

²⁸ Personal communication.

Box 4. U.S. Funding for Private Sector Companies

In 2005, PADCO was the first American private company to be granted an Office of Foreign Asset Control License by the U.S. Treasury Department to provide technical support directly to the new Government of South Sudan (Government of South Sudan). PADCO is providing technical assistance in preparation of urban master plans for the 10 state capital towns in South Sudan, in rehabilitation of physical infrastructure of Juba town so that it can serve as the capital city of the new government, and in preparation of the South Sudan Housing Sector Development Policy Study, which shall guide Government of South Sudan as it seeks to provide housing for its citizens.

Source: <http://www.aecominterdev.com/Resources/42/97/index.jsp>

For all donors, there have been issues with the quality of management from the United Nations. This ranges from specific problems, such as the quality of management of the Recovery and Rehabilitation Program by UNDP, to a more general feeling of a lack of strategic direction and strong coordinating role from the United Nations. As Chandran et al found in their review of recovery gaps, “No known staff members have praised the human resources system of any United Nations entity.”²⁹ Nonetheless, there has been widespread praise for the skills of the current South Sudan UN regional coordinator, who is seen as having played an important role in coordination and developing more strategic approaches. Views on this differ, of course, from the other side of the fence, with some interviewees pointing to the lack of a donor presence in Juba and contrasting that with the substantive, on-the-ground UN presence.

It is clear that for all of the international actors involved the situation in Darfur absorbed huge amounts of time, attention, capacity and funding.³⁰ The recovery challenge in South Sudan deserved the A team of both donors and assistance agencies, but Darfur and other huge emergencies (notably the tsunami) stretched capacity at critical times. In general, there was a perceived failure to ensure good, senior staff were both recruited and stayed for long enough to provide an element of continuity. This is an issue that is far from unique to South Sudan and the international system badly needs to review the support systems that it provides to enable people to work and remain for long enough periods in challenging work environments like South Sudan.

Donors’ own capacity is often becoming increasingly stretched with a trend towards systemic cuts in funding and staffing and what Chandran et al describe as “a lack of internal capacity that is deployed in-country to engage with other actors, monitor and manage portfolios, and to facilitate dynamic response to changed circumstances.”³¹ Given these general trends, the European Commission and the U.S. were seen by most of those interviewed to have done a relatively good job of deploying staff with good experience and knowledge of the Sudanese context and a willingness to get out to field level to monitor projects. The European

²⁹ Chandran et al., op. cit.

³⁰ Peter and Lo Willa, op. cit.

³¹ Chandran et al., op. cit.

Commission has had what one interviewee described as an “amazing consistency of team” that has “been here from the beginning and seen it through.” A particular current concern for the European Commission is changing regulations about technical experts, with a new language test leading to huge losses of expertise and experienced personnel.

Scale of Support

In the complex debate about the appropriate mix of financing instruments and balance between pooled and bilateral funding it has been easy to lose sight of the more basic question of whether or not overall funding to support the process of recovery in South Sudan has been sufficient. It seems clear that in many respects the answer is an unequivocal no. For instance, Pantuliano et al clearly portray the basic inadequacy of the assistance available to assist returning IDPs in processes of reintegration:

Where investment has been made in the provision of services or in community development and recovery processes, returnees and resident communities have stressed the important role that these interventions have played in sustaining the socio-economic reintegration of returnees. However, recovery assistance appears to be very patchy, uncoordinated and often limited to areas which are easier to access. There does not seem to be a strategic framework to guide recovery efforts in the states, and assistance ends up being fragmented and limited in scope and impact. The crisis in Darfur was blamed for diverting attention away from the recovery assistance needed to underpin the implementation of the Comprehensive Peace Agreement.³²

There has been a general failure to provide sufficient assistance given the huge scale of the return process, conservatively estimated at 1.6 million people over the last three years. The basic under-investment in recovery processes is not peculiar to South Sudan as noted by Chandran et al. in a recent report on gaps in support to post conflict recovery, nor is it peculiar to the European Commission and the U.S. who have been some of the most generous donors. A fundamental issue remains that levels of support are just too small to realistically enable people to build stronger and more resilient livelihoods. Chandran et al note a lack of attention to general issues of livelihoods and mechanisms for employment and income generation, which certainly seems to be the case in South Sudan.³³

There are also issues around the ongoing need for commitments to humanitarian assistance, given the risk of both natural disasters and renewed conflict. In 2008 there were abrupt reductions in funding for humanitarian assistance, with ECHO as the only agency not reducing its humanitarian portfolio.

³² S. Pantuliano, et al., “The long road home: Opportunities and obstacles to the reintegration of IDPs and refugees returning to South Sudan and the Three Areas,” HPG Commissioned Report for DFID, Overseas Development Institute, 2007.

³³ Chandran et al., op. cit.

Box 5. Ongoing Humanitarian Needs

Following fighting in mid May 2008, over 70,000 people were affected by the crisis in Abyei, including IDPs and host communities. Allocations were made from the OCHA Central Emergency Response Fund and the Sudan Common Humanitarian Fund and a response covering water, sanitation, food assistance, livelihoods, shelter, protection and other sectors was mounted by UN agencies and NGOs.

Médecins Sans Frontières deployed a team of 11 people to support the displaced bringing surgical tools, first assistance and water purification materials. In Turalei and Agok, where people had fled to, they treated 140 wounded people and assembled emergency medical structures.

The Abyei Recovery and Rehabilitation Program lost its compound in Abyei but retreated to Agok. It immediately converted the community centre into a reception centre and the Recovery and Rehabilitation Program personnel and structures to switched to a humanitarian mode, using humanitarian funds. The response was immediate and effective. The Recovery and Rehabilitation Program is now back in 50% of the areas of development and is demonstrating the LRRD contiguum. This same facility of switching had been used by the Recovery and Rehabilitation Program Renk, Upper Nile, to respond to the Flooding in 2007.

Sources: OCHA, “South Sudan—Abyei Displacement, OCHA Situation Report No. 18, Reporting Period 28 June–04 July 2008,” Office for Coordination of Humanitarian Affairs; personal communication; Médecins Sans Frontières, “South Sudan Activities Update,” <http://www.doctorswithoutborders.org/sudan>; Médecins Sans Frontières, “Greater Upper Nile, South Sudan: Immediate Health Needs Remain Amid A Precarious Peace,” <http://www.doctorswithoutborders.org/publications/article.cfm?id=3353&cat=special-report>

Conclusions

The European Commission and the U.S., in common with all major donors, increasingly have in place policy commitments to linking relief and development, although the terminology used continues to shift. What the Sudan case study demonstrates is the contextual complexity of putting these commitments into practice and the ease with which bureaucratic and administrative constraints relating to different categories of funding can continue to undermine assistance strategies.

In the light of the well documented initial failings of the various pooled funding mechanisms, particularly the Multi Donor Trust Fund - South Sudan, both the European Commission and the U.S. have played an important role in maintaining other bilateral forms of funding, which have helped to provide the flexibility and responsiveness that Chandran et al call for in recovery contexts.³⁴ A key part of this apparent relative success has been that both donors have maintained an in-country presence with offices staffed with experienced personnel. This has helped to provide flexibility, responsiveness, the ability to monitor programs at field level and improved coordination. This stands in some contrast to the tendency of many other donors to devolve responsibility to the UN and multilateral donors and attempt to increase funding levels with reduced staff. Individual expertise is often critical and the South Sudan example shows the importance of investments in recruiting and keeping strong individuals.

³⁴ Chandran et al., op. cit.

The broader picture of where South Sudan lies at a critical moment in the implementation of the Comprehensive Peace Agreement and recovery process, however, suggests that this ‘success’ is highly relative and has taken place in a context of wider failures to successfully link relief and development. The strategic, financing and capacity gaps identified by Chandran et al in post-conflict recovery³⁵ are much in evidence in South Sudan. The underlying premise of this case study, that adopting a LRRD focus can increase the effectiveness of donor assistance strategies and lead to improved livelihoods, still remains largely unrealized. Too few people in South Sudan are receiving support in terms of access to basic services or in building stronger and more resilient livelihoods. The European Commission and the U.S. have done better than others in enabling some assistance to keep flowing, but much more is needed. As we argued earlier, relief and development transitions are still too often seen in terms of either support to government or support to NGOs when, particularly in the early stages, what is needed is an ‘all hands on deck’ approach in which both emerging government institutions and national and international NGOs are supported to scale-up and capitalize on emerging opportunities presented by the peace process.

³⁵ Chandran et al., *op. cit.*

Chapter 10

Democratic Republic of Congo: European Commission and U.S. Approaches to Linking Relief, Rehabilitation and Development

Kai Koddenbrock

In a region of protracted crisis such as North Kivu in the eastern part of the Democratic Republic of Congo (DRC), the challenge for the so-called international community of reconciling the realms of security, development and humanitarian assistance is daring. External support or intervention in this crisis/conflict is based on the assumption that this situation is unacceptable and has to be changed. This is why the international community intervenes. However, the conceptual logic and actual field-practice of the sizable UN mission MONUC and of development and humanitarian donors like the European Commission and the United States differ and do not necessarily go hand in hand. Whether they should is a subject of intense debate. The integrated mission structure that the UN uses in DRC to combine all its agencies and departments under one roof is criticized by some NGOs. According to them it blurs the lines between security, development and humanitarian assistance. For these NGOs, a clear separation of these realms would be preferred. The concept of linking relief, rehabilitation and development (LRRD), however, calls for a certain level of integration through close cooperation of all actors. It aims at making pragmatic cooperation in protracted crises possible to deliver the best possible assistance to those who need it.

Based on 25 face-to-face, phone and email interviews in Goma, Kinshasa, Brussels and Washington D.C.¹ and an analysis of legal bases, regulations, strategies and policies, this study aims to find answers to the following research question: “To what extent can the European Commission and the U.S., as the most important donors of humanitarian and development assistance, promote good LRRD outcomes at the field-level?” The call for a link between relief, rehabilitation and development has been debated for more than a decade both in the U.S. and the European Commission. But progress has been slow and actual change on the ground scarce.

The study endeavors to find reasons for this. On a conceptual level there is an increasing wealth of strategies and policies stemming from headquarters in Brussels and Washington

¹ The author wishes to thank the following interview partners: *European Commission*: Philippe Maughan, (Mail); Yvan Hildebrand, Kinshasa (Mail); Jean-Marie Delor, Goma (in person); Piergiorgio Calistri, Kinshasa (Mail); Roberta Del Guidice, Goma (in person). *United States Government*: Victor Bushamuka, Goma / Kinshasa (in person); Jay Nash, Goma / Kinshasa (in person); Jeff Bryan, Kinshasa (Telephone); Haywood Rankin, Goma (in person); Jim Conway, Kinshasa (Mail); Wendy Henning, Washington D.C. (Mail); Julie Wood, Washington D.C. (Telephone). *Other interview partners*: Rosella Bottone, WFP, Goma; Patrick Lavand’homme, OCHA, Goma; Patrick Evrard, Head of Office, German Agro Action, Goma; Christiane Kayser, Pole Institute, Goma; Dominic Johnson, Pole Institute, Goma; Michel Kassa, Consultant, Goma; Georg Dörken, German Agro Action, Bonn; Rebekka Troyka, German Agro Action, Bonn; Colin Gleichmann, GTZ, Kinshasa; Elke Stumpf, German Embassy, Kinshasa.

D.C. calling for whole-of-government approaches to crises in failed or fragile states. The conceptions of field practitioners, however, remain remarkably separated, an expression of the classic disconnect between field and Headquarters. This restricts LRRD promotion. Nevertheless, there are situations where insecurity reigns that make it simply impossible for both humanitarians and development workers to do their work. The current situation in North Kivu comes close to this. Apart from this, humanitarian and development donors sometimes follow opposing logics which makes complementarity difficult. When humanitarians are distributing food, they are not building up a base for sustained food security. When they are providing free health services, they may contradict development efforts to establish a self-sustaining health system based on paid services. These contradictions exist. The LRRD conceptual framework is thus no magic formula that has to be adhered to in all contexts. But it should guide and inform all humanitarian and development activities, lead to more flexibility in programming and budgeting, and provide an incentive for all to find the most pragmatic and most effective solutions to the crises at hand.

After a short description of the political context and the humanitarian situation this paper will provide examples of these conceptual and practical dimensions of European Commission and U.S. LRRD promotion. The study will proceed to examine the viability of LRRD in North Kivu, describe European Commission and U.S. activities there and will try to provide a detailed institutional overview of who does what where and when. It will show that examples of effective LRRD promotion exist—achieved sometimes on purpose and sometimes by accident—and illustrate the considerable room for improvement both donors have in this respect.

Political Context and the Humanitarian Situation

The current Congolese President Joseph Kabila Kabange won the national elections in December 2006 comfortably. President ad interim since 2003, the European Commission the U.S. and UN invested heavily in the election process and were eager to have a clear winner who would carry sufficient legitimacy. In North Kivu, he garnered the support of 90% of the voters partly because Laurent Nkunda, his biggest until his capture in March 2009, made sure that his constituency voted for him. Kabila, however, was unable to work constructively towards improving the socio-political situation in North Kivu. Nkunda thus seized the chance of the ill-conceived military “mixage” and “brassage”² process in 2007 to tighten his grip on the Walikale and Rutshuru districts. When all-out fighting resumed in August 2007, Kabila tried to crush the rebellion with military force but had to concede defeat by the end of 2007.

January 2008 saw the birth of the Goma accords and February the “Program Amani” which was imposed by the Government and brought Nkunda’s Congrès National pour la Défense du Peuple (CNDP) on board but sidelined it by including a plethora of minor rebel groups. They were included to spare Kabila the humiliation of direct negotiations with Nkunda. Fighting never stopped completely, however, and since 28 August 2008 North Kivu was at war again despite the substantial, but as usual understaffed presence of MONUC peacekeepers. The following months saw several unexpected developments. The CNDP nearly captured Goma and

² The integration of rebel forces into the Armed Forces of the DRC (FARDC).

was in a strong position to have its concerns heard in case they ever were serious. In a move that surprised all analysts, however, the Congolese and Rwandan governments managed to convince the military leadership of the CNDP to cooperate with them and dislodged Laurent Nkunda. To secure that deal Rwandan troops were invited to North Kivu to keep the CNDP at bay and to start joint operations against the Hutu rebels of the *Forces Démocratiques de Libération du Rwanda* (Democratic Liberation Forces fo Rwanda—FDLR). At the time of writing (May 2009), Rwandan troops have largely pulled out again and it remains entirely unclear how the political landscape of North Kivu will look like in the months and years to come.

As long as interests and concerns of the different social groups in the region are not effectively addressed and a negotiated solution is sought, there will be no peace in North Kivu. Many Tutsis fear extinction and want to preserve their economic advantages acquired in the last decade. Nande and Hunde crave the political and economic spoils they have not been able to enjoy until now. The Hutu population fears revenge by Tutsis and Rwanda. And this is only the superficial version. The challenges by far exceed the simplistic ethnic categorization of the conflict. Land rights, the basis of the rural economy in North Kivu, have been contested for decades because even the authoritarian Mobutist state was unable to control the entire territory. Any solution will have to find suitable answers to this that are acceptable for all. Moreover, citizenship rights were awarded and withdrawn in a highly unpredictable fashion. Ensuring predictability and stability in this realm is equally essential. Unfortunately, only a state with a legitimate monopoly on violence is able to do this. And this is exactly what they fight for in North Kivu. Root causes and the solutions sought are inextricably intertwined. This complex web of problems will need smart ideas and strong leadership to be untangled.

Thanks to this complex political context, the humanitarian situation in North Kivu is extremely difficult. Malnutrition and child mortality rates are high and about 1 million people are internally displaced. Recent fighting created a situation of insecurity that will render economic and agricultural activities more difficult and contribute to a worsening of the health situation. Apart from the need to equip or build health centers to contain diseases like Cholera in Rutshuru and to improve water and sanitation systems, North Kivu is in dire need of roads and streets. Reaching many of the inner areas of the region is only possible by airplane. Local trade is severely restricted because of a lack of transport capacities and roads. Road blocks during fighting make regional goods exchange even more expensive or prevent it altogether.

The biggest challenge for humanitarians in North Kivu is access. Humanitarian convoys are frequently attacked and their supplies stolen. This insecure environment not only poses significant challenges for humanitarians but also for the development side. This is a particularly challenging environment for effective LRRD promotion, but a situation in which more long-term activities could yield a considerable peace dividend.

The LRRD Conception-Practice Paradox in North Kivu

The interviews in Goma, Kinshasa, Brussels and Washington D.C. revealed that explanations for the core difference between the development and the humanitarian logic abound. However, the overarching objective of both humanitarian and development assistance is to

support populations that need it. This common objective is rarely cited. Instead, representatives refer to their differences. An ECHO official stated that humanitarian assistance deals with *vulnerability* and focuses on the *individual* while development assistance aims to fight *poverty* and focuses on the *community*. An OFDA official agreed that humanitarian assistance deals with *vulnerability* and saw development focusing on the *viable*. In addition, humanitarian assistance replaced *extraordinary state-functions* while development assistance took over or supported *ordinary state functions*. Because of these differences the link between relief, rehabilitation and development was “*not really viable but necessary*,” said an OCHA representative, a statement which underlines nicely the paradox and complexity of that conceptual conundrum: It does not really work, but it should be followed.

Although presented as dichotomies all these terms are interconnected. Vulnerability often depends on poverty, the individual is part of a community and viability is not opposed to vulnerability, it rather refers to utility and feasibility while vulnerability is the description of the state of an individual. But the crucial part of the statements made by both European Commission and U.S. officials is not necessarily what they see as the difference but the fact that they construct a clear difference without acknowledging the links at the conceptual level. This is, of course, not a new observation. The clear separation gets blurred if humanitarians become interested in societal change. The OECD stated already in 2006: “Like other donors, [the U.S.] has also been considering the relative merits of “traditional” as opposed to “activist” approaches to humanitarian action. Whereas the former emphasizes neutrality and impartiality, the latter seeks to address underlying causes of humanitarian crises, such as conflict, and is prepared to take sides to achieve other goals, such as improving medium-term security.”³

The author of this case study thinks that in times of increased social engineering through UN peace-building and connected state-building, the activist approach is the more pragmatic and feasible one. Given the presence of UN troops in many of today’s protracted crises and the level of service provision by the international community compared to that of the home state, it seems like wishful thinking that some parts of the international community can pose as neutral and impartial. All are part of a large scale exercise in preventing humanitarian crises from getting worse and supporting an absent state. In the local context, this comes very close to replacing it and seems more in keeping with the activist than the traditionalist approach to humanitarian action.

On the practical level of LRRD promotion all interviewees have cited numerous road rehabilitation or health centre projects that were handed over from ECHO or OFDA funding to the European Commission European Development Fund, to USAID development funding or other donors from the development realm like DFID. Hand-over is not exactly what LRRD calls for. It calls for simultaneity and complementarity where feasible. But there are obvious links and examples for cooperation that could be extended.

³ OECD (2006), DAC Peer-Review USA, p. 81. Paris.

The Strategic and Institutional Frameworks for LRRD Promotion in DRC

Both the European Commission and the United States Government have produced a wealth of strategies and policies on crisis management, conflict prevention, early recovery, transition, stabilization and the relief, rehabilitation and development nexus trying to come to terms with protracted crises in fragile states such as the DRC. This is the strategic context the LRRD debate takes place in.

These fragile state strategies are frequently revised—sometimes at yearly intervals. An OFDA official complained that USAID is currently in a state of strategy chaos. European Commission officials were not as explicit but considerable contradictions in their core guidance exist. Both the European Commission and the U.S. have not explained clearly what they mean by separate humanitarian and development approaches and what this means for “grey area” activities.⁴ This leads to confusion when tackling the calls for integration and simultaneous separation in various strategic documents.

For the U.S. this debate is less important because the Bush Administration was very clear about its strategic national interests. Although endowed with considerable independence it was never in question that OFDA is also serving that same administration. Since the European Commission as the supranational body for 27 European Union member states only has a limited leverage in foreign assistance, and none in military affairs, the question of national interests and of politicization of assistance has to be approached differently. The European Commission wants to add value to the global perception of the European Union by posing as a *civil power*, a rather benevolent actor on the world stage. As development and humanitarian assistance are some of its main tools to promote that image it becomes understandable that conceptual fights are fought so ferociously within the European Commission.

Strategic shifts are often accompanied or followed by institutional changes. The following chapter thus describes the institutional set-up of LRRD promotion between Goma, Kinshasa, Brussels and Washington D.C. The DRC is among the most important receivers of development and humanitarian assistance worldwide. Not only are large sums of funds disbursed to support the pacification and democratization process, it has also been a laboratory of humanitarian reform. The DRC was a pilot country for the Good Humanitarian Donorship Initiative (GHD), which the European Commission subscribes to and the U.S. co-chairs, the Cluster Approach, the newly established Central Emergency Response Fund (CERF) and the pooled fund mechanisms.⁵ As these reforms were mainly driven by the UN, both the U.S. and the European Commission have not invested heavily in them and stayed clear of too much delegation of authority to multilateral coordination mechanisms, at least at the global level.

The European Commission

The European Commission has made efforts to clarify the roles and responsibilities of its humanitarian and development services but its institutional set-up remains as complex as its strategic guidance. It is important to know that, similar to the U.S. Missions from 2004 on, the

⁴ See LRRD framework Chapter 8 for more details.

⁵ http://ochaonline.un.org/ocha2006ar/html/part3_democratic.html, last accessed: 14 May 2009.

European Commission has engaged in a de-concentration process transferring authority for funding decisions, programming and contracting to its country Delegations. This process, however, only concerns DG Development, DG Relations Exterieures (RELEX) and DG Aidco. DG ECHO does not participate and operates largely independently from the European Union Delegation. This is not conducive to joint LRRD assessments or planning.

In 2006, the European Commission engaged in a large-scale reorganization of its development and foreign policy instruments. Some were merged, new ones created and some stayed the same.⁶ It has now at its disposal, among others, the Development Cooperation Instrument, the Instrument of Stability, the Food Security Thematic Programme, and the intergovernmental European Development Fund in its A- and B-envelopes. The latter can be used for non-programmable and thus humanitarian funding.

One year before that, the revised 2005 Cotonou Accord established a complex system for European Commission development assistance including the European Development Fund B-envelope. It is based on the cooperation between a National Authorizing Officer (usually the Minister of Finance or a replacement which was assigned by him) and the European Commission Head of Delegation: The European Union draws up a Country Strategy Paper (CSP) for six years which is then signed into a National Indicative Program (NIP) after joint consultations between European Commission and the DRC government.⁷

Under the Development Cooperation Instrument two thematic programs are used in DRC: the aforementioned Food Security Thematic Program and the Non-State Actors—Local Authorities Thematic Program with € 1.25 million in funding.

Stabilization of situations of fragility has also become a priority for the European Commission. It thus created the Instrument for Stability, managed by DG RELEX. Like the Development Cooperation Instrument it is part of the Common Budget. The Instrument for Stability has a short-term and a long-term component. Although the Instrument for Stability strategy paper of 2007 states that a clear distinction can be made between the Instrument for Stability, the European Development Fund, Development Cooperation Instrument and ECHO funds, this remains in doubt. The strategy stresses that the Instrument for Stability will only be used in “the post-crisis early recovery phase (as opposed to the more immediate humanitarian relief phase).”⁸ Obviously, this is a hard distinction to make and a hotly debated topic especially in the context of LRRD. A difference in strategy, however, lies in its focus on capacity building of regional and international actors in contrast to ECHO activities in improving preparedness at the national level. € 18.5 million have been allocated for the DRC for 2006-2008.

The 2008 ECHO Global Plan for DRC amounts to €30 million plus €10 million in food assistance from the newly acquired short-term food-assistance budget line. This Global Plan is used in situations of protracted crises where a longer ECHO presence is foreseeable. ECHO has been present in DRC since 1997. Just as in 2005, 2006 and 2007, in the case of a deterioro-

⁶ See chapters 1,3, and 8 for more on this.

⁷ The current CSP valid from 2008 to 2013 is available at: http://ec.europa.eu/development/icenter/repository/scanned_cd_csp10_fr.pdf, last accessed 14 May 2009.

⁸ http://ec.europa.eu/europeassistance/where/worldwide/stability-instrument/documents/ifs_strategy_2007-2011_en.pdf, 3 last accessed 14 May 2009.

Table 1. For all 2008 DRC operations according to ECHO, the European Commission has pledged the following funds:

ECHO	EU Delegation
Global Plan 2008: €30 million	European Development Fund (Env.-A programmable; 9th European Development Fund): €388 million (2003–2007)
Food Aid: €13,3 million	European Development Fund (Env.-B non programmable 9th European Development Fund): €100 million (2003–2007)
ECHO Flight (special flight service for humanitarian assistance in eastern DRC: €8 million	Food Security: €23 million (2007–2013) Instrument for Stability: €18.5 million (2006–08)

rating humanitarian situation this amount will be complemented by additional funds stemming either from the regular European Commission humanitarian assistance budget, the emergency reserve (globally at €239 million for 2008) or the B-Envelope of the European Development Fund in its national or regional version. It has to be noted, that ECHO focuses its current activities on the southern part of North Kivu (“Petit Nord”). In 2006 and 2007 it had limited activities in North Kivu and focused on the Ituri area north of North Kivu.

The challenge to promote good LRRD outcomes remains. Even thinking about a link between humanitarian and development assistance, let alone creating one, is as complicated for the European Commission as it is for the U.S. The newly established Food Security Thematic Program would be an opportunity to do so but its use has been erratic. It is designed for longer-term food-security programs and is administered by Delegation staff in Kinshasa and ultimately at DG Aidco in Brussels. It disbursed €11 million in the DRC in 2007 but will fund a similar amount in 2008.⁹

Adding the multi-year allocations of the Delegation and breaking them down to yearly allocations leads to an expenditure of €54.7 million for the year 2008. ECHO arrives at €51.3 million—a considerable amount, as all activities focus on the East while the development side is active in many parts of the country.¹⁰

Both the European Commission Delegation and ECHO in Goma underlined the fact that humanitarian assistance spends seven to ten times more per beneficiary.¹¹ On a very basic level this already points to the fact that not all humanitarian activities can be complemented or fol-

⁹ The European Commission (2008) Annual Action Program covered by the Programming Document “Thematic Strategy Paper and Multi-Annual Indicative Program 2007-2010” for the Development Cooperation Instrument in favour of Food Security for 2008 does not mention this number but interviewees confirm that the European Commission Delegation continues to use the FSTP in 2008.

¹⁰ The calculation is rather complex and not very exact. Of the A-envelope funds 160 million were used for debt repayments, so were not invested in development programs and thus taken out of the equation. The remaining funds were divided by seven because they include additional funds extending the timeframe until 2009. The B-envelope funds largely stem from the additional funds granted through the 2005 mid-term review (65 of 100 million) and also extend until 2009. That sum was thus also divided by seven instead of five.

¹¹ ECHO talked about 7 euros per beneficiary at ECHO and 1 euro at the development side. The Delegation mentioned 8 euros at ECHO and 0.8 at the Delegation.

lowed up by the development side. There are financial restrictions and humanitarian assistance is much more capital intensive.

The United States

In contrast to the United Kingdom, which channels most of its humanitarian assistance to the DRC through the UN-managed Pooled Fund (\$58 million in 2008 according to OCHA's Financial Tracking System), both the European Commission and the U.S. have preferred to fund bilaterally. In addition to this, the U.S. Government disburses large sums of development assistance to the DRC. The U.S. Department of State and USAID have jointly asked Congress for \$105 million in 2008 and \$95 million in 2009 for operations in the DRC,¹² excluding humanitarian assistance because this is requested on a short-term basis.

Apart from their similar importance with regards to both humanitarian and development funds, the European Commission and the U.S. face several institutional challenges to effective LRRD promotion: In the U.S., three Departments and one Agency are involved in the provision of humanitarian and development assistance: The Department of State, the Government Agency USAID whose Head, Henrietta Fore is also Director of Foreign Assistance under the Secretary of State, the Department of Agriculture and the Department of Defense.¹³

According to the December 2007 DRC report by the Government Accountability Office, State and USAID accounted for 80 percent of all U.S. assistance to the DRC in the years 2006–2007.¹⁴ This 80 percent consisted of 44 percent of humanitarian assistance (“emergency assistance”) and 36 percent development assistance (“non emergency assistance”).¹⁵ Food assistance is managed by the Office of Food for Peace (FFP), a part of USAID's Bureau of Democracy, Conflict and Humanitarian Assistance. The Office of Foreign Disaster Assistance (OFDA), however, has the overall lead on humanitarian assistance. It is also part of the Bureau of Democracy, Conflict and Humanitarian Assistance and deals mainly with non-food humanitarian assistance. According to U.S. data,¹⁶ their non-food humanitarian activities in DRC cost \$18.3 million in financial year 2008. Food assistance amounted to \$71 million. \$69 million went to the UN World Food Program (WFP).

The newly established Bureau of Democracy, Conflict and Humanitarian Assistance Office for Military Affairs, the Office of Conflict Management and Mitigation and the Office for Transition Initiatives (OTI) do also play a role in DRC—but in more stable areas. The OTI is “helping local partners advance peace and democracy in priority countries in crisis. Seizing critical windows of opportunity, OTI works on the ground to provide fast, flexible, short-term assistance targeted at key political transition and stabilization needs.”¹⁷ After helping to organize the elections the Office for Transition Initiatives has quit operations in DRC in 2006.

¹² U.S. (2008) Congressional Budget Justification 2009, p. 212.

¹³ This excludes small-sale activities in the DRC by the Department of Labour, Department of Health, the Treasury and the Overseas Private Investment Corporation, See GAO 2008 for more.

¹⁴ GAO (2007), p. 13.

¹⁵ It would of course be interesting to see how they have delineated the two.

¹⁶ USAID (2008) OFDA DRC Situation Report November 2008.

¹⁷ http://www.usassistance.gov/our_work/cross-cutting_programs/transition_initiatives/, last accessed: 14 May 2009.

Despite carrying the name “transition”, the office has a very limited mandate, a very “political” one as one USAID interviewee put it. Elections were held, so their task was fulfilled. For them, the DRC had turned into a post-conflict country.

The Office of Conflict Management and Mitigation works in “Ituri, South Kivu, Maniema and Katanga provinces. The objectives of the programs include promotion of social cohesion and reconciliation through community-driven reconstruction, building local capacity for decision-making and conflict resolution [...]”¹⁸ The remaining funds are disbursed by the Bureau of Population, Refugees and Migration under the authority of the State Department. The Bureau of Population, Refugees and Migration has a refugee protection mandate and deals with returning refugees mostly in the provinces of Equateur, South Kivu and Katanga.¹⁹ It spent \$34 million in financial year 2008. According to a Bureau of Population, Refugees and Migration official they “also provided \$50.7 million to UNHCR and \$39.7 million to the ICRC for their Africa wide programs (un-earmarked).”²⁰ These funds are increasingly used for IDPs, as the UNHCR has started to deal with them. This creates a certain degree of overlap with OFDA.

An institutionally relevant novelty among the U.S. foreign assistance structure is the creation of the Office of the State Coordinator for Reconstruction and Stabilization. Drawing staff from both State and USAID it is tasked to “prevent or prepare for post-conflict situations, and to help stabilize and reconstruct societies in transition from conflict or civil strife so they can reach a sustainable path towards peace, democracy and a market economy.”²¹ It is building up a Civilian Response Corps, funded with \$248.6 million in FY 2009, tasked to complement (or, in practice, replace) the OFDA Disaster Assistance Response Teams and the military in post-conflict settings. When asked about the stabilization staff, an OFDA official replied: “We think they are coming. But nobody knows what they are doing.”

This institutional setup is replicated in the U.S. mission structure. The U.S. mission in Kinshasa hosts staff from OFDA, Food for Peace and the USAID Africa Bureau. OFDA has two permanent staff in the U.S. Mission in DRC who separate their time between Goma and Kinshasa. Goma is the base for their activities in Eastern DRC. Although OFDA has been active in North Kivu since the beginning of the refugee crisis after the Rwandan genocide in 1994 it still considers its activities as a response to an “extraordinary situation.” The Bureau of Population, Refugees and Migration has no field office in the DRC. It assesses needs and situations from its regional office in Kampala.²² Food for Peace channels most of its funds through WFP. The responsible officer in the U.S. mission in Kinshasa travels around the country to oversee food assistance delivery. According to the interviewees, however, Food for Peace exerts less project oversight than OFDA and it is less involved in implementation.

Being part of the overall USAID and U.S. Mission structure, the humanitarian and the development side are institutionally connected: “USAID/DRC has the overall development

¹⁸ http://www.usassistance.gov/our_work/cross-cutting_programs/conflict/support/afr.html, last accessed: 14 May 2009.

¹⁹ BPRM interviewee.

²⁰ Ibid.

²¹ <http://www.state.gov/s/crs/66427.htm>, last accessed: 14 May 2009.

²² BPRM official.

assistance relationship with the DRC and is the primary office implementing projects using funding allowed to our mission under various accounts (DA, CSH, ESF²³). Our humanitarian offices, OFDA and Food for Peace, conduct analyses to determine whether that assistance is required. The Ambassador must declare a disaster and request humanitarian assistance in order to allow for these offices to provide assistance.”²⁴ However, OFDA and Food for Peace retain a certain degree of autonomy because most of their funding decisions are made by their headquarters in Washington D.C..²⁵

LRRD Programs and Activities in North Kivu

Taking into account the strategic and institutional challenges concerning LRRD at Headquarters and in the field structure, it is now possible to approach the core of our research question: “*to what extent can the European Commission and the U.S., as the most important donors of humanitarian and development assistance, promote good LRRD outcomes at the field-level*”? To tackle it, what European Commission and U.S. do on the ground and how this may be connected to the frameworks described above will be scrutinized.

There are three types of obstacles to effective LRRD promotion: first conceptual issues which guide the thinking of the involved, second budgetary because rigid budget lines prevent flexibility and third, contractual when contracting procedures are time-consuming. How these three factors play out in North Kivu will be shown below.

The European Commission

European Commission action in Goma, North Kivu, is managed from an European Commission technical assistance office at Mount Goma and an ECHO office near the UN OCHA office at the main road. They previously shared the ECHO office, a practice that was recently suspended. Although both heads of office displayed mutual appreciation, both acknowledged that they did not talk very much.²⁶ The European Commission office is staffed with two consultants, a few local assistants and drivers, but for security reasons, no official European Commission staff. The ECHO office consists of a head of office and a Congolese deputy plus a similar amount of local support staff.²⁷

Given the fluidity of the conflict situation in North Kivu and the level of humanitarian needs this is not a robust field presence. Both ECHO and the European Commission Delegation have a dilemma of choosing to be either a secluded donor in capital missions or in European Headquarters, or an active one with a substantial field presence enabling more informed decision-making which consumes considerable funds. On the one hand, choosing the DFID

²³ These are congressional budget accounts: DA = Development Assistance, CSH = Child Support and Health, ESF = Economic Support Fund.

²⁴ USAID official.

²⁵ USAID official.

²⁶ Interviews with European Union officials and consultants.

²⁷ ECHO contracting policies say that ECHO field staff do not become European Commission staff but are individual contractors. This may be another reason for the lack of cooperation between ECHO and the other delegations. They have different backgrounds and varying career aspirations.

way of channeling all its funds through the UN Pooled Fund would require more trust in the UN and accepting less visibility in the field. On the other, the existence of several big donors with different procedures comes closer to a “competitive humanitarian assistance market” and might allow a little more flexibility. In interviews, some NGOs have expressed their gratitude that the European Commission and the U.S. stay clear of the all-encompassing UN approach because they were slightly less bureaucratic than the UN.

Nevertheless, LRRD-promotion requires substantial field knowledge. And the UN is no more attuned to LRRD than the European Commission and the U.S. are. If the RELEX family (DG DEV, Aidco and RELEX—without ECHO) is to become more flexible and willing to take risks it needs to be able to gauge situations and needs. Otherwise it will not dare to take these risks for fear of critical auditing. For ECHO to become more strategic, it needs the capacity and time to develop strategic approaches in concert with the rest of the Delegation. Without a substantial field presence, this is clearly not feasible. The current Delegation approach is to contract consulting institutes to develop LRRD strategies and programming and to have the field work done by consultants on short-term contracts. This lack of permanent institutional knowledge was exacerbated by the fact that in the case of drafting the Eastern DRC LRRD program “l’équipe mise sur le terrain ne comportait pas de spécialiste des assistances d’urgence.”²⁸ Because of this, the LRRD program was not a step forward in bringing humanitarian and development perspectives and approaches together to achieve better pragmatic solutions for the people in need.

According to one of their staff members, ECHO’s general areas of funding are “food security, road rehabilitation, food assistance, health, protection, water and sanitation actions in favor of IDPs, returnees and repatriated refugees and medical and nutritional emergency responses to outbreaks and malnutrition crises.”²⁹ Although in times of acute crisis it might appear that this work has to be done so quickly that all strategic discussions will cost lives, one has to keep in mind that very similar humanitarian needs in North Kivu have occurred for the last 14 years. It would yield considerable results to invest in strategic capacity and institutional knowledge about the recurring patterns of need. Despite urgent needs, some ECHO staff will have to be allowed to sit down and strategize, especially in the field where the local dynamics can be understood. This would turn ECHO into a donor that is able to focus more on strategic dialogue with development donors.

The European Commission Delegation LRRD program

The LRRD program for Eastern DRC called “Réhabilitation et réintégration socio-économique après la guerre” was set up in 2002 and is entirely funded from the 9th European Development Fund B-Envelope allocation to the DRC³⁰ and thus managed by the Delegation.

²⁸ European Union (2007) Evaluation de la Stratégie de Coopération de la Commission Européenne avec la République Démocratique du Congo, p. 92.

²⁹ Interview ECHO official.

³⁰ From 1992 to 2001, the European Commission had suspended most development assistance to the DR Congo to exert pressure on the Mobutu and consecutive Laurent Kabila regimes. After the Sun City talks in 2002 fully-fledged cooperation resumed. Until then, only ECHO had been operating in the country, trying to tackle the direst humanitarian needs. Starting with a few projects taken over from ECHO, 6th to 8th EDF funds were used mostly in infrastructure, health and agricultural rehabilitation. In addition, the NGO co-financing budget line was used.

Despite the wealth of LRRD guidance stemming from Headquarters which point at the need to cooperate with ECHO, this program had little to do with ECHO. Links were established neither on the institutional nor on the operational level. In short: This program is an example of the development side engaging in LRRD without taking the humanitarian side into account. ECHO was not very interested in being taken into account either.

The LRRD program consists of two phases. The first program contained €26.9 million that were disbursed and used quickly starting in 2002. The second was signed in 2006 and contains €65 million which in 2008 were complemented by another €10 million from the regional European Development Fund B-Envelope. This program is ambitious and is an important test-case for the European Commission's capacity in LRRD-promotion. It is also a test-case for the ability of the RELEX family in Brussels and the Delegation in Kinshasa to work with ECHO and vice versa.

The cycle of European Commission development program execution starting with the signing of the financing convention is usually divided into three phases: 1) a phase of contracting, 2) a phase of operations and 3) a closing phase. The first part of the LRRD program focused on the rehabilitation of infrastructure, of schools and water supply and on agricultural production support. All rehabilitation activities were complemented by capacity building. According to the 2007 evaluation of European Commission development activities in DRC, this first program worked in an efficient manner as it provided quick and flexible funding to NGOs that had previously worked with ECHO funds and is a good example of successful hand-over. The financing convention was signed in 2003 which launched the execution cycle. The end of the contracting phase was set for end of 2006 and the end of the operations phase for 2008.

The second part, however, got slowed down by administrative problems and the need for extensive preliminary studies and proceeded so slowly that linking it to fast-paced humanitarian assistance became hard to achieve.

Between 2002 and 2008 the European Commission had a consultant in either Bunia (in Ituri, north of North Kivu) or in Goma and for a short period of time in both cities. Unfortunately, there was a lot of staff turn over which turned contracting and the search for partners into an even more difficult process. The second part of the LRRD program prioritizes the infrastructure sector to which it allocated € 41.5 of the € 75 million total funds. The remaining funds are to go to the health sector, capacity building, economic recovery and to town and country planning. The phase of operations, however has only recently started. About half of the funds have been disbursed. Realistically, the closing date of the program was thus set as the end of 2013. According to a member of the European Commission Delegation, all contracts were signed until October 2008.

Given the fact that the LRRD program has only been partly implemented until now, it is difficult to gauge the extent of cooperation and linking between ECHO and Delegation activities. As indicated above, the lack of communication at the field level, however, is acknowledged by both. What seems to have worked well was the hand-over of a few ECHO activities through the first part of the LRRD program. But the second program's execution was so slow that any kind of cooperation with ECHO was hard to achieve. Timeliness is one of the key requirements of humanitarian assistance. Waiting for a partner that takes several years to start

disbursing funds and have partners launch their activities is rather unthinkable for a humanitarian donor.

The on-and-off nature of ECHO's humanitarian assistance in North Kivu is another obstacle to cooperation. In 2006 and 2007, the ECHO office in Goma was mostly concerned with Ituri and North Kivu was considered stable and in less need (just as South Kivu is regarded as stable now). When fighting started at the end of 2007 and intensified in the course of 2008, ECHO shifted its activities back to North Kivu. For the North Kivu parts of the LRRD program that meant there was not much to link to.

Furthermore, there are deficiencies of the LRRD program at the conceptual level. Its strategic direction was drafted by consultants with little knowledge of humanitarian affairs. This led to a serious disconnect between ECHO activities and the LRRD program. In this program officially aimed at linking the two realms, "la notion d'urgence a disparu."³¹ With no knowledge about the requirements of humanitarian assistance in a protracted crisis situation like North Kivu, the program design followed the officially outdated *continuum* logic.³² It separated the program cycle into two phases: One to deal with the link between relief and rehabilitation and the following phase to deal with the link between rehabilitation and development. Continuous simultaneity thinking was completely absent. With such disregard for strategic efforts made among the European Commission the effective promotion of LRRD becomes all but impossible. Although initial cooperation and follow-up between ECHO and the RELEX family existed particularly in infrastructure, these practical efforts were not elevated to the programmatic and conceptual level.

Although ECHO officially bought into LRRD thinking, it was probably satisfied that they did not have to spend too much time to liaise with the LRRD program. Given their day-to-day activities and their level of staffing, real cooperation would have been hard to achieve. In addition, it would have compromised their independence. They would have engaged in tackling root causes, in crisis management. This is, according to the European Commission Humanitarian Consensus, not what humanitarian assistance is about.³³

Examples of Cooperation

Despite the lack of staff and conceptual clarity, in some sectors LRRD promotion would be feasible. The most LRRD-prone assistance sectors in North Kivu appear to be infrastructure, health and food security. Infrastructure because it is rather straightforward to find a road to rehabilitate that both humanitarian and development actors deem useful for their activities. Similarly, health centers may be serviced by both at the same time. Humanitarians may provide free health services while development is funding nurse and doctor training or large anti-malaria campaigns. The creation of a health system which is the aim of the European Commission Envelope-A health component does not have to be designed in a way that is completely contradictory to prior ECHO activities. Integrated food security interventions would not focus

³¹ European Union (2007) Evaluation de la Stratégie de Coopération de la Commission Européenne avec la République Démocratique du Congo, p. 92.

³² For more on the continuum-contiguuum debate see LRRD framework Chapter 8.

³³ For more on this, please see LRRD Framework Chapter 8.

on direct in-kind food assistance which ECHO usually contents itself with, but rather on market support or cash-for-work programs.

In order to illustrate the possibility of improved cooperation, the following example describes a few details on a *continuum* cooperation in road rehabilitation between ECHO and the Delegation that seemed to work well initially but suffered in the long run from the lack of strategic cooperation right from the start between the German Welthungerhilfe as the implementing agency, the initial funders ECHO and the Delegation which took over with its B-Envelope. Strategizing jointly from the start would be a big step towards promoting LRRD.

Project Example: Road Rehabilitation Walikale–Masisi–Sake

The most prominent example of practical cooperation took place in the case of the rehabilitation of the Walikale–Masisi–Sake road which is still a highly controversial topic today. According to the first implementing agency, the German NGO Welthungerhilfe, it started rehabilitating the road in 1998 with its own funds.³⁴ In 2000, ECHO started funding, in 2002 the LRRD program (the first phase of it, see above), and the RELEX family stepped in. Since 2004, the funds come from the European Development Fund A-Envelope. As this road is important for economic, military and humanitarian purposes it was not a very controversial decision for all actors to fund it. Humanitarians needed it to access vulnerable populations and the development side sought to facilitate trade, create jobs in construction and reinvigorate agriculture in the surrounding areas. MONUC or the FARDC (Forces Armée de la RDC) used it for military campaigns.

Today, however, Welthungerhilfe has discontinued its work on this project because it is protesting against the measures undertaken by the Provincial Governor Julien Paluku Kahongya. According to them, he has replaced the local committees servicing the road and repairing it when needed with his cronies which had led to its decay. As a reaction to this, Welthungerhilfe would expect the European Commission delegation to pressurize Julien Paluku Kahongya and make all further funds conditional on not interfering politically in the process. Both ECHO and the European Commission Delegation, however, have a different vision of this. The European Commission Delegation regards the roads chosen by Welthungerhilfe as strategically badly placed. According to them, the terrain and the trade routes were not studied thoroughly before starting to build the roads. This makes them reluctant to continue investing heavily in this project. ECHO, by contrast, regards Welthungerhilfe regulations as too bureaucratic and inflexible and has stopped funding their activities altogether.

Road rehabilitation could clearly be an avenue of enhanced European Commission LRRD promotion in North Kivu. In the future, the Delegation could contribute to commissioning more feasibility studies and ECHO could contribute their knowledge on fast-track contracting. This would require serious analytical cooperation, however.

ECHO's (and OFDA's) main concern is access to vulnerable populations. This access needs to be found quickly to reach those in need. The Delegation, by contrast, is more interested in

³⁴ Interview with Welthungerhilfe official.

the long-term sustainability of the road, its contribution to strengthened internal market and trade operations and the number of jobs created through it. Strategic cooperation would involve a mapping exercise of probable displacement areas in case of renewed conflict, economic activities there and the connected state of the infrastructure. After identifying both of these humanitarian and development concerns one could separate the funding and programming tasks according to respective priorities and ensure that they complement each other.

According to an OCHA official, the rehabilitation of roads in non-stable situations involves higher financial and personal risks, but also promises huge benefits: First, work on roads injects cash into the economy and, second, reduces the number of “spoilers”, as becoming a soldier becomes less interesting. In addition, fighting between the rebel Congrès National du Peuple (CNDP) and the FARDC and its militia allies usually took place on the axis Masisi—Sake (a part of the road described above). Now that this part of the road is being repaired by UNOPS (which replaced Welthungerhilfe) fighting has stopped. Fighters were at pains not to destroy the road. This is possibly because neither the CNDP nor the FARDC can afford to infuriate the 1000 to 3000 people working on that road. They also have to keep in mind those businesspeople profiting from the improved road for trading and smuggling purposes. Thus, investing in infrastructure that is useful for varying interest groups might be a viable development investment even in crisis contexts. And humanitarians are also in desperate need of a road in order to have better roads to access the internally displaced. The alternative of delivering assistance by plane is not the cheapest and most effective method of assistance delivery.

Contracting Procedures

One of the main particularities of the LRRD program is that it allows accelerated contracting procedures which has worked relatively well. Envelope-B regulations in the ANNEX IV, Article 25 of the revised Cotonou Accord say: “Contracts under emergency assistance shall be undertaken in such a way as to reflect the urgency of the situation. To this end, for all operations relating to emergency assistance, the ACP State may, in agreement with the Head of Delegation, authorize: (a) the conclusion of contracts by direct agreement; (b) the performance of contracts by direct labor; (c) implementation through specialized agencies; and (d) direct implementation by the Commission.”³⁵

This provision was used to contract NGOs that were on a shortlist because they had either previously worked with the RELEX family or had worked with ECHO in DRC before. As a result, humanitarian NGOs such as SODERU, Première Urgence, Action Contre la Faim or ACTED were considered for implementation of the LRRD program alongside more development oriented organizations such as the UN Food and Agriculture Organization, UNDP, the German Technical Cooperation or the Coopération Technique Belge.³⁶

Crucially, this fast and non-bureaucratic procedure hinges on the permission of the ACP State and the Head of Delegation. As the European Commission has chosen to work with the National Authorizing Officer, secretary of finance Athanase Matenda Kyelu, and its apparatus

³⁵ Revised Cotonou Accord, ANNEX IV, Article 25.

³⁶ European Commission (2007) Avenant No. 1 a la Convention de Financement no 9520/ZR, p. 5.

on equal footing, the latter has, in theory, a substantial amount of ownership in the process and the possibility to direct European Development Fund funds in accordance with national development priorities. However, all international assistance workers interviewed in Goma and Kinshasa complained about the important role the Congolese officials play in this process. Unanimously, they call for more independent decision making, more rights to interfere, in short, open permission to replace the Congolese state as long as it is unable to fulfill its tasks in a timely and effective manner. According to them, on the one hand, the National Authorizing Officer office does not see the European Commission programs as their own programs and do not drive the process. On the other, they are so slow at processing contracts that it may take between nine to twelve months until one contract under the current LRRD program can be signed. For an LRRD program attuned to relief needs, this is of course a long time.³⁷

The personal priorities of the European Commission Head of Delegation are also important enabling or preventing factors of the use of accelerated procedures. The former Head of Delegation allowed the use of accelerated procedures and saw LRRD as a priority. The new Head of Delegation, is said to be more focused on anti-fraud measures and prefers not taking too many risks by using fast track procedures. Both approaches have their advantages, but it is important to note that the Cotonou Accord does leave the respective management considerable *marge de manoeuvre* in making NGO contracting more attuned to situations of protracted crisis.

Regarding companies,³⁸ however, the Accord is more restrictive. Work, supply and service contracts do have different financial thresholds which trigger international, national or local tender processes.³⁹ Pre-selections are not allowed.

The European Commission LRRD Analysis Framework

Despite the explicit LRRD program in Eastern DRC since 2002, the DRC was not included as one of the pilot countries of the new LRRD analysis framework pioneered in Chad, Sudan, Zimbabwe, East-Timor, North Korea and Afghanistan. This analysis framework drafted by DG Aidco aims at supporting joint situation analysis, needs analysis and the preparation of a consolidated response. Apart from a few gaps on governance, institutional aspects, security and the specific country context, this may constitute a constructive step into the direction of LRRD promotion. The key lesson learned from the testing was that “there is a need for greater clarity in specifying the final objective of the analysis framework.”⁴⁰ This is no surprise because the fundamental conceptual guidance is still contradictory.⁴¹ No clear solutions to the integration-separation challenge between humanitarian assistance and development assistance have been found to date, as shown above. The traditionalist current in humanitarian assistance

³⁷ Awarding the Congolese state such a prominent role in designing and managing the European funds and contracts was a political decision. One might speculate that financing elections, praising them and then not empowering the newly elected government might have questioned the European Commission optimism and counteracted large parts of the positive rhetoric still reigning back in 2006.

³⁸ For more on business engagement in humanitarian assistance see Chapter 13.

³⁹ Revised Cotonou Accord (2005), Annex IV, Article 23.

⁴⁰ European Union (2008). *Le Zoom de Rosa*, No.9, August 2008, p. 4.

⁴¹ See LRRD framework Chapter 8.

is still too strong to be able to streamline the activist approach into all activities. Wordings and explanations remain overly confusing and cannot instill a sense of direction among European Commission staff. In short: Without delineating what development and humanitarian assistance is and what it is not, no real progress will be made towards effective LRRD-promotion.

The United States

The U.S. humanitarian activities in North Kivu are managed by two OFDA staff who divide their time between Kinshasa and Goma. Another longstanding officer oversees the Food for Peace funds which are all channeled through the UN World Food Program. The USAID development side engages in a variety of activities in DRC. According to the U.S. Mission in Kinshasa, “approximately 65 percent of overall bilateral development assistance targets the Eastern provinces.” In contrast to the European Commission, there is no explicit relief to development program between OFDA and USAID. The Congressional Budget Justifications 2008 and 2009 show a shift in funding away from health and education to stabilization and security sector reform.

In interviews, the OFDA coordinator reported on a variety of activities that were now taken up by the development side of USAID, but argued that one should not assume a logical necessity of humanitarian work being taken over by development activities. In keeping with the conceptual separation, he underlined that they may have different objectives. Development looks for a viable option with the highest “return on investment”, while OFDA is responding to extra-ordinary needs in an effort to save lives. In January 2008, after the signing of the Goma accords the development side among USAID was eager to get started, but the renewed fighting prevented it. The “return on investment”-thinking leads to his conviction that the northern part of North Kivu (le grand nord) was ready for development work because the business-people there were so active. The prerequisite for linking relief to development is consistent interest from both sides (humanitarian and development) in the same sector. In the health sector, this was the case despite the recent reduction of funds. This is why OFDA was able to hand over a health center north of Beni to the USAID development side.

In infrastructure, hand-over or even outright simultaneous funding has yet to occur. USAID did not have any funds for infrastructure. According to OFDA, because of increased interest in stabilization, infrastructure may become an area of increased activity in the near future. Given the lack of clarity on institutional relations between the staff of the State Coordinator for Reconstruction and Stabilization and the rest of USAID it will be interesting to follow the evolution of this sector.

According to OFDA, linking short term food-assistance and longer term activities to increase food security and agricultural production are hard to implement in North Kivu due to unsettled and complicated land rights issues. Without long-term access to land, agricultural development will remain unstable. Interviews at the UN World Food Program Goma pointed in another direction, however. According to them, agricultural production in the rural areas of Rutshuru and Walikale was so high that enabling market operations, providing them with bikes for transport and comparable activities may constitute a useful step towards increased

food security. A further point is that the soil there is so fertile that in kind food assistance was not necessary.

In contrast to OFDA, as indicated in the policy analysis,⁴² Food for Peace has a clear focus on LRRD. According to the Food for Peace officer in Kinshasa, “Food for Peace has three MYAP (Multi-Year Assistance Programs) from 2008-2011 worth about \$34 million dollars with Mercy Corps, Food for the Hungry International, and Africare/Adventist Development and Relief Agency in South Kivu, Northern Katanga and non-turbulent parts of North Kivu. These are meant to be a transition from the emergency to development. Meanwhile, we fund WFP for its emergency operations.”⁴³ This means that in this case Food for Peace acts as administrator of U.S. funds to both short-term and long-term food-security programs - a distinct difference to the partition of work seen in the European Commission and between OFDA and the USAID development side.

Food for Peace and OFDA staff at the DRC field level seem to cooperate well. OFDA sometimes steps in to support food assistance with logistics funds, for example if WFP is lacking airlift capacity. In exceptional cases, OFDA also provides food, but coordinates with Food for Peace beforehand. U.S. food assistance policy is criticized heavily internationally because of its origins in agricultural surplus disposal. The OECD reported in 2006 that George W. Bush wanted to increase the use of cash to buy food locally but was turned down by congress.⁴⁴

To contribute to establishing a more activist approach to humanitarian assistance, OFDA might consider developing Multi-Year Assistance Programs, too. Its 2006 “Guidelines for unsolicited proposals and reporting”⁴⁵ underline that projects in micro-finance cannot be supported because they usually only take effect after 18 months, while OFDA can only fund 12 months. These rigid funding borders are not conducive to LRRD promotion.

Conclusion

The analysis of European Commission and U.S. approaches to LRRD in DRC has shown how difficult its promotion is, particularly in a protracted crisis like North Kivu. A neat separation of tasks between the humanitarians at OFDA and ECHO and their development colleagues at USAID and the RELEX family clearly dominates in North Kivu. However, the U.S. seem to allow slightly more flexibility to its departments. The European Commission, by contrast, set up an ambitious LRRD program to allow more flexible programming but still struggles considerably with its compartmentalized assistance structure.

This study described a number of cases of hand-over between the two realms in the infrastructure and in health sectors but could not present a single case of simultaneous or complementary action that the *contiguuum* approach to LRRD calls for. This conclusion depends of

⁴² See LRRD framework Chapter 8.

⁴³ Interview with Food for Peace official.

⁴⁴ The agribusiness lobby keeps Food for Peace alive. Its progressive LRRD or “development-relief” policies may be a move to counter criticism.

⁴⁵ Available at: http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/resources/pdf/updated_guidelines_unsolicited_proposals_reporting.pdf, last accessed: 14 May 2009.

course on a specific understanding of complementarity. In a sense USAID and OFDA actions are complementary: they both contribute to the well-being of numerous Congolese. In addition, ECHO and the RELEX family work simultaneously in the same country.⁴⁶

The real challenge, however, to create an immediate link between a specific activity in a limited area of operation is not met. The European Commission LRRD program has decided to fund a road office including staff and will likely remain for some time. A consolidation of peace is not yet in sight. The sophisticated European Commission A-Envelope sponsored establishment of a sustainable health system in collaboration with the provincial authorities has come to a halt because of renewed massive displacement away from recently set up health centers. ECHO's practice of free health services in response to the humanitarian crisis does not link to these activities. Food security interventions have unfortunately not been covered in this study but in a province as fertile as North Kivu it is safe to say that supporting market circulation of agricultural goods could be a substantial humanitarian contribution.

Thus, the evidence drawn from this case study points at two main avenues for LRRD improvement: First, fostering a *common understanding* of what a workable division of labor between humanitarians and development actors can be in light of LRRD requirements. Second, increasing joint situation and needs analysis and starting a pragmatic *results-oriented discussion at field level* where habitual practice in both realms could be changed to ensure better linking.

In a situation of a decade-long recurring conflict and resulting humanitarian assistance both ECHO and OFDA might consider investing more in *capacity strengthening*. Funding NGOs such as the International Medical Corps which is training Congolese nurses that are able to react to the pendulum and unexpected displacement movements triggered by renewed fighting, might constitute a genuine LRRD activity. Better trained doctors and water and sanitation specialists in North Kivu will also be able to contribute to the health system the development actors of both European Commission and the U.S. aim to support. This means that both ECHO and OFDA have to *invest more in finding humanitarian assistance activities that have both immediate and long-term impact*. In a one-time crisis or natural disaster situation, this obviously does not make sense. In contexts like North Kivu it clearly is an opportunity.

The development actors, on the other hand, cannot keep producing new and at times contradictory guidance about LRRD or relief to development without realizing what actual LRRD-promotion and implementation means. LRRD promotion means *investing in crisis contexts and taking risks*. It does not mean waiting until everything has calmed down and a return to conflict has become unlikely. Protracted pendulum situations are too complex to gauge. While South Kivu and Katanga may currently appear peaceful and thus ripe for development funds, this situation may drastically change in a few months. Development actors have to understand that their actions may actually contribute to ending conflict and yield considerable peace dividends. If this translates *into easing contracting procedures and speeding up decision making*, real LRRD-promotion may be in sight.

⁴⁶ This corresponds to the narrow definition of the contiguum presented in the LRRD framework Chapter 8.

Chapter 11

Afghanistan: European Commission and U.S. Approaches to Linking Relief, Rehabilitation, and Development

François Grünewald

Afghanistan has been a laboratory for assistance strategies of the international community throughout the last decades. During Taliban rule, both the European Union and the United States focused on humanitarian assistance, as partnering with the Taliban was not an option. This approach changed dramatically after the defeat of the Taliban in 2001; EU and U.S. assistance suddenly became part of a highly political and security-focused agenda. Humanitarian assistance is now increasingly delivered by military Provincial Reconstruction Teams (PRTs) and access to crucial areas is severely hampered. Given the strong state-building agenda that the EU and the U.S. have been pursuing for the last eight years, Afghanistan is a crucial test case for Linking Relief, Rehabilitation, and Development (LRRD) in protracted crises. This case study thus highlights some of the challenges of linking relief and development in situations where donors are using assistance to increase the legitimacy of the central state, while still attempting to deliver humanitarian assistance in a principled manner.

The current complexity and instability of the situation in Afghanistan presents great challenges for the two largest donors, the European Commission and the U.S. Government. There are major differences, but also some similarities in the approaches the European Commission and the U.S. Government have adopted. In this paper, the author attempts to identify these similarities and differences with a view to improving dialogue between the European Commission and the U.S. on what is probably one of the most complicated and potentially dangerous contexts. This case study focuses on the following core question: How can the European Commission and the U.S., as the most important donors of humanitarian and development assistance, promote good LRRD outcomes at the field-level in Afghanistan?”

In Afghanistan, the political and assistance processes that have been in place since the fall of the Taliban have brought together all the actors engaged in the various facets of LRRD. These have raised a number of issues which will be explored in this study:

- The role of Provincial Reconstruction Teams in ensuring LRRD.
- The role of the state, its relations with civil society and how to strengthen its capacity to ensure the rule of law and deliver public services.
- The challenge for implementing agencies to move from direct delivery to a support position which, in an ideal LRRD process, should contribute to the recognition of the state's institutions.

- The role of private sector development for LRRD promotion.
- The importance of capacity development in LRRD.
- The importance to take urbanization processes into account.
- The need for multi-stakeholder partnerships in LRRD.

The case study underlines the difficulties involved in working with national authorities when the country is still in conflict and the importance of ensuring that humanitarian principles, especially independence and impartiality, are upheld. The clear political and security agenda U.S. funding agencies have had for Afghanistan has strongly influenced their approach to providing assistance. The European Commission's agenda has not been as political from the start. It has had a more classical post-crisis approach with an expected transition between DG ECHO and the developmental budget lines. However, the robustness of this approach has been put to test by changing conditions, the deteriorating security situation and multiplication of natural and economic disasters in Afghanistan.

Managing humanitarian assistance and the transition to development during crises or in post-conflict situations when insecurity is still high is a real challenge. The militarized option (PRT system) first chosen by the U.S., then reproduced by NATO, and supported financially by the European Commission can be seen as a solution, but is regarded as a strategic mistake by many humanitarian actors. For them, it has contributed significantly to the shrinking of humanitarian space for civilian actors.

A series of primary and secondary sources were used to prepare this case study. Most primary data was collected during more than 20 missions carried out by Groupe URD in Afghanistan since 2000, where contacts with European Commission officials and European Commission and U.S. funded agencies were frequent. Meetings took place with both European Commission and U.S. staff. For the European Commission, DG ECHO and European Commission Kabul delegation staff were met regularly over the last eight years, including the Head of Delegation. Contact with U.S. staff took place principally at headquarters level, and included key USAID/OFDA staff. In addition to these direct contacts, a wide range of secondary sources were explored (see bibliography).

Overview of European Commission and U.S. Government Assistance in Afghanistan

The two “heavyweights” of international cooperation, the European Commission and the U.S. Agency for International Development (USAID), have been engaged in Afghanistan for many years. USAID was present on a large scale even before the Soviet intervention of 1979. The events of 9/11 and the ensuing war in Afghanistan led to a strongly increased involvement of the international community, particularly by having the military engage in tasks that were previously civilian-operated.

The central state is accorded a comparatively large role in steering the overall transition process in Afghanistan despite its obvious weakness outside Kabul. As a consequence, the

Afghanistan Compact and the interim Afghanistan National Development Strategy, launched by the Afghanistan Government at the London Conference in February 2006 and amended at the Paris Conference in June 2008, are to provide the framework for all international assistance actors.

This framework contributes to a separation of responsibilities for different sectors and geographical areas among donors. Thanks to this, the European Commission has been most active in the rural, health and governance sectors and USAID in the counter-narcotic field, in infrastructure, agriculture and a little in the health sector.

European Commission

During the Taliban period, assistance from the European Commission was provided via two instruments with a strong humanitarian focus. The first of these was DG ECHO, which financed many different programs throughout the country. Some programs were implemented in the Taliban controlled area: de-mining with Halo Trust, an Afghan de-mining NGO, as well as health and nutrition projects with Action Contre la Faim, the International Committee of the Red Cross and the World Food Programme. Others targeted areas on the other side of the front line, such as food assistance and food security programs in Hazarajat, and food assistance and shelter in the northern areas of Panjshir and Badakshan. The second instrument was DG RELEX's "Uprooted people" budget line. With an office in Peshawar and direct land access to Afghanistan through the Khyber Pass, this instrument was very involved in the first "LRRD-like" approaches in Afghanistan, supporting the reinstallation of Afghan refugees in Eastern and Central provinces (Nangahar, Kunar, Kabul, Wardak, Loggar).

The main planning tool for the Commission's development instruments is the National Indicative Plan (NIP). The NIP priority sectors complement the three pillars of the Government's interim development strategy, namely security, governance and the rule of law, and economic and social development. Under the *Security Pillar*, the NIP plans to continue European Commission support to the Afghan National Police. Moreover, the regional program for dealing with illegal trafficking and the mine action program aim to contribute to an improvement in overall security.

For the *Governance and Rule of Law Pillar*, the NIP proposes a number of key interventions in the justice sector, as well as in helping to establish properly functioning local government structures. Key components of the largest pillar, the *Economic and Social Pillar*, are reinforced by programs in rural development, health and social protection contained in the NIP.

The guiding principle underpinning the NIP is that of increased focus of European Commission assistance on the sub-national level in selected northern and eastern provinces. The need to earmark funds and target areas and projects is seen as being paramount to ensure impact. There is also an increasing political imperative given that one of the greatest challenges in the next phase after the Bonn Process will be to ensure development, stability and rule of law in the provinces. However, the European Commission will also intervene at the national level for some aspects of its programs—assistance to key ministries such as the Ministry of Health, as well as work in the areas of counter-narcotics and justice. The NIP foresees that the implemen-

tation of programs will be organized in a way that empowers the new democratic Government by using its structures for the implementation of programs as far as possible.

The decentralization process in the European Commission since 2001 means that European Commission staff in Kabul now has more means and greater decision-making powers. Most available budget lines have been mobilized to provide relief and support development in Afghanistan, including funds from ECHO, the uprooted people budget line of DG RELEX, DG AIDCO's food security budget line, human rights financial instruments, the Stability Instrument and others. Apart from ECHO, where decisions are still Brussels-based, all these budget lines are now managed from Kabul.

In 2004, the European Commission began to fund programs with a clear "LRRD" label. The first of these was more of a research project, "LRRD in Afghanistan," but more recently, operational LRRD programs have been funded in areas known for their high level of vulnerability. The project "linking relief to rehabilitation and development through food security interventions in areas affected by natural disasters and prolonged insecurity" of 2008 is a good and recent example of this trend.

Humanitarian assistance nevertheless remains high on the European Commission's agenda. In 2007, the European Commission funded an €21 million humanitarian assistance package to provide further aid to those affected by the Afghan conflict. The assistance facilitated the return and reintegration of Afghan refugees and internally displaced people. The Commission's funds covered multi-sectoral support for the most vulnerable people including a response to the urgent need for improved water, sanitation and hygiene conditions. Moreover, €6 million in food assistance were allocated for battle-affected internally displaced people and to mitigate the consequences of the 2006 drought. A further €31 million has been allocated by the Commission for 2008. Food, shelter, livelihood, water/sanitation, and protection are the main concerns for Afghans. In addition, humanitarian assistance efforts often encounter logistical and security obstacles and humanitarian assistance partners often find it impossible to reach vulnerable communities living in remote regions or unsecured areas.

United States

During the Taliban reign, U.S.-financed programs were—like the European Commission's—of a "pure" humanitarian nature, implemented partly by "faith-based NGOs" (World Vision, ADRA, etc.), partly by secular NGOs (such as CARE). Everything changed after 9/11 and the launch of the "Enduring Freedom" operation. U.S. assistance became very involved in road and infrastructure repair, one of the key sectors of reconstruction which represented 24 percent of fund allocations from 2001 to 2006. In addition, USAID engaged in a series of alternative development programs with a counter-narcotic objective (14 percent of U.S. assistance since 2001).¹

Over the years, OFDA/USAID has been a critical donor in humanitarian and early rehabilitation efforts, working with UN agencies, the Red Cross, and NGOs. The U.S. strategy has been less linked to the Afghanistan National Development Strategy and more linked to USAID's and the State Department's priorities in terms of security and the "War on Terror."

¹ See below.

Table 1. Overview of ECHO's Assistance in Afghanistan (2006–2008)

Year	Budget Line	Budget (€)	Activities	Implementing Partners
2006	Global plan	20,000,000	WASH, shelter, protection, security (information), humanitarian flights	UNHCR, ICRC, IRC, Acted, Solidarités, CHA, ACF, Dacaar, Okenden International, PIN, Care, Madera, GAA, AKDN, DRC, Tearfund, Oxfam
	Emergency (drought)	2,500,000	Food distribution, seeds & tools distribution, CFW	Oxfam, ACF, AKDN
2007	Global plan	21,000,000	WASH, shelter, protection, security (information), humanitarian flights	UNHCR, UNDP, ICRC, Dacaar, Mission East, Solidarités, PIN, Caritas, Medair, Care, ACF, IRC, NRC, GAA, Tearfund
	Food assistance	6,000,000	FFW / CFW, food distribution, seed & fertiliser distribution	WFP, FAO, Care, Madera, ACF, Medair, Solidarités, Oxfam, Tearfund, Mission East
	DIPECHO (India)	400,000		ActionAid, Focus
2008	Global Plan	25,000,000	WASH, shelter, protection, security (information), humanitarian flights, humanitarian coordination	UNHCR (Afghanistan, Pakistan, Iran), UNDP, ICRC, Caritas, Actionaid, Solidarités, Mission East, IRC, Care, BBC, Dacaar, AKDN, PIN, NRC, IMC, GAA, Medair, ACF, Oxfam UK, Oxfam Novib, Relief International, Zoa
	Food Aid	9,800,000 (6,000,000 +1,800,000 +2,000,000)	CFW / FFW, animal feed distribution	ICRC, Solidarités, Dacaar, ACF, PIN, ActionAid, ACTED, ZOA, Madera, Tearfund, FAO.

To rebuild the country and combat terrorism, USAID has worked to create economic growth, effective and representative governance, and the human capital base needed to eliminate the conditions that breed extremism.

However, a critical juncture for the link between relief and development is the return of refugees and internally displaced people to their villages or at least their home countries. Since October 1, 2001, the U.S. Department of State's Bureau of Population, Refugees, and Migration has programmed more than \$500 million for humanitarian assistance to Afghan refugees, conflict victims, and internally displaced persons, including over \$50 million in fiscal year 2008. These displaced person programs are implemented through UNHCR and NGOs. Critical to the process are efforts to ensure that repatriation to Afghanistan remains voluntary, safe, and at a pace linked to the reconstruction of the country. In view of the ongoing political situations in both Pakistan and Iran, this process is far from easy and there is a risk of forced repatriation on both sides.

The Political Context of LRRD in Afghanistan

State-building is the core rationale of European Commission and U.S. Government activities in Afghanistan. The highly politicized situation and the strategic priorities of both the European Commission and the U.S. Government have led to a particularly challenging LRRD

Box 1. Overview of USAID's involvement in Afghanistan¹

Economic Growth: As of spring 2008, USAID completed rehabilitation of more than 2,700 kilometers of both paved and unpaved roads, resulting in increased mobility, trade, and security. USAID is supporting the North-East Power System, a multi-donor initiative that will provide expanded access to reliable, low-cost electricity. USAID is also improving thermal electrical generation facilities for major cities, including Kabul, and rehabilitating the Kajaki Dam, the principal source of electricity in southern Afghanistan. Rebuilding Afghanistan's legal rural economy is an important contributor to economic growth. USAID's work on Afghanistan's irrigation systems has improved irrigation for nearly 10 percent of arable land and improved the health of millions of livestock. USAID is helping Afghanistan develop a market-driven agricultural sector by improving linkages between suppliers, producers, and markets and providing farmers with improved farm technologies and increased access to financial services. USAID economic growth programs assist Afghanistan's businesses with credit, training, and other support services. Land titling and property rights are being strengthened, while moribund state-owned enterprises are being privatized. USAID also works with the government of the Islamic Republic of Afghanistan to increase revenue collection, improve the legal and regulatory framework to increase private sector investment, and build the government's capacity to manage the economy.

Governing Justly and Democratically: Going forward, USAID support will focus on building the capacity of democratic institutions to strengthen governance and civil society and improve the management of human resources, financial resources, and service delivery of priority national ministries and municipalities. In Afghanistan, provincial reconstruction teams (PRTs) assist the delivery of U.S. and international assistance at the provincial level. PRTs are small, joint civilian-military teams designed to improve security, extend the reach of the Afghan government, and facilitate reconstruction in priority provinces.

Investing In People: Health and Education: USAID constructed or refurbished over 680 schools and distributed more than 60 million textbooks. To provide Afghans with access to basic health services, USAID has constructed or refurbished over 670 clinics throughout the country and established over 360 health facilities providing basic health services, including the provision of all medicines and expendable supplies. USAID has also trained over 1,000 midwives to work in hospitals and clinics throughout the country, making deliveries safer for women and helping reduce infant mortality.

¹ from <http://afghanistan.usaid.gov/en/Page.CountryOverview.aspx>, 24 April 2009

environment. As much of their assistance is channeled through military Provincial Reconstruction Teams, LRRD is no longer only a civilian but also a civil-military affair. Given the high priority of empowering the weak central state, a further peculiarity lies in the need to support that state in delivering a minimal level of welfare to its population, even in areas that are highly critical of the Government. Principled humanitarian assistance would have a comparative advantage there, as it would be perceived as less aligned to the larger political agenda. European Commission and U.S. Government approaches to these issues are decisive because of their large funding amounts and their political importance. These donors' strategies highly influence how the balance is struck between state-building, principled humanitarian assistance and LRRD implementation.

PRTs: New Trends in Civil-Military Operations

In November 2002, the Joint Regional Team initiative, later renamed Provincial Reconstruction Teams (PRTs), was announced by the U.S. Embassy in Kabul. Six years on, the PRT mechanism has been extended by NATO to nearly all the provinces where it is present and is being implemented by contingents from Alliance members. As the security situation continues to deteriorate, it remains the object of heated discussion.

The mandate of the PRTs has constantly evolved, and there is a feeling of approximation and uncertainty about the real objectives of this initiative. Following the voicing of serious concerns by humanitarian agencies, several components of the PRT mandate have been withdrawn from the initial terms of reference such as the PRTs having a coordination role for the provision of humanitarian and development assistance. Similarly, declarations that the PRTs are involved in the fight against Al Qaeda are no longer repeated. But regular discrepancies between the declarations of the U.S. Embassy and the U.S. Armed Forces remain and humanitarian actors are still not sure whether this confusion is the result of problems which have yet to be ironed out or whether it is a "smoke screen" strategy. The geographical areas initially chosen (Bamyan, Gardez, Kandahar, and Kunduz) clearly point to a political choice to support and strengthen central state power in difficult areas. Today, coverage is "country wide," with PRTs operating in nearly all provinces.

The following three key points are at the core of the political, legal and operational debate:

- *Political and strategic issues:* NATO has been involved in Afghanistan since 2004 and has regularly repeated its commitment to reconstructing the country. It has put PRTs at the centre of its assistance strategy. Initially a U.S. concept, the European Commission first became involved with PRTs through funding. Later, troops from EU member states began to create their own PRTs. Indeed, as EU public opinion was very concerned about the deployment of troops to Afghanistan, the rehabilitation/development alibi via PRTs was often used as justification. While USAID made it clear very early that it would be funding and if necessary providing staff to PRTs, it was only in 2006 that the European Commission delegation in Kabul allocated resources to a PRT operation.

- *Legal and security issues:* In theory, the U.S. Army has by and large accepted that Special Forces and PRTs should be clearly differentiated. It remains unclear, however, how this actually works in practice, as the two often live in the same compounds and wear the same uniform. More importantly, it is unclear whether this difference is perceived and understood by the population. In cases where the Coalition Forces strike with bombs one day and then PRT staff come to construct schools and clinics the following day, it is questionable that Afghan villagers are informed enough to understand the difference. Given that the population already has difficulties understanding the difference between all the white land-cruisers with flags and antennas, one can easily forecast an additional level of confusion between military forces in action, civil-military operators and genuine civil society actors. This confusion can unfortunately result in security incidents involving NGOs, particularly those which are clearly of U.S. origin or which are seen as receiving a lot of U.S. funds (project advertisement boards on the roadsides can become potential targets).
- *Operational issues:* One of the stated objectives of PRTs during the early phase of their development was the collection of humanitarian and reconstruction data to feed the Geographic Information System (GIS) of UN/Afghan Interim Authority coordination mechanisms. This activity encounters two main problems. Firstly, the limits between the collection of humanitarian or development information and intelligence work were unclear. Secondly, the current transition situation in Afghanistan calls for more participatory information collection which empowers communities rather than “hasty village assessments” that can be done by PRTs.

Many negative aspects of joint civil-military interventions have been noted by observers and evaluators: the clientelism they create, the lack of involvement of the population who often are not too keen to be seen with the PRTs, the inability of troops, which are constantly changing, to learn from experience, the very high cost of PRT civil-military projects, etc. And yet, the PRT approach has become the rule rather than the exception. As the situation has deteriorated, humanitarian workers have become increasingly concerned about the blurring of lines between military intervention and humanitarian action caused by the presence of soldiers in humanitarian and reconstruction interventions.

The space for civilian assistance actors in Afghanistan has been undermined by this new political and military strategy. NGOs have to work alongside armed forces and the boundaries between them and their roles are less and less obvious for the population and the armed opposition forces. It remains a challenge for the different stakeholders not to lose sight of their initial objective and mandate. In the past, the idea of PRTs working in relief operations was criticized by NGOs and some donors questioned the appropriateness of this approach. Today, as the security is so difficult in many parts of the country, PRTs are increasingly viewed by most donors, including the European Commission, as legitimate actors in reconstruction efforts and they consequently receive more support. The replacement of the UN-led ISAF by NATO has contributed to eliminating some of the differences of perception at donor level. As a result, the more critical stance of NGOs appears somewhat isolated in this debate.

Working with the Afghan State

In a “post war” country where international assistance represents a large proportion of GDP, the credibility of the state largely depends on its capacity to improve the quality of life of its population. This involves the state demonstrating its support for the rule of law and applying the principles of good governance. Yet, despite several years of significant support from the main donors, including the European Commission and the U.S. Government, the Afghan State is still adversely affected by narco-terrorism, limited national engagement of regions controlled by local governors, permanent insecurity, intercommunity rivalry, and a fragile institutional framework. Insurgents have intensified their fighting in the south and their bomb attacks throughout the country.

The implications of state-building activities can be defined as follows: “Statebuilding activities clearly mean supporting one regime over another. In accepting donor funds, they are perceived to be aligning themselves with the governments that brought the changes.”² From that angle, the relations between humanitarian and development assistance and state-building are highly political, as aid is linked to the imposition of a political model. This is more the U.S. approach, where the line of the State Department supersedes that of the assistance agenda, whereas the European Commission seems to lack a strong political vision.

Since 2001 state-building has involved funding in terms of budgetary assistance to the Afghan Government, as well as the dispatch of high ranking expatriates of Afghan origin to serve as top advisors, or ministers. This direct secondment of human resources was part of a key strategy: To involve a large number of Afghans in the state-building process. In 2003–04, for instance, the European Commission allocated €90 million for capacity building within the Afghanistan Transitional Authority, as well as continuing to contribute funds to the Government. European Commission assistance has helped to build capacity within key Government ministries and helped drive public administration reform, including strengthening the revenue position. The European Commission also made a strong commitment to budgetary assistance through continued support for trust funds—notably the World Bank Afghanistan Reconstruction Trust Fund—established to help finance the annual budget, i.e. the salaries of key public employees such as teachers and health workers.

Using assistance to win political support for the Afghan Government has been central to U.S. policy. This has been less the case for the European Commission. Certain regions, particularly those with high levels of insecurity and/or poppy production in the southern and eastern provinces of Afghanistan, have received more funding than other regions. A side effect of such an approach is that it sends out the message that violence or poppy production will automatically lead to an increased commitment in funding, triggering negative trends. Farmers repeatedly said during surveys that if the way to attract agricultural development programs is to cultivate poppies, they will do so. Another problem with concentrating funds in areas with high insecurity is that most of the assistance committed cannot be put to use in an effective manner due to security constraints, or is delivered by military forces, with all the complications that this brings. For example, nearly \$200 million have been injected into Helmand province in

² Sarah Lister, “The Future of International NGOs: New Challenges in a Changing World Order,” NGO Futures Program, 2004, p. 8.

2006 alone and yet security incidents and poppy production soared. Meanwhile, other areas, which are still not completely secure, may become increasingly insecure if they are not included in major investment initiatives. Some of these areas, bordering the highly instable southern provinces, need to be supported in terms of development in order to prevent the spread of frustration which leads to insecurity and prevents peace building. There are no ‘quick fix solutions’ in Afghanistan, particularly where opium and military operations are involved.

While most of the national and international community recognizes the importance of achieving a firm and committed development presence in southern Afghanistan, it seems that the right environment for long-term development does not yet exist. “The trend of withdrawing from ‘more’ stable areas where development achievements are just beginning to bear fruit to focus on such instable target zones is at best a short term strategy that will only bring frustration and undermine confidence in both the Government of Afghanistan and the International Community. It may also more widely impact upon the enabling environment for both assistance and private sector development. Instead, areas where rural development successes are being made should be linked strategically to more challenging provinces.”³

Key Challenges for Linking Relief, Rehabilitation, and Development in Afghanistan

Within this political context, implementing partners of both the European Commission and the U.S. Government face considerable challenges trying to adhere to these donors’ LRRD policies and funding decisions. The donors’ aim to revive the economy with an explicit privatization approach that decreases their share of funding, the expectation towards them to engage more in capacity building and to find a modus operandi with the military constitute considerable constraints which they have to find a way to deal with.

LRRD, NGOs, and the UN: From Service Delivery to the “Afghanization” of Assistance

The European Commission Directorate-General for humanitarian aid, ECHO, provides special budget allocations to NGOs for humanitarian assistance and funds special programs especially in areas where food insecurity is prevalent. The European Commission also funds the provision of specific services such as social water management through NGOs or private consultancy firms.

The European Commission and USAID have decided to move on from traditional food security programs to invest their efforts and resources in the development of private agribusiness. However, relief interventions are still needed in many parts of the country, though there is a risk that such projects hinder the development process. At one stage, there were even rumors that ECHO might close its office in Kabul. As the situation has continued to deteriorate, not only has the ECHO budget for Afghanistan not been reduced, but AIDCO has recently decided to engage in LRRD projects in disaster prone and conflict affected areas, where food insecurity exists.

³ ACBAR Briefing paper, “Aid effectiveness in Afghanistan: at the cross road.” Kabul: November 2006.

USAID is also supporting large NGO programs, especially in the field of education, but these NGO allocations have shrunk dramatically as assistance has been more and more geared towards the private sector and large private contractors for rehabilitation and infrastructure work. NGOs do not usually have the expertise to manage such large infrastructure projects.

From 1980 to 2001, only a dozen international NGOs and around 50 national NGOs had a real presence inside Afghanistan. In 2002, the number rapidly reached more than 2,000. The number of UN staff quickly grew from a very small number to thousands (not including military personnel present under ISAF). As a UK diplomat said, “Now everyone and his dog is present in Afghanistan.” 2002 marked a transition point for both the Afghan Government and key donors, especially USAID and the European Commission, which both made extensive use of NGOs and the UN in the delivery of assistance to Afghanistan until the fall of the Taliban regime. As one observer said, “The days are clearly over where NGOs were hailed as the “magic bullet.”⁴ NGO influence has therefore decreased considerably over the past few years, while the UN has been largely marginalized. The Afghan Government made it clear that the prerogatives of NGOs and UN agencies should be limited, by asking the donors to allocate funds directly to the Government rather than to NGOs or UN agencies. Many donors complied and now give budgetary assistance directly to the Karzai Government.

NGOs realize that Afghanistan is going through a transition period, and that there is a need to shift responsibility at all levels. NGOs have to take up many challenges if they do not want to see their activities contested, or even put in jeopardy. They are no longer responsible for carrying out actions, but rather for capacity building and supporting others to carry out the work.

The often-cited “Afghanization” of assistance delivery is in progress. But the task is immense, and both the local capacity to implement projects and absorption capacity are limited. NGOs have started to invest more systematically in capacity development for their national staff and their national partners, as well as putting more resources into monitoring and evaluation capacities. This has enabled a better quality approach to identifying needs and thereby has improved communication with both the Afghan Government and the local population. This multi-stakeholder approach with a large capacity development element is what LRRD calls for.

In the eyes of many Afghans, the shift in focus has not yet yielded impressive results. This was mirrored by the controversial statements issued by the Planning Minister, Ramazan Bashardost, and reflected in press statements that portrayed a growing anti-NGO feeling. However, when Bashardost said that the MSF staff who were killed in summer 2004 probably deserved to be killed, NGOs and donors, led by the European Commission and USAID, called on President Karzai to stop this damaging campaign and Bashardost was removed from his position in Government.

These incidents point at the need for the assistance system in Afghanistan to evolve. There are currently two dominant viewpoints on the state of this system: For the optimists, the coun-

⁴ Lister, *op. cit.*

try is still in the process of transitioning from a relief to a development setting. For more pessimistic observers, the situation is deteriorating rapidly and the issue now is how to link development and relief (LDRR, instead of LRRD). NGOs are extremely worried by the partial loss of their capacity to work in difficult areas because of shrinking humanitarian space. The protection of a humanitarian space, which is central to NGO culture, was better respected during war-time and is now under threat from both the evolution of the context and the changing strategy of donors, especially the U.S. and the European Commission. In a post-war context, the focus of donors on state-building pushes NGOs to demonstrate their commitment to working with the Afghan state (in particular through sub-contracting), which they sometimes see as their opponent. NGOs are not necessarily committed to this political agenda and this situation puts the future of international NGOs in Afghanistan into question.

International NGOs face many challenges and have to adjust if they want to remain key actors in Afghan development. On the one hand, they have to invest in local capacity, with increased support from the donors. This makes it important for NGOs to invest in human resources and to work with national partners they can trust. The solution is to focus on efficient capacity building that involves training local staff in specific fields and also ensuring that national NGO staff feel part of the international NGOs' long-term project and identify with its mandate. An assistance workers interviewed for this case study said that implementing a human resources development program has long been an objective in order to improve the "Afghan ownership" of their programs. Unfortunately, due to lack of funding and resources, the NGO had to postpone this project. On the other hand, NGOs have to work on communicating their added value because many of them have been in Afghanistan for many years, have acquired invaluable know-how and have gained the population's trust. Working without them would probably be detrimental to the Afghan people.

Many NGOs acknowledged that their capacity building systems showed a lot of weaknesses and deficiencies in transition situations. This situation is largely explained by the fact that many well-established NGOs have a humanitarian, rather than a development mandate.

The fact that NGOs have been confined to the role of implementing partners obliged to respond to tenders in competition with other agencies restricts their independence and creativity. This applies to the operational procedures of both the European Commission and USAID. The procedures to access funding often remain too complex for Afghan NGOs and international NGOs still often have to play the role of external umbrella. The eligibility criteria for the submission of a proposal to the European Commission Delegation's development instruments play an important part in this respect.⁵

⁵ "In order to be eligible for a grant, applicants must: be legal persons **and** be non profit making **and** be one of the following type of organizations: non-governmental organization, public sector operator, international (inter-governmental) organizations as defined by Article 43 of the Implementing Rules to the European Commission Financial Regulation **and** be nationals of a Member State of the European Union and Afghanistan and other eligible country as per the relevant provisions of the Regulation (European Commission) N°1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development and cooperation (DCI) **and** be directly responsible for the preparation and management of the action with their partners, not acting as an intermediary **and** have a proven experience in either implementing European Commission funded Food Aid/Security Projects, ECHO projects or similar interventions in Afghanistan, e.g. Food Aid Components in Rural Development / Food Security Projects." Source: http://ec.europa.eu/europeaid/documents/awp/2009/ec_awp_af_2009_41123420_en.pdf, 22 April 2009

It is interesting to see that recently, with the difficulties that have been encountered in implementing assistance programs, more weight has been given to in-country experience. After 2005, donors started to apply the criterion that implementing partners needed to have proven experience in Afghanistan more stringently. This is a step towards strengthening LRRD, as it may improve needs and situation analyses and the sustainability of assistance thanks to national staff that is more likely to remain in the country longer.

LRRD and Private Sector Development

Not only the “Afghanization” of assistance is at the heart of LRRD in Afghanistan, but also its “privatization.” Both the U.S. Government and the European Commission emphasize this. The U.S. is in general very open to business engagement in humanitarian and development assistance,⁶ while the European Commission is more hesitant. Given the importance of the opium trade in Afghanistan, however, even the European Commission has started to invest heavily in private sector development to provide incentives for alternative income generation. Since donor agendas thus overlap (rebuilding the state, addressing vulnerability, democracy and peace building, developing the private sector), particular efforts are needed to ensure that mandates are respected and a clear strategy is defined. What currently exists is competition for turf, rather than a search for complementarity. This does not contribute to implementing effective programs linking relief, rehabilitation and development.

With historical roots in the trade of the Silk Road, there has always been an active private sector in Afghanistan. Trade was partly interrupted during the Soviet war and during the “Mujahidin period” (1992–96) it became extremely difficult around Kabul, but bloomed in the northern and western peripheries. Revived though restricted under the Taliban, the private sector exploded after November 2001. Private companies started to play a very big role in the reconstruction phase, with the state-building process proving a reliable source of income for them. This was encouraged by the Afghan Government which was keen that the private sector should be the driving force behind the country’s development. Both European Commission and U.S. assistance policies have been very much in favor of the private sector and the free trade policy that is currently being applied in Afghanistan.

However, half of the Afghan economy is informal and 80 to 90 percent of legal businesses are informal small and medium-sized businesses.⁷ The Ministry of Commerce and Industry has the very challenging role of undertaking economic reforms, developing clearer business regulations, easier licensing, better access to credit and overall improved economic governance in order to attract foreign investments.

Many European and American NGOs were very active in the development of the Afghan private sector as they felt that after years of Soviet control, war and disorder, there was a need to develop the capacity of the burgeoning private sector and to provide it with support in technical management and in strategic analysis. From 2002 to 2004, NGOs invested massively in the development of a national private seed production network with the financial support of

⁶ See Chapter 13.

⁷ Conference on Private sector development in Afghanistan, CSANDS, November 20, 2006.

Box 2. Challenges Facing Traditional NGOs

- Their role is questioned by the population in Afghanistan who do not see their situation improving and who criticize the NGOs for being linked to the Government.
- The Afghan Government looks unfavorably upon the high level of independence NGOs (used to) have and has contributed to reducing humanitarian space.
- Insurgents have found that targeting NGOs is a way of putting pressure on the international community.
- Donors force NGOs to participate in an unproductive competitive system in the “proposal” phase and drive them to achieve objectives in a very limited time, even though they have to cope with security and physical constraints whilst making sure that their project respects the population.
- The international community’s post-Bonn Afghan reconstruction plan, which was confirmed by the London Conference strategy, reinforced the marginalization of NGOs.
- Their own countries’ civil societies see the Afghan situation getting bogged down in complex conflicts and hold NGOs partly responsible. NGOs have become a controversial issue in their own countries, with fear that they may have too much power and are not fully accountable.

EuronAid. Capacity development and transfer were seen as being equally important to financial resource mobilization. Another success story involving a combination of know-how transfer and financial support is to be found in the micro-credit and banking sector. One NGO which has been in Afghanistan for 15 years created a micro finance branch in partnership with private companies. This branch is now bigger than the NGO.

The development of the Afghan private sector is of great importance, but care should be taken to ensure that remote and less competitive areas are not overlooked. While the European Commission and the U.S. are very keen to foster this “privatization agenda” and to use the “trade not aid” slogan, NGOs from both sides of the Atlantic display a much more cautious position.

The private sector in Afghanistan is affected by the growth of the opium trade. Every sector in Afghanistan is potentially affected by drug-related corruption activities. As part of their anti-corruption stance, European donors (the European Commission and some member state bodies such as DFID) support capacity building activities in the Afghan Government’s anti-corruption branch, either directly or through the United Nations Office on Drugs and Crime.

LRRD and Capacity Development

Supporting capacity development can be seen as an effective way to link relief, rehabilitation and development. In the context of Afghanistan this is particularly evident. Under the all-encompassing aim of supporting the Kabul Government, there is no alternative to growing Afghan ownership of assistance. For this, training is necessary. Everything else would counteract the credibility of the central state. That humanitarian donors and NGOs are struggling with this clearly political framework does not come as a surprise. The tensions between political engagement and neutral, independent and impartial humanitarian assistance cannot become more obvious.

From a capacity development point of view, there are always two timeframes. In the short-term, on-the-job training and a rapid increase in professional expertise are essential in order to link service delivery to systems building approaches as LRRD calls for. Without management professionals, it is difficult to move forward in terms of reconstruction and development. An appropriate combination of these two approaches is at the root of some interesting success stories. The three most important ones are linked to the European Commission and USAID's approaches to the Ministry of Public Health, the Ministry of Education and the Ministry of Rural Rehabilitation and Development.

In the longer-term, investing in educational institutions at all levels is also essential to move from relief to development. Unfortunately, this perspective has not attracted significant support from either the European Commission or USAID. It seems that Afghan universities have been forgotten even though all agencies involved in assistance indicate that the development of human resources should be an urgent priority if Afghanistan is to successfully leave three decades of conflict behind. Only a handful of training institutions, mainly American universities, have engaged in this challenging sector.

Swift changes to stakeholders' roles and responsibilities do not always leave enough time for the necessary restructuring and efficient implementation. New roles are not always fully prepared in advance. For instance, in the construction sector the handover from NGOs to private companies (2005 law) took place too abruptly, and failed to take into consideration whether the Afghan private sector had the necessary capacity in areas such as responding to tenders, preparing work plans, ensuring quality control, etc. Playing a new role implies developing new skills. Even though many seminars, training sessions, and coordination mechanisms were provided, the efficiency of these initiatives is often questionable. Donors and ministries have to design and implement proper capacity development strategies and activities in parallel to increasing the responsibilities of new stakeholders.

Owing to the long-term impact of capacity development efforts, there is a great need for regulation and monitoring to improve the overall effectiveness and efficiency of capacity development activities. In Afghanistan, the necessary rules and mechanisms for monitoring have not always been set up at the right time. When they are, they are often overlooked due to time pressure and a lack of relevant resources.

LRRD and Urbanization

Donors attempting to make their humanitarian and development assistance more complementary have to take special care in accounting for the urbanization processes triggered by mass displacement in conflict. One of the characteristics of transition periods is thus the reorganization of the territory, and changes in urban and rural contexts and in the relations between the urban and rural communities.

Rural to urban migration in Afghanistan was frozen for more than 20 years. Today, the urbanization process is fast and substantial. Cities are growing exponentially due to the return of refugees and internally displaced persons, the difficult economic and security situation in the countryside and the rural exodus that is taking place around the world. OFDA is one of the few donors investing massively in urban contexts and land titling processes. The USAID Afghanistan Land Titling and Economic Restructuring Activity project provides the framework for the project's land tenure regularization work in these areas. The project's activities are expected to improve tenure security for 50,000 people in Mazar and 35,000 people in Kunduz. The European Commission is still to be convinced that urban Afghanistan is probably more of a "time bomb" than rural Afghanistan.

The Need for Multi-Stakeholder Partnerships

An effective transition from humanitarian assistance to reconstruction and development encompasses the need to preserve an emergency humanitarian response capacity. This generates the need for partnerships between different stakeholders. As shown above, the Afghan Government, donors, UN agencies, NGOs, the private sector and communities are all key stakeholders in the transition between relief and development. Each party has a role and responsibilities, as well as a mandate and principles that must be respected. In search of legitimacy and out of fear of seeing most resources being channeled through institutions outside of its control, the Afghan Government has regularly taken a strong anti-NGO stance.

However, there are examples of the kind of effective multi-stakeholder partnerships that enable better LRRD as different actors with different capacities join forces. For example, some relatively successful health programs have been funded by the European Commission through bilateral assistance and by USAID through a private consultant. These have resulted in the rebuilding of the decentralized public health system. For these programs, the donors made resources available to the Ministry of Health and then there was an open call for proposals. The Afghan state remained in the driver's seat for awarding contracts, setting norms and monitoring programs. Some additional capacity building initiatives have been launched to establish links between the work carried out by NGOs and private companies. These have received the blessing of the donor community, including the European Commission and USAID. The Civil Society Afghan National Development Strategy Initiative, for example, aims to provide a platform for informing Afghan civil society organizations and international NGOs on the Afghan National Development Strategy process and for providing constructive feedback to it.⁸ With all these actors involved in linking relief to development, the process is more likely to have

⁸ Ibid.

long-term impact on the Afghan people profiting from it. Unless the strictly humanitarian actors want to abstain from supporting the central state, there is considerable room for increased participation in this multi-stakeholder process for them.

Conclusion

Linking emergency relief, rehabilitation and development is one of the most complex challenges confronting the international community in its commitment to bring about sustainable peace, as well as equitable and viable development in war torn societies and countries. Since 2001, the efforts of the international community in Afghanistan, and particularly the main donors like the European Commission and USAID, have been called into question. The situation is now by far more dangerous than at any time since the early period of the Soviet intervention. More assistance workers are being killed or kidnapped now than ever before, both in relative and absolute terms, while the level of targeted civilian killings is at an all time high. The inadequacies of the strategic, multi-pronged "state-building" approach of USAID and the European Commission are now obvious in view of the current dynamic of the conflict. Afghanistan may no longer be going through a transition from relief to development, but may rather be slowly returning to war.

Linking relief, rehabilitation and development in Afghanistan implies both an appropriate strategy based on detailed analysis of the situation and the capacity to draw lessons, improve practices and avoid duplicating the same mistakes made in other similar contexts. Experience seems to indicate that, over and above the "continuum –contiguum" debate, the true link between relief, rehabilitation and development is a methodological one. The U.S. and the European Commission are structurally not equipped to bring together expertise from both the development sector (population participation, thorough socio-cultural analysis, capacity building) and the humanitarian sector (vulnerability analysis, danger awareness, logistics capacity and expertise, rapid intervention, etc.) because they deal with disaster situations and development contexts with specific staff who work for different bodies.

Reducing vulnerability, responding to food insecurity and supporting the Afghan population as a whole with a view to strengthening livelihoods should be at the core of the LRRD agenda of U.S. and European Commission donors for the coming years. Strategies and approaches are being fine-tuned or even redesigned for the more vulnerable areas and vulnerable groups of people. The use of the DG Development food security budget line for an LRRD program, as seen in a very recent call for proposals, is an interesting indication of the changes taking place.

In order to ensure sustainable and inclusive development, stakeholders taking part in the reconstruction process must base strategy and program design on a comprehensive understanding of specific local characteristics and constraints. USAID's search for quick political gain, together with increasing insecurity, has reduced the amount of time available in the field to understand the context. European Commission programming was more opportunistic and by far less strategic. For instance, while both the USAID development section and OFDA are aware of the importance of the urban sector in the global reconstruction of Afghanistan, the subject has all but been removed from the European Commission radar screen. It is only due

to the dynamism of some NGOs, such as Solidarités and Action Contre la Faim, that urban programs have been set up and funded by ECHO.

Developing a dual capacity to work in crisis situations and support development efforts is the key for the future of Afghanistan's assistance sector. Just as nobody can seriously challenge the legitimacy of the Afghan authorities in taking the prominent role, there remains a need for a diversified assistance community, with different approaches and operating methods. This is what LRRD implies in turbulent times. The key to a successful LRRD process lies in the capacity to ensure that actors are not pitted against each other, but that their different mandates and scope of activities are clearly defined and understood and that the different levels and type of activities are well coordinated. In this respect, the two main donors, the European Commission and USAID, have a significant level of responsibility. The European Commission has tried to put into practice the collective spirit of the Brussels-based LRRD inter-service mechanisms, while the U.S. still responds to this issue by creating or involving specialized institutions in charge of LRRD, mainly the Office for Transition Initiatives.

"Who does what" matters, also. The relief and reconstruction operations implemented by PRTs have made it more difficult for the Afghan population to distinguish between military and civilian actors engaged in reconstruction activities. USAID, the European Commission and EU Member States engaged with NATO are now involved in the PRT system which has contributed not only to damaging LRRD, but also to the reduction of a badly needed civilian space for both humanitarian and reconstruction efforts.

A major lesson learning exercise is also necessary to ensure that the mistakes made in providing assistance to Afghanistan are not repeated in future contexts where complex international operations are put in place to sustain fragile peace, resolve a crisis, and heal the scars of a conflict.

In the rehabilitation phase, it is important to avoid reproducing the original infrastructure if it was itself a crisis-inducing factor. President Clinton's Build Back Better policy for Tsunami-affected areas is in part based on the idea that emergencies provide an opportunity to improve upon the original. This issue calls for vigilance in the assistance process in Afghanistan for both USAID and the European Commission in Afghanistan. Several pre-war projects in irrigation (large canals or certain animal health projects) were designed either before the Soviet era or during it. As many of these old projects did not work or were not efficient, it would be a mistake to revive them, even if they are often seen as part of the "good old days."

Development efforts and long-term strategies should be more fairly balanced across the country and not skewed towards areas with high productive potential, significant poppy production or insecurity problems. Here the European Commission and USAID approaches only partly converge. The European Commission gives more resources to poor areas (Hazarajat, Badakshan) and less to the critical eastern and southern belts. It is largely due to the difficulties unarmed EU civilian operators such as NGOs and consultants face in working in these conflict-affected areas. For the U.S. and its closest ally the United Kingdom, the use of PRTs make it easier to allocate resources to areas such as Gardez, Kandahar, or Helmand.

However, the worsening situation in the south of the country calls into question the relevance of the strategies which have been chosen up to now. New approaches to running assistance operations need to be developed. Investment in capacity development should be seen as a priority to facilitate remote control and ensure quality service delivery. The militarized mechanism for reconstruction, the PRT, should be reduced to a minimum and alternative strategies should be developed.

Each actor has its own role and responsibilities, its own scope of activities and comparative advantage. Certain agencies are very flexible and can work well at the field level and ensure quality service delivery. Others are more suited to working at the central level, in policy development for instance, or in budget transfer. In the current situation in Afghanistan, a huge amount of funding has been available for reconstruction from key donors, including USAID and the State Department. With the overlapping of agendas (state rebuilding, addressing vulnerability, democracy and peace building, development), it is critical to ensure that actors are not pitted against each other and that their different mandates and scope of activities are clearly defined and understood and the different levels and types of activities are well coordinated.

A core challenge in any transition situation is the shift from humanitarian direct implementation to more developmental “support to the doers.” In Afghanistan, assistance is being focused primarily on development, rather than on disaster management capacity. In a context moving slowly back to war and often affected by natural disasters, the low priority given to disaster preparedness could have devastating effects. Key donors such as USAID and the European Commission need to prevent distrust from growing between the authorities, the population and the assistance sector. This is especially true in situations where frustrations can be easily exploited and the risk of severe repercussions on national security and politics is high.

Chapter 12

Chad: European Commission and U.S. Approaches to Linking Relief, Rehabilitation and Development

François Grünewald

The attempt of international donors to link their relief, rehabilitation, and development efforts in Chad takes place in a highly complex political situation. Internal Chadian politics is currently going through a phase of intense turmoil. The Government of Idriss Déby has been able to cling to power partly because of the external support lent by the European Union and France in particular. The rebel movements in Chad are, however, far from being defeated. The situation remains volatile. The regional political dimension is comparably challenging. The conflict in neighboring Darfur has sent sizable refugee populations across Chad's eastern borders, while fighting in the Central African Republic is responsible for refugee influx across its southern border.

Following the events in Darfur, and the resulting troubles in eastern Chad, the UN Security Council adopted Resolution 1778 on September 25, 2007, which made provision for the deployment of a UN peacekeeping mission in Chad and the Central African Republic (MINURCAT). MINURCAT was supported by a European military force (EUFOR) in charge of providing security for the zones in which humanitarian workers operate, particularly the camps, until early 2009.

As in the Democratic Republic of Congo, South Sudan, and Afghanistan, both the European Commission and the United States Government are faced with the difficult choices to be made in Chad about civil-military cooperation and the degree of integration of their humanitarian and development assistance schemes.

This Chad case study is based on the findings of a series of field missions undertaken by Groupe URD. Groupe URD met the principal actors in the European Commission (DG ECHO, RELEX, AIDCO, DG Development, the Special Representative of the European Union Office for Sudan and eastern Chad), representatives of Member States and NGOs involved in Chad, the informal Group of Donors in Geneva and staff at the headquarters of EUFOR. Representatives of American agencies such as Office of U.S. Foreign Disaster Assistance (OFDA) were met in the field and subsequent communication took place via email.

The Chad case study illustrates a wealth of issues related to efforts of linking relief, rehabilitation, and development (LRRD). To facilitate engagement in more long term activities, an international military presence like MINURCAT or EUFOR may be needed. Once this is assured, however, the line between military and civilian actors gets blurred and contributes to decreasing humanitarian space. Furthermore, in a complex situation of mass displacement, donors and implementing agencies need to take great care to engage in sound socio-economic analysis to understand the urbanization processes linked to pendulum population movements.

Related to this, humanitarian and development donors promoting LRRD need to ease imbalances in service provision between host populations, refugees and the internally displaced. Without due diligence in this respect, international assistance can create more harm than necessary. The European Commission and the United States as the largest humanitarian donors worldwide carry particular responsibilities in assuring this.

Section 2 of this case study presents a short description of the socio-political and humanitarian situation in Chad and provides insights on the situation of refugees, internally displaced persons, and host populations. Section 3 takes a closer look at the assistance strategies of the European Commission and the U.S. Government in the southern and eastern parts of Chad. Section 4 shows the wealth of partners involved in providing humanitarian and development assistance: The Chadian State, the UN, NGOs, and the UN peacekeeping mission. Section 5 discusses a number of hurdles to linking relief, rehabilitation, and development in Chad and section 6 draws conclusions for donors.

Complex Politics and Dire Needs

On both a regional and national level, the dynamics of the situation in Chad and its potential repercussions in humanitarian terms pose a significant challenge to donors such as the European Commission and the U.S. Government. Chad is adjacent to the unstable areas of Darfur and the Central African Republic, shares a border with Libya, has oil reserves and is extremely unstable.

Pressure on Natural Resources

Chad is a vast and scarcely populated country. The north is very arid, while the south is more humid. Accordingly, agriculture in the south has a higher percentage of crops which need a great deal of water (such as cotton) as they flourish in the more humid conditions, and livestock farming is more productive. Between the dry north and the humid south is a transition zone where, for more than a decade, a worrying level of environmental degradation has rapidly taken hold. This degradation is the result of a number of different factors including:

- Population increase and therefore pressure on resources due to a rise in total surface area of cultivated land, rise in livestock, and increased pressure on grazing land;
- Over-use of water in Lake Chad, causing a decrease in the surface area of flooded farming land when the water level drops, as well as a dramatic decrease in halieutic resources;
- Patterns of desertification, as animals increasingly move further south to graze on fertile land in the rainy season. This pattern is causing tension between different groups that compete with one another over the same resources.

Development in Chad is mainly a rural issue, but it is dependent on urban and international markets, and consequently on the lifting of trade barriers affecting agricultural products. The condition of roads in rural Chad is poor, and the links between the capital, the east and the

north of the country are extremely difficult. The only tarmac roads leads to the south, where there are oilfields run by American companies. Added to these constraining factors is the fact that the short-term economic outlook is grim. Not enough jobs are being created in urban areas to compensate for the crisis in the rural economy.

A Complex and Shifting Political Landscape

The context for humanitarian and development assistance in Chad, particularly in the periphery zones, demands a certain sensitivity with regard to regional and national politics. One of the most complex and sensitive issues is the ethno-linguistic factor. Even though the south is economically strong (cotton production, cereal, livestock, fruit, and more recently, oil), its political influence on the national stage remains relatively weak. It is evident that the same competition that exists for resources in the pastoral and agrarian economies of the region is present at political and economic levels.

Chad shows all the characteristics of a fragile state, notably fundamental problems of governance, deeply flawed democratic processes and rampant corruption. During colonial and post-colonial conflicts in Chad, armed opposition groups played political power games, exploiting existing conflictual relationships (often based on ethnic or community allegiances) in order to further their cause. Faced with a strong regime, the emergence of a democratic opposition is slow and complex. International observers noted numerous irregularities during the last elections. The current political opposition is involved in a negotiation process with the current Government (known as the Inter-Chadian Agreement of 13 August 2007, which is sponsored by the European Commission), but that process has been undermined and weakened by ever-changing political alliances, and therefore continues to lack credibility.

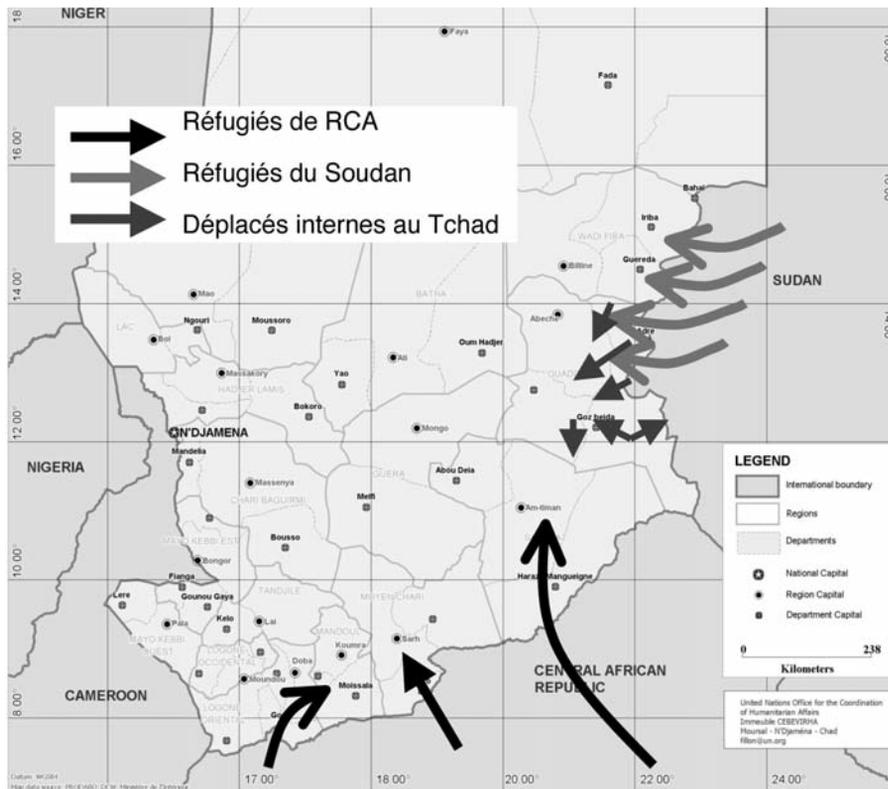
Instability is exacerbated by regional tensions, involving for example Sudan and the Central African Republic. As in Sudan, the existence of oil in Chad could potentially worsen the situation. At a sub-regional level, there is a clash between French and English speaking areas.

The Humanitarian Situation

A Contiguuum Situation

With some zones in acute crisis, others in a state of protracted crisis, and other areas apparently stabilizing and improving, Chad represents a typical case of “contiguuum,” a context in which a wide variety of different situations exist at the same time.¹ Since 2003, Chad has taken in more than 300,000 refugees from Sudan and the Central African Republic and has seen approximately 180,000 persons displaced internally. These population movements have been spread out over a number of years, and have followed different patterns. However, three main phases can be identified, with some degree of overlap between them:

¹ See Chapter 8.

Figure 1. Map Showing Population Movements

Source: PRODABO, DCW, Ministère de l'Intérieur

- The acute crisis phase in which the first significant wave of refugees from Sudan and the Central African Republic, as well as internal displacement of Chadians, saw the creation of provisional camps all along the border with Sudan and the Central African Republic.
- The stabilization phase, as the crisis continued, with no solution resolving the causes of the crisis (conflict in Darfur and Central African Republic, tensions in Chad).
- The adaptation phase, requiring the management of unforeseen humanitarian emergencies. This phase included further displacement and urbanization. Some returns were noted, particularly to Sudan and the Central African Republic, as well as to villages within Chad. During this phase some Chadians were also displaced in the opposite direction, into Darfur.

During the second and third phases, the conflict resurfaced again, with new refugees from the Central African Republic arriving in the Grand Sido zone in the south. Further internal displacement also occurred following high levels of violence during the Tierno and Marena events in 2007.

Balancing the Needs of Refugees, Displaced Persons and the Host Population

Refugee Assistance

The mechanisms for refugee assistance in Chad are relatively well established. The past experience of the UN High Commissioner for Refugees (UNHCR) and its partners has enabled a significant level of assistance to be set up in Chad. Bearing in mind that the two crises which have produced the majority of refugees in Chad are far from resolved, the current situation is unlikely to change dramatically in the foreseeable future.

Among donors in Chad, there is intense debate about LRRD. Refugee self-sufficiency and their possible integration into the existing socio-economic context, as well as their access to basic services, are key in the analysis of the refugees from the Central African Republic in the south. The situation of the Sudanese refugees is still too volatile to consider a permanent integration into Chadian society. It is also important to remember that a number of Chadian refugees have crossed the border in the other direction, into Sudan—the issues surrounding their assistance, their return to Chad and the problem of their land now being occupied, must also be taken into account.

Displaced Persons and Return to their Homeland/ Regions of Origin

From 2004 onwards, the creation of Sudanese refugee camps in Chad accentuated competition over resources and brought about a series of violent incidents targeting Chadian villagers, which led to the first wave of internally displaced persons. In addition to these external factors, conflicts within Chad have heightened the crisis and caused further displacement. From 2007 onwards, it has been noted that a number of internally displaced persons have in fact moved back to their regions of origin, often only to be displaced again later. This “pendulum” form of movement is especially pronounced in zones where the land was cultivated and accessible, or where it is protected by natural boundaries during the rainy season (Wadi Kaja, Bar Azhum). The current patterns of movement, following the arrival of EU and UN peacekeeping forces, are at the heart of inter-agency discussions. It seems clear that humanitarian assistance plays a potentially important role in the choice of sites. At the same time, populations saw that food assistance was randomly distributed following numerous problems supplying sites for displaced persons between the end of 2007 and the beginning of 2008 and realized to what extent it was important not to be completely reliant on it. While the debate originally centered on the question of whether to accompany or encourage returns, it is now focused on the “when” and “how.”

Host Population and Victims Indirectly Affected by Instability

Camps for refugees and displaced persons have generally been established either on the outskirts of villages and small towns or on land designated in coordination with local authorities. The difference in treatment given to refugees, displaced persons and the host community, as well as competition for resources caused by the high population density could potentially lead

Box 1. Selected Factors Conducive to Refugee Self-Sufficiency in Southern Chad

Population is homogenous. Refugees from the Central African Republic have multiple ties with the resident population in the south of Chad such as ethnic allegiance (Mbaï, Kaba, Peul, Arab, etc) or even family ties on both sides of the border.

Resources are not overstretched. The region is well-suited to both crop and livestock farming, and has the capacity to absorb the demographic pressure caused by the refugees that have settled in the area.

Mechanisms for sharing and distributing farming and pastoral land function. With the exception of the refugees in Amboko Camp (where access to farming land is limited as the camp is surrounded by a nature reserve), Central African Republican refugees are able to acquire farming land. This can be done in two ways: Either it is granted by the local authorities or the refugees negotiate directly with the local population, via a committee system (consisting of refugees and local population) or individually.

Voluntary return of refugees is not currently feasible. Though there is a strong possibility that Central African refugees will have to spend a number of years in Chad, permanent integration into the local Chadian community is not yet envisaged.

The process of self-sufficiency which was initially launched by the refugees themselves is now starting to be supported by UNHCR and NGOs. This includes negotiations over farmland, small income-generating projects (trading, local handicrafts etc), and supply of farming materials.

to tension in southern and eastern Chad. In the south, these questions have given rise to the approach of refugee self-sufficiency and integration in the socio-economic context. In the east, this crucial issue has only recently been taken into account, and very few programs actually try to reduce the risks incurred by these differences in treatment between the three groups.

Towards Refugee Self-Sufficiency

“Donor fatigue” has hit the protracted low-level humanitarian crisis in the south of the country, where an LRRD approach is needed. The UN (notably UNHCR and the UN World Food Program) has therefore had to progressively reduce its assistance to refugees in this zone, and has been forced to devise a new strategy for the south since early 2006. This new strategy consists of working towards refugee self-sufficiency so that refugees and displaced persons are able to take care of themselves both in terms of food security and access to basic services.

In eastern Chad, because this zone is directly affected by the crisis in Darfur, humanitarian action continues to be funded. The series of crises which have forced 240,000 Sudanese and 180,000 Chadians to leave their villages in search of safety are deeply-rooted in a variety of inextricably linked factors. These factors are analyzed in greater detail below.

Box 2. Main Factors Affecting the Crisis in Eastern Chad

Cross-border geopolitics. The situations in Darfur and eastern Chad are closely related with cross-border support for armed opposition groups – Sudanese support for the Chadian opposition, and Chadian support for Sudanese opposition groups. On both sides of the porous border the same ethnic groups can be found, with the same problems of cohabitation and of managing property and land ownership. Similarly, there are often well-established links between political figures and armed opposition groups.

Chadian politics. Political developments in Chad are complex and sometimes difficult to follow, with changing factional alliances, based on ethnic and clan based allegiances. This is the main cause of instability in the region, especially in the east, where it has led to the proliferation of small arms.

Intercommunity factors. The populations in eastern Chad are diverse, which is a source of both tension and positive exchange between the communities. Relations between farmers and herders (both long distance and short distance pastoralism), between sedentary and nomadic groups, are highly complex and turbulent. Points of conflict which have been present for generations are now being accentuated by the competition for resources in terms of water and grazing land. The current crisis in Sudan further worsens these tensions.

European Commission and U.S. Government Assistance in Chad

Some donors, such as the European Commission, the French and the German development cooperation agencies, have been in Chad for a number of years, financing large development programs. The “Darfur effect” led to a significant mobilization of the big humanitarian donors, in order to cope with the situation in eastern Chad, while the south attracted much less attention. Recently, humanitarian donors have begun to give serious consideration to LRRD connected to the more long term challenges of protecting natural resources at risk due to the camps and sites, the issue of self-sufficiency and the question of displaced persons returning to their villages of origin. The European Commission has made a considerable effort in mobilizing significant resources for its LRRD program in the south and the “PAS” and the Stability Instrument in the east.

The European Commission has a significant presence in Chad with ECHO administering the Commission’s humanitarian programs; DG RELEX the Stability Instrument in the east; and AIDCO the LRRD program in southern Chad. Certain members of the EU with a long tradition of working in Africa, such as France and Germany, are also present. The United States is involved in various humanitarian programs run by NGOs, the UN, the Red Cross, and the Chadian Authorities, via OFDA, the Office of Food for Peace and the State Department Bureau of Population, Refugees and Migration. Although Chad is part of the Francophone sphere of influence, its proximity to Libya and Sudan gives it wider geopolitical importance.

European Commission

The European Commission is highly involved in Chad not only as a donor but also as a political player. This involves mobilizing nearly all the financial instruments available in terms of assistance, whilst the European Commission delegation in Ndjamena plays an active political role.

The European Commission delegation in Ndjamena leads a broad program of cooperation and development with the Chadian authorities, within the framework of the European Development Fund, which gives the European Commission a certain weight in terms of political dialogue. At the national level, it was heavily involved in supporting political dialogue between the Government and opposition parties during the process leading up to the agreements of August 13, 2007. Nevertheless, the renewed intense fighting of January-February 2008 has been a major setback. The confidence that the parties had in one another has been severely shaken and the dialogue has almost come to a standstill.

In parallel to this firm commitment in Chad, the Commission has been very involved in the attempts to reach a peace agreement for Darfur and South Sudan. The EU Special Representative for Darfur has also recently seen its mandate extended to the whole of the EUFOR zone, including Chad and Central African Republic. Recent interference between the Darfur and Chad crises shows the extent to which it is pertinent to analyze the situation at regional level.

ECHO, with its team of technical assistants in Chad, is one of the major actors, both at the level of analysis and coordination between donors and in terms of funding. In addition, a great deal of other funding has gone to projects in eastern and southern Chad.

ECHO has been active in Chad since 2004, when the crises in the Central African Republic and Darfur first overflowed into Chad, and refugee camps were set up in the south and east of the country. This involvement was reinforced when assisting displaced persons in eastern Chad. In 2007, ECHO supported its partners working in eastern Chad with funding of €30.5 million (€15 million for the Global Plan, €10 million for the food assistance budget line, and €5.5 million for the European Development Fund B-envelope assigned to ECHO). In the south, ECHO is primarily involved through its support for the UNHCR, which works through a network of implementing partners. The amount of funding allocated in 2008 follows the same pattern as in 2007.

It can be noted that assistance provided by ECHO is linked to vulnerability rather than the legal status of populations (displaced persons, refugees, host population). This approach is very useful to prevent imbalances and creates a conceptual framework that is conducive to LRRD, as host populations are no longer only considered to be the audience of development cooperation.

With its team of technical assistants, ECHO is very active in debates with NGOs, national authorities, the UN, and, more recently, with military and civil personnel deployed within the framework of EUFOR and MINURCAT. This lobbying role gives the European Commission a very strong position in debates concerning the crisis in Chad.

The Stability Instrument of DG RELEX

The Instrument of Stability² is a set of tools for post-crisis and fragile contexts. It is being used to support the setting up of MINURCAT, more specifically to put in place the Chadian component of the police, which will ensure security in and around the refugee and displaced persons camps. It also supports the census process in preparation for the next elections. The funding involved is considerable and includes €10 million for the Integrated Security Detachment.

'Program d'Accompagnement à la Stabilisation' (PAS) in Eastern Chad

The PAS (Stabilization Program) was designed to stabilize eastern Chad. The program has the following objectives:

- Ensuring that Chadian displaced persons and refugees can move back to their regions of origin and stay there in the long term;
- Putting in place programs that ensure that the host population can benefit from the assistance allocated to that region, thereby avoiding further tension;
- Contributing to a smooth transition from relief to development, analyzing rehabilitation and long-term development programs so that the process of returns and reintegration is supported.

We must bear in mind, however, that the security of people and assets is a prerequisite for reaching the above goals. The necessary level of security can only be ensured through a process of dialogue, reconciliation and restoration of the rule of law in the region. With this in mind, it is planned that PAS should focus on:

- Actions supporting the return of families, and food security in the broadest sense, with the idea of local long-term development and self-sufficiency in mind. These objectives are in line with the Government's policies on rural development and the fight against poverty.
- Rehabilitation of public infrastructure at the local level, within the framework of sector strategies, such as health, water and sanitation, etc.
- Supporting the rule of law in order to establish a minimum level of legal rules and guarantees, to prevent or resolve conflict, starting with the concept of respecting the personal living space of each and every person.

PAS is an ambitious program, which is attempting to put into practice a number of LRRD precepts. It was financed by the 9th European Development Fund and has a budget of €13.1 million (€10.1 million for eastern Chad, €3 million for north-east Central African Republic), to be spread out over a period of 72 months, divided into two phases: an operational phase of 48 months and a closing phase of 24 months.

² See Chapter 8.

It should be emphasized that the PAS is to become a major element in the stabilization policy for the east. This is due not only to the program's nature and the fact that a significant amount of money has been invested, but also due to its institutional linking to the Presidency through the National Commission of Support to the Deployment of the International Force in Chad (CONAFIT). This organism has great political weight in supporting the civil authorities' effective involvement in the process at every level of the hierarchy.

The greatest challenge will be to put in place a variety of activities which demand a tight schedule, while following the Commission's strict procurement procedures, all within a highly fluctuating context. It is important to determine the possible scope for flexibility and to identify an appropriate monitoring system which will provide a certain level of reactivity.

LRRD Project in Southern Chad

The multi-sector program for the socio-economic integration of the local population and refugees in the Grande Sido area,³ known as the LRRD project, is a new initiative launched by the European Commission Delegation in Ndjamen. Planned for a duration of four years as a multi-partner project, this project targets the resident population in Grande Sido (total of 103,000 people), with a particular focus on refugees in Yaroungou camp (approx. 13,000 people) and the local population of the villages between Danamadji and Maro-Sido (approx. 40,000 people).

The overarching objectives of the project are, firstly, to improve living conditions for the local population and refugees in the Grande Sido area, and secondly to reduce the risk of insecurity brought about by local inter-community conflicts. In order to achieve this, the project promotes the socio-economic integration of the affected populations (locals and refugees) in Grande Sido.

The long delays in setting up this project have caused numerous difficulties for the actors working in the field with the refugees. This highlights the importance of donor coordination in order to avoid funding gaps. The lack of mechanisms to offset administrative delays has meant that several agricultural seasons have been missed. As a consequence, the refugees' confidence in the project has suffered.

U.S. Government

The U.S. Government provides only humanitarian assistance to Chad. OFDA has installed a permanent representative in Chad, generally on rotation from the regional bureau in Nairobi. OFDA's budget amounted to \$8.7 million in 2007 and to \$2.7 million in 2008.

The Office of Food for Peace contributes to food assistance programs of the big actors, notably WFP with a budget of \$37 million in 2007 and \$57.2 million in 2008.

The Program for Refugees and Migrations of the State Department, which supports UNHCR and the ICRC, had a budget of \$42.7 million in 2007 and \$34.5 million in 2008. It

³ (001/ACT/FED/ACP-CD21/SUBV/01/2008).

sends staff on a regular basis to Chad, either in the context of routine monitoring visits or in the context of specific missions, such as missions from the ICRC Donor Support Group (as seen in February 2009).

The fact that the U.S. is engaging very little in more developmental activities is underlined by the weak presence of the Office for Transition Initiative (OTI) which only disbursed \$118,188 in 2007.

It should, nevertheless, be mentioned that Chad is now undoubtedly present on the U.S. radar screen for several reasons. The interactions between the situation in Chad and neighboring Darfur are permanent and explosive. The risks entailed by the political situation in Chad might endanger US economic interests in the oil sector. In addition, there are worries in U.S. intelligence circles that the spread of Islamic fundamentalism could move from Sudan to the West African Sahel zone through Chad and Niger.

Chadian Authorities and Implementing Partners

National and Traditional Authorities and Their Relations with International Assistance

National authorities play an important role, alongside traditional authorities, in managing displaced persons and humanitarian and development assistance. Yet, even though all actors emphasize the commitment of the National Commission for Assistance to Refugees, it is not easy to give unconditional support to a government which is itself involved in the conflict.

A key element in any transition process is conflict management and the healing of past wounds. This implies a mobilization of both traditional means (mediation between farmers and herders, managed by the day and other existing mechanisms of compensation) and the establishment of law and order (the fight against impunity, defending the rule of law, setting up the police force and the judiciary system), which poses a major challenge in eastern Chad. An ad-hoc structure—the National Commission of Support to the Deployment of the International Force in Chad (CONAFIT)—designed within the framework of multilateral mechanisms, has been put in place with the role of coordinating and managing local conflict resolution. CONAFIT has been given a high degree of authority due to its proximity to top level government, and strong support from donors, notably the European Commission. CONAFIT should use this authority and link up with technical ministries, their representatives in the decentralized system, and the network of administrative authorities, along with the international actors present. Such structures are frequently established in post-crisis contexts (as seen in Sierra Leone) and are often demanded by donors seeking short-term effectiveness. However, in the long term, it is not clear if they simply create further problems as they work in parallel to line ministries. Usually they are put in place by the World Bank, so the Commission's involvement in Chad is a departure from the norm.

In the south, the situation is less tense and the authorities therefore have a greater presence and are less focused on military questions. This context enables the local authorities to be more involved in 'civil' questions and in dialogue with humanitarian workers.

Coordination between the Chadian authorities and development projects is key to the LRRD process. While the European Commission supports this strategy in the implementation of its LRRD program in the south and its PAS program in the east, the U.S. is not involved in programs of this kind, as it focuses solely on humanitarian assistance.

The application of national standards within each sector (health, agriculture, water, etc) is essential for the LRRD process, in order to ensure that needs are met nationally and locally. In the water and sanitation sector, for example, numerous difficulties could have been better managed had knowledge been better shared. Technical knowledge acquired by the hydro-pastoral projects funded by the European Commission and various Member States (France, Germany), as well as the technical guidelines as indicated in the National Water Code and by the Director of Water should have been taken into account to a greater extent by humanitarian workers.

United Nations Agencies

UN agencies have been in Chad for a number of years, working on development programs, but their role has dramatically changed because of the influx of refugees from Sudan and the Central African Republic and the large number of internally displaced persons. It can be observed that emergency UN projects have increasingly taken priority over development projects, which are more difficult to fund. The double role of Resident Coordinator and Humanitarian Coordinator has created numerous difficulties as one role is focused on UNHCR's refugee assistance, which has been in place since 2003, while the other manages the activities of the Office for the Coordination of Humanitarian Affairs (OCHA), which focuses on internally displaced persons and populations affected by the conflict. OCHA arrived more recently than UNHCR and has attempted to put in place cluster working groups which are part of the UN humanitarian reform.

The system which is currently being established in order to manage the crisis in eastern Chad, with the Special Representative of the Secretary General and MINURCAT suggests that the mission is moving towards an integrated mission mechanism. However, there is a certain amount of doubt, among both the European Commission and the U.S., as to the UN's capability to manage the crisis and the LRRD process. The highly conservative management of security, which often prevents UN field personnel from having any direct contact with local people, further contributes to this perception.

WFP has also encountered specific difficulties in terms of access and supply routes through Libya and Cameroon. The food assistance of the U.S. Office of Food for Peace program and the food assistance financed by the Commission have been directly affected.

NGOs

In this context of crisis and fragility, both the Commission and USAID have given priority to NGO interventions. While some development NGOs have been present in Chad for some time, the presence of humanitarian NGOs is a more recent phenomenon. They generally have highly motivated, highly committed, but often quite young staff. High staff turnover makes it difficult to create an institutional memory of past experiences and lessons learned, and to fine

tune analysis of this highly complex situation. Despite being equipped with substantial means and standardized procedures, it is only recently that humanitarian NGOs have started to take into account the long-term issues concerning the self-sufficiency of displaced populations in protracted crisis contexts and the issues surrounding the post-crisis phase. NGOs are usually highly dependent on funding from the UN and the big humanitarian donors, such as ECHO, OFDA, or DFID). Interagency coordination is still a relatively new concept for many NGOs, and the NGO Coordination Committee is finding its feet vis-à-vis the National Authorities, the UN, and the donors. More than a year ago, ECHO decided to reinforce its support for the NGO Coordination Committee, in order to have a strong civil society partner, considering the weaknesses of the UN agencies.

The Red Cross Movement

The International Red Cross and Red Crescent Movement does not have a significant presence in southern Chad. However, it is very involved in eastern Chad. The International Committee of the Red Cross (ICRC) has a sub-delegation in Abéché, and a network of offices and mobile teams, and the Chadian Red Cross is also present. This network plays an important role in the refugee camps, in partnership with the International Federation of the Red Cross and various Red Cross Societies. ICRC operations take place primarily outside the camps and consider populations in troubled areas as victims of conflict rather than defining them according to patterns of displacement, or as sub-groups of particular populations. Both USAID and ECHO support the ICRC, which has proven to be one of the most important actors in these highly complex situations.

MINURCAT—The UN Peacekeeping Mission

Established in September 2007, MINURCAT's main task is to provide security for the areas surrounding refugee and displaced persons' camps. It quickly became clear, however, that the areas of origin of displaced persons were of equal importance in particular with regards to LRRD. To facilitate lasting return and the establishment of more long-term assistance efforts, these areas had to be secured as well.

Different tools are employed to enhance security. Certain types of violence like raids require a dissuasive response. The presence of the police and the Chadian National Army, as well as MINURCAT bases and patrols, helps reduce violence of this kind. Much hope has also been placed on traditional mechanisms of conflict resolution, involving the intermediation of Sultans and elders, intercommunity agreements, and systems of compensation), as well as mechanisms linked to good governance and the establishment of the rule of law.

However, the effectiveness of these mechanisms has been limited due to the size of the problem and the proliferation of small arms. A significant investment in terms of funding and time is necessary to re-create the appropriate mechanisms which would re-establish a certain level of social cohesion and confidence in the system. As part of an LRRD process, CONAFIT and MINURCAT could play an important role alongside sultans, traditional chiefs, local authorities and the Commission Nationale d'Assistance aux Réfugiés, subject to continuing

interest from international players. There is strong European Commission support for these institutions, and whilst support from the U.S. is somewhat weaker, it is nevertheless present, showing that there is a certain similarity in the approaches from both sides of the Atlantic.

The deployment of EUFOR and MINURCAT has once again brought up the difficult question of civil-military coordination. Humanitarian actors have clearly expressed their concerns with regard to this issue. Certain EUFOR national detachments conducted civil-military projects such as the Quick Impact Projects, which are similar to the work of the Provincial Reconstruction Teams in Afghanistan. The fear that MINURCAT and EUFOR's "humanitarian" actions will lead to the blurring of lines between civil and military actors, has often been expressed and discussed with the High Commander of EUFOR, OCHA, and various donors. ECHO supports efforts to clarify the distinction between its partners and military actors, particularly through supporting OCHA and the NGO Coordination Committee.

In this French-speaking African context, the U.S. has let Europe launch its military security operation, EUFOR, on its own. The traditional American approach in this type of situation is currently being reviewed and restructured within the newly set up U.S. African Command. This structure, which uses the "whole-of-government approach," is under the auspices of the Pentagon. Until recently, the prevailing European approach has minimized the use of American-style mechanisms such as Provincial Reconstruction Teams. However, new developments in the field, such as the setting-up of Quick Impact Projects show that some EU Member States sending troops to EUFOR are tempted to enter more forcefully into civil operations. Though it is often reluctant to engage fully in UN operations, the American Government does in fact support the deployment of MINURCAT with a substantial contribution to its budget.

Hurdles in Linking Relief, Rehabilitation, and Development

Managing the Security Risk

Although insecurity is not (yet) problematic in southern Chad, it is one of the major constraints for humanitarian actors in the east. Security incidents, although rarely fatal, have been frequent. They consist primarily of acts of banditry (stolen cars and cash, attacks on NGO compounds). The armed opposition seems to want to avoid being the cause of security incidents which involve humanitarian actors, civilians, refugees and internally displaced persons.

These instances of banditry are partly linked to the appeal of resources injected into the system by humanitarian organizations. But the issues are complex and opinion is divided as to possible preventative measures. For the moment, NGOs are reluctant to make use of the military convoys which are offered by the Chadian Army and MINURCAT. This situation clearly makes it difficult to set up LRRD, as the process involves a great deal of time, as well as presence in the field.

Large scale attacks on Chadian towns, notably Abeché and Njdaména, are also part of daily life for assistance workers. Both European institutions and representatives of American assis-

tance institutions have had to evacuate part of their teams over the last few years. This obviously weighs heavily on programs and their implementation.

Striking a Fine Balance—Needs, Resources, and Capacity

Since 2003, the massive influx of refugees into Chad and the forced displacement of 180,000 Chadians has put pressure on natural resources in and around the camps, as well as on the financial and human resources of the Chadian Government. In this complex context there are many challenges, technical, tactical, human and economic, and neither donors nor the humanitarian community have the magic solution, though solutions do exist.

Both ECHO and OFDA are sensitive to the need to strike a balance between the needs of different types of populations, the natural and human resources available, and the level of field presence necessary before an LRRD process can be implemented. The level of access to basic services, notably food assistance, clean water, health and education, is much higher in the refugee camps than in the displaced persons sites, while very little money has been allocated to the people in the surrounding villages. Having done what they could to help the displaced populations when they arrived at the beginning of the crisis, they have seen their local natural resources like water, wood, and straw rapidly disappear. In southern Chad, this issue is at the very heart of the LRRD project funded by the Commission. This project, which supports the self-sufficiency of the refugees living in the camps, also takes into account the needs of the local population. It includes, for example, programs providing firewood for cooking and fuel-efficient stoves, thereby reducing firewood consumption, and replanting trees where refugees and internally displaced persons are present.

In the east, however, this issue is only beginning to be taken into account. It will have to be taken to a much higher level as the crisis becomes increasingly protracted, with little chance of a peace settlement in the short or medium term.

Conclusion

The European Union and the United States are not involved in the same way in Chad. While the European Commission is already very involved in LRRD projects in both the south and the east of the country, USAID is still principally involved in humanitarian response projects.

Humanitarian Assistance, LRRD, and Donor Strategy in Chad

Linking relief, rehabilitation, and development in Chad requires that the diversity of situations, the risks of negative impacts and the turbulence of the area should be taken into account. This requires investment, strong commitment from donors and competent humanitarian actors in the field. There is a very strong European presence in the country with a wide variety of EU and Member State tools involved. These are involved in development action (pre-crisis), humanitarian action and LRRD. The U.S. is only engaged with humanitarian tools. This shows how donors prioritize zones where they have influence. This could change if the U.S. military's new African Command decides to focus on Chad.

Between the Paris and the Stockholm Principles

For the member states of the OECD and their associated institutions, particularly the European Commission and USAID, supporting LRRD in Chad brings two families of principles into confrontation: those of the Paris Declaration, including alignment, ownership, and coherence, and those of the Good Humanitarian Donorship Initiative, including the humanitarian principles of humanity, independence, impartiality and neutrality.

As Chad is not a priority for USAID, it remains somewhat in the background, working with NGOs, the Red Cross and UN agencies. In contrast, the European Commission has chosen to become very involved in the management of political and security issues which are connected to the LRRD process. Therefore, while OFDA is relatively comfortable, ECHO, which plays a central role in defending humanitarian space amongst the Commission's services, needs to engage in advocacy.

Managing the Instability

In these highly volatile regional, national and local contexts, it is essential for donors to enable flexible programs. Experience shows that USAID gives actors a great deal of room for maneuver in order to adapt programs to changes in context. Things are more complex at the European level. Although the presence of ECHO's technical assistants makes it possible to adapt programs, the other EU budget lines remain restricted by the potentially rigid logical framework. As soon as there are delays and/or changes in the situation, serious gaps appear between the reality in which an LRRD project is being implemented and the initial situation on which the logical framework was based. It is absolutely essential that logical frameworks for this kind of project are regularly revised, but this is not easy to do with projects funded by the EU. USAID's flexible procedures are much better suited to this kind of situation.

The Chad case study also illustrates the tensions residing between peacekeeping and LRRD. To facilitate engagement in more long-term activities, an international military presence like MINURCAT or EUFOR may be needed. Once this is assured, however, the line between military and civilian actors gets blurred and contributes to decreasing humanitarian space. The heated debates of the last years have not led to an accepted consensus yet.

Furthermore, in a complex situation of mass displacement, donors and implementing agencies need to take great care to engage in sound socio-economic analysis to understand the urbanization processes linked to pendulum population movements. Some of these may be more long lasting than short-term assistance may be able to deal with.

Related to this, humanitarian and development donors promoting LRRD need to ease imbalances in service provision between host populations, refugees and the internally displaced. Without due diligence in this respect, international assistance can create more harm than necessary. The European Commission and the United States as the largest humanitarian donors worldwide carry particular responsibilities in assuring this.

*Part IV: Business Engagement in
Emergency Relief and Preparedness*

Chapter 13

Profits and Principles: Business Engagement in Humanitarian Assistance

Kelly Johnson

The debate surrounding the use of business actors in aid and relief speaks to the very heart of the internal dilemma facing humanitarians as they try to define humanitarianism and how best to provide aid to those in need. From the perspective of a donor funding humanitarian initiatives, pertinent questions include: Is it acceptable for tax payer dollars earmarked for humanitarian assistance to be converted, directly or indirectly, into profit? Does business engagement violate the humanitarian principles and conventions donor countries have signed on to? And does the use of a for-profit entity improve the quality of aid?

Although commonly believed to be a relatively new player in the field, the private sector has been engaged in humanitarian assistance for decades, generally as a service provider in logistics, transport, communications, and information technologies (IT). Where a disaster struck a company's home community, the private sector has a long history of providing philanthropic support to recovery efforts. The largely unscrutinized role of business has received increasing attention since the large-scale involvement of corporations in the response to Hurricane Katrina and the Asian Tsunami.

Businesses can be involved in aid in a variety of ways, from charitable contributions to corporate social responsibility efforts to commercial activity. The borders between these drivers for engagement are not always clearly defined, as many actions categorized as charitable or corporate social responsibility can be linked to a corporation's image, brand-building, or a social license to operate.

Given the relatively recent recognition of businesses as providers of humanitarian assistance, the impact of business is not yet fully known. There are real reservations on the part of traditional humanitarian actors and some donors about involving for-profit actors in humanitarian assistance. These concerns are largely related to ensuring that the aid provided by businesses is in line with humanitarian principles. Regardless, the private sector is a small, but growing player in the humanitarian field, and donors on either side of the Atlantic are developing diverse policies on whether and how to engage private sector actors.

In the past, business engagement in humanitarian assistance primarily focused on response issues, but as donors and NGOs shift their focus to include disaster preparedness, businesses are also moving into these initiatives. Businesses are also engaging in a variety of ways, from corporate social responsibility schemes to engaging with the express interest of making a profit. This creates four distinct types of business engagement, yielding four sectors for analysis, each of which is covered in a case study:

- For-Profit/Commercial Engagement in Disaster Preparedness
- Non-Commercial/Corporate Social Responsibility Engagement in Disaster Preparedness
- For-Profit/Commercial Engagement in Disaster Response
- Non-Commercial/Corporate Social Responsibility Engagement in Disaster Response.

Taking a donor perspective, this summary chapter and the four accompanying case studies examine different types of business engagement to determine how donors should position themselves vis-à-vis working with businesses in humanitarian assistance, should they work with them, if so, where and how to mitigate the potential risks of such engagement.

The first section of this study is an overview of issues, theory and arguments for and against business engagement. The next section addresses donor perspectives on the issues. The third section examines where businesses currently engage and why, drawing on lessons from the case studies, while the final section provides conclusions, recommendations and suggestions for future research.

This study and the related cases are the result of desk research, input from the first and second transatlantic dialogues for humanitarian action, and the case studies. The case studies draw their conclusions and lessons learned from mini-cases examining particular business engagements in their respective areas. Key informant interviews filled information gaps. Financial and time limitations prevented field research. While business engagement occurs across the LRRD spectrum the focus of this study and the related case studies is on relief and preparedness, and looks primarily at businesses engaged in the direct provision of aid rather than the later phases of rehabilitation and development.

Comparing the European Commission with the U.S. is problematic because the former is a supranational/international organization and the latter is a national government. When examining business engagement it became even more difficult, as the focus on immediate relief requires that the study examine DG ECHO on the Commission side, which is unable to fund businesses to deliver aid, while in the U.S. humanitarian assistance can be provided via businesses.

Theory, History, and Practice

Donor-Facilitated Business Engagaement in Disaster Relief and Preparedness: The Historical Basis

Donor-facilitated business engagement in development is a well-established phenomenon. Many donor nations such as Canada, the U.S., Denmark, the United Kingdom, and Germany now work with businesses in development. For donors and recipient nations there can be real value added to the humanitarian assistance effort by tapping the core knowledge, potential cost savings, and financial or human resource support of businesses involved in aid. Nevertheless, while the role of business in alleviating poverty and helping the world reach the Millennium Development Goals is broadly recognized, development is very different from humanitarian

assistance. While the former is necessarily political, the latter is not meant to be and there are concerns that the humanitarian imperative is not compatible with a business culture.¹

The United States actively engages business in humanitarian assistance, while the European Commission's DG ECHO is unable to do so. However, some EU member states such as the UK do work with business in humanitarian assistance. Other European donors such as Norway have arranged for their companies to be the purveyor of choice for support services such as commodities, transport and logistics, and personnel.²

Businesses themselves have been involved in disaster relief since disasters first started hitting human settlements in areas where businesses were present. Typically businesses are compelled to assist in areas where they work or where their employees have strong ties. Businesses are, after all, staffed by people who, in the face of a disaster, are compelled by their common humanity to help those in need.³ With the exception of the U.S., major international organizations and donors only began to notice the role business could play in humanitarian assistance in the last 15 years. Today, the role of business is becoming entrenched. As a result, the private sector has been included in international initiatives such as the Hyogo Framework and the Disaster Response Network to address disaster relief and preparedness.⁴

Why Businesses Engage and Where

Natural Disasters Versus Complex Emergencies

The majority of business engagements in humanitarian assistance occur in areas hit by natural disasters rather than in conflict zones. While some engagements cover both, such as TNT's engagement with the UN Joint Logistics Center in Sudan, businesses tend to stick with providing their assistance to "simple" disasters such as famines, floods, and earthquakes, and avoid violent conflict zones. There are two exceptions to this: Companies whose core work requires them to be in conflict zones, such as extractive industries, and private humanitarian businesses whose mandates include engagements in conflict zones or complex emergencies. In fact, USAID has five multi-year contracts for humanitarian firms in just these spots.⁵

¹ GPPi, "Learning from the Field: Fostering Effective Transatlantic Action on Disaster Relief and Preparedness" (paper presented at the Transatlantic Dialogue on Humanitarian Action, Berlin, Germany, 2008), Johns Hopkins University Center for Transatlantic Relations, "Practitioners and Policymaking: Building Effective Transatlantic Action on Disaster Relief and Preparedness" (paper presented at the 2nd Transatlantic Dialogue on Humanitarian Action, Washington DC, 2008).

² The case studies related to this topic provide further analysis on the aid mechanisms of select European donors, and their capacity to engage with the business world in this field.

³ Center for Transatlantic Relations, Johns Hopkins University, "Practitioners and Policymaking: Building Effective Transatlantic Action on Disaster Relief and Preparedness," 2nd Transatlantic Dialogue on Humanitarian Action, Washington DC, GPPi and CTR, 2008, as found at: http://www.disastergovernance.net/events/2nd_transatlantic_dialogue_on_humanitarian_action/, last accessed March 29th, 2009.

⁴ International efforts to guide business engagement in disaster response include the WEF-OCHA guiding principles, the Disaster Resource Network and the multitude of business portals created by implementing agencies to channel requests for partnerships and offers for donations., See WEF, "Disaster Resource Network," retrieved March 29th, 2009; and WEF and OCHA, *Guiding Principles for Public-Private Collaboration for Humanitarian Action* (As found at: <http://www.un.org/partnerships/Docs/Principles%20for%20Public-Private%20Collaboration%20for%20Humanitarian%20Action.pdf>, last accessed March 29th, 2009; 2007).

⁵ GPPi Interview, NGO informant, 2008.

There are three primary reasons why firms engaged in non-commercial support of humanitarian assistance tend not to take on conflict situations. The first is reputational risks and rewards. As the case study on non-commercial business engagement in disaster response discusses, firms engage in humanitarian assistance to boost their reputations, build a positive image of their brand, and to improve employee morale. In complex emergencies there are greater risks that the company image could be tarnished. Natural disasters are by their nature generally less political than complex emergencies, hence a company is less likely to have its name brand tainted by events on the ground.

Another issue preventing greater involvement in conflict zones is a practical one—insurance. It is very difficult for a company to get the necessary insurance for its employees and resources in a conflict zone.⁶ Finally, businesses providing humanitarian assistance on a non-commercial basis generally only get involved in aid in their own backyard, literally or figuratively (core competencies, or physically close to where they operate) As a result, conflict zones are an unlikely area for business engagement since it is difficult for most businesses to operate in the face of major conflict.

An exception is industries whose core business requires them to be in fragile states and conflict zones, such as extractive industries that must work where the product is found. Here, the conflict zone is their community of operations, or ‘backyard.’ These industries are naturally interested in long-term stability in these states. However, it is currently unclear to what extent they are legitimately able to function as “partners.... in establishing peace and security.”⁷ Despite increasing pressure on these companies to engage seriously in security governance, the exact role businesses should play is not well defined. In essence, it is not the role of transnational corporations to provide peace and security—that is one of the basic responsibilities of the state. Yet, where state capacity is limited, international companies may be asked to assist in filling that void. Given the propensity of business engagement to potentially foment violent conflict in fragile states,⁸ many industries and business organizations have begun developing their own guidelines and standards to minimize the potential damage and promote the positive contributions business can make.⁹ More research, and honest dialogue with business is needed before this difficult issue can be fully addressed.

For-Profit Versus Corporate Social Responsibility

Private humanitarian firms are a small but growing presence in disaster preparedness and response efforts.¹⁰ These are private companies that specialize in humanitarian assistance.

⁶ GPPi Interview, NGO informant, 2008.

⁷ Moira Feil et al., “Bad Guys, Good Guys or Something in Between? Corporate Governance Contributions in Zones of Violent Conflict,” in *PRIF Report* (Frankfurt, Germany: Peace Research Institute Frankfurt, 2008). p. 1.

⁸ Virginia Haufler, “International Diplomacy and the Privatization of Conflict Prevention,” *International Studies Perspectives* 5 (2004), Jessica Banfield, Virginia Haufler, and Damian Lilly, “Transnational Corporations in Conflict-Prone Zones: Public Policy Responses and a Framework for Action,” *Oxford Development Studies*, 33, no. 1 (2005).

⁹ IPOA, *International Peace Operations Association Code of Conduct, Version 12* (<http://www.ipoaworld.org/eng/codeofconductv12en.html>, last accessed March 29th, 2009: 2009).

¹⁰ Andrea Binder and Jan Martin Witte, *Business Engagement in Humanitarian Relief: Key Trends and Policy Implications*, ed. Overseas Development Institute Humanitarian Policy Group, Hpg Background Paper (London, United Kingdom: Overseas Development Institute, 2007).

Their specialization and organization allows them to be used as standby capacity for emergencies (they have the funds to run an operation before being paid by the government) and are usually staffed by experts with experience in the field. They typically also pay high salaries than the public/non profit sectors,¹¹ which enables them to attract highly qualified staff.

The motivations behind for-profit engagement are, on the surface, obvious—to make money. Dig deeper and the reasons are slightly more complex. On the response side, many of the humanitarian firms are created and staffed by former donor and NGO staff who are drawn by the higher salaries and emphasis on professionalism these firms offer. Many firms explicitly state that they believe their for-profit organization ensures innovative and high quality assistance.¹² While the firm itself may be profit motivated, the staff and founders are also motivated by a desire to do good, and have, for various reasons, come to the conclusion that a for-profit orientation is the preferred model for them to do so.

The same is likely true in for-profit preparedness efforts, such as insurance schemes. While the major motivation is clear (profit), working on schemes that have obvious benefits to seriously at risk communities must boost employee morale similar to corporate social responsibility engagements.

Non-commercial, or corporate social responsibility engagements, do not have a direct profit motive, but there has been an increasing recognition of their commercial benefits. Companies cite benefits to their brand, long term growth, and employee satisfaction as the key benefits of corporate social responsibility activities.¹³ At the same time, recipients receive better aid and the implementing agencies acquire new skills. Thus many companies have begun to adapt their mission statements, core values, and mandates to include social responsibilities. For example, number seven on the Deutsche Post list of corporate values is to accept social responsibilities.¹⁴ While on the face of them, corporate social responsibility projects appear to be net losses financially, over the long term, the increase in employee morale, and the new skills gained through employee secondment, as well as the brand benefits can indirectly contribute to higher profits.

Business Culture and Humanitarianism

The transatlantic divide on the issue of business engagement in response initiatives may stem from the different levels of comfort with money and the market place arising from differing historical origins of charitable giving on either side of the Atlantic. In the U.S. charitable giving began as the result of market successes—Carnegie, Rockefeller, and other major industrialists engaged in philanthropic pursuits precisely because they had the money and desire to do so. By contrast, charitable giving in Europe has its origins in philanthropists working to

¹¹ R. Bate, “The Trouble with USAID,” *The American Interest* 1, no. 4 (2006). And R. Berrios, *Contracting for Development: The Role of for-Profit Contractors in U.S. Foreign Development Assistance* (Westport, CT, USA: Praeger, 2000).

¹² For example the Chemonics and the Global Emergency Group.

¹³ Economist, “Special Report: Corporate Social Responsibility,” (As found at: http://www.economist.com/specialreports/displaystory.cfm?story_id=10491043, last accessed march 25th, 2009 first published in print January 17th, 2008).

¹⁴ Deutsche-Post/DHL, “Seven Corporate Values—Challenge and Guidance at the Same Time,” (http://www.dp-dhl.de/dp-dhl?tab=1&skin=hi&check=yes&lang=de_EN&xmlFile=2006623, last accessed March 29th, 2009: 2009).

overcome market failures such as poverty and unemployment. Today in Europe, corporations are trusted less by the public than NGOs, while the opposite holds true in the U.S. The result is that the U.S. is more comfortable than the EU when using the market and private firms in the delivery of aid.¹⁵

Humanitarian traditionalists often suspect the motivations of businesses involved in humanitarian assistance. More specifically, there is a fear that business culture may not be compatible with humanitarian motives, principles of independence and disinterested action, because regardless of how they are engaging in relief or response, businesses must ultimately make a profit. Many feel that the humanitarian spirit, which drives humanitarian action, could be lost with the introduction of a business culture. For, when motivated by a bottom line, can a private firm truly be expected to take the time to create individualized, culturally sensitive solutions that maintain the recipient's dignity and are formatted to meet to the unique problems seen in every new disaster setting? Or will they utilize cookie-cutter solutions to save on the transaction costs of creating new ones, at the expense of the quality of the response?¹⁶

There are also concerns related to transparency of action. In general "Contracting avoids the need to mobilize state machinery and centralizes influence with those in charge of dispersing funds to and overseeing the contractor. The redistribution of power generally favors executives relative to legislators, reduces transparency in a way that advantages the government relative to the electorate, and opens the way (through the provision of information) for private interests to affect policy implementation and goals."¹⁷

For example, it has been well documented that in conflict situations, when private military firms are contracted to undertake missions, there is "an extra layer of cover from public scrutiny and congressional oversight."¹⁸ The same could perhaps be said for businesses contracted for humanitarian assistance, especially when one considers the fact that USAID requests contracting officers to use private firms rather than NGOs in situations where the U.S. Government has a strong interest in maintaining regular oversight and control of the operations.¹⁹ Obviously, this is at odds with the idea of impartial and neutral humanitarian aid. Given the lack of competition in the bidding process, and the poor U.S. oversight of these contracts,²⁰ it seems possible that in some circumstances firms may be contracted for precisely these political reasons. Even if they are not, the lack of competition for these contracts and

¹⁵ Stephen Hopgood, "Saying 'No' To Wal-Mart? Money and Morality in Professional Humanitarianism," in *Humanitarianism in Question: Politics, Power, Ethics*, ed. M & T. Weiss Barnett (Ithaca, New York, USA: Cornell University Press, 2008).

¹⁶ *Ibid.*

¹⁷ Deborah D. Avant, *The Market for Force: The Consequences of Privatizing Security* (Cambridge, United Kingdom: Cambridge University Press, 2005).

¹⁸ P. W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (Ithaca, New York, USA: Cornell University Press, 2003).

¹⁹ USAID, "Automated Directives Service, Chapter 304: Selecting the Appropriate Acquisition and Assistance (a&a) Implementation Instrument," (As found at: www.usaid.gov/policy/ads/300/304.pdf: 2005).

²⁰ United States Government Accountability Office, "Report to the Committee on Oversight and Government Reform, House of Representatives: Usaid Acquisition and Assistance, Actions Needed to Develop and Implement a Strategic Workforce Plan," (As found at www.gao.gov/new.items/d081059.pdf, last accessed March 29th, 2009). And Berrios, *Contracting for Development: The Role of for-Profit Contractors in U.S. Foreign Development Assistance*.

poor monitoring means that these firms could be operating in ways that violate the humanitarian principles.²¹ Both options are problematic for ensuring principled humanitarian action.

Where donors support business engagement, they have been criticized for prioritizing the economic interests of major firms over the needs of recipients, resulting in inadequate aid responses. The U.S. in particular, has been criticized for using the chaos found in post-disaster situations to forward the interests of industry over the needs of beneficiaries.²² This is clearly in violation of the humanitarian principles, the principles of the Good Humanitarian Donorship Initiative, and the Sphere Project guidelines. The lack of competitive bidding for major contracts to help rebuild Afghanistan and Iraq and links of winning firms to the Bush Administration are further evidence that the use of business, at least in this form, could be detrimental to the mandate of humanitarian assistance, if not managed properly.²³ It must be noted, however, that when it comes to reconstruction efforts, private firms have and will continue to be the contractor of choice for major projects because they have resources and knowledge that few NGOs can muster. No NGO can compete with a major engineering or construction firm such as Kellogg Brown in terms of capacity to rebuild infrastructure or provide utilities on a large scale. Furthermore, reconstruction exists in the grey zone between humanitarian and development assistance and as such, these engagements will be more political than business engagement in purely humanitarian areas.

When it comes to preparedness, the role of business has been less understood and is seemingly less controversial. Here, businesses support initiatives that, in theory, build local response capacity, limit exposure, and lessen the impact of disasters. This directly supports the spirit of humanitarianism which is to save lives. Further, regardless of whether the firm has an indirect or direct profit motive, business engagement maintains the dignity of recipients by providing tools that support at risk communities to help themselves.

Engagement with private companies in humanitarian assistance has many other potential benefits. The field has been repeatedly called upon to professionalize and private companies can certainly assist traditional actors in doing so, whether it is through sharing best practices, donating tools or resources, or assisting in employee exchanges. There are also those who believe that the profit motive makes firms just as likely to have high quality aid responses as NGOs. One of the key complaints against business involvement is that they lack the motivation to truly understand the recipient populations. But, humanitarian firms in particular have an incentive to build “long-term relationships with local people. This helps gain a foothold in the community, facilitating the company’s efforts in doing business in the area.”²⁴ In other words, building long-term relationships makes good business sense.

²¹ Binder and Witte, *Business Engagement in Humanitarian Relief: Key Trends and Policy Implications*. Binder and Witte found that there was no systematic tension with the principles when it came to non-commercial engagement. However for commercial engagements there is some tension. For example, independence of action may be difficult to achieve for private humanitarian firms because they are dependent on government funding for their survival, and unlike non-profit actors are less able to get private donations enabling them to act independently (p. 22).

²² Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (Toronto, Canada: Random House Canada, 2008).

²³ Ian Similie and Larry Minear, *The Charity of Nations—Humanitarian Action in a Calculating World* (Bloomfield: CA: Kumarian Press, 2004).

²⁴ Soraya Narfeldt, “Private Sector Humanitarian Support,” *Journal of International Peace Operations* 4, no. 2 (2008). p. 16.

Businesses can also contribute a wealth of additional resources, and given the increasing demands on the humanitarian system, it would make more sense to find ways of utilizing these resources that are compatible with the humanitarian principles, rather than refusing them on muddled ethical grounds. The issues regarding donor policies such as transparency and contracting certainly need to be addressed, but they are problems of governance and not related to the fact that the implementing entity is a for-profit organization.

In the end, the legitimacy of business in aid depends on one's understanding of humanitarian assistance: is it merely technical service provision or something more?²⁵ And if it is something more, is there any way for a business to provide it?²⁶ Taking a donor perspective, it seems possible that if a firm is contracted to provide a specific humanitarian service donors can ensure, either through clauses in their contracts with businesses or some other mechanism, that the businesses act in humanitarian ways to provide the required services. Further, there are situations where business may be in a position to assist where traditional actors cannot. Where this occurs surely donors are obligated by the humanitarian imperative to provide aid through a business that can. If donors are serious about supporting preparedness efforts then engagement with business is a must, as the economies of scale, tools and expertise vital to disaster risk reduction currently usually only exist within the private sector, for example weather insurance schemes, logistics, and IT skills. Nevertheless if there are concerns about business culture conflicting with humanitarian principles then guidelines are needed to ensure that business engagement follows humanitarian principles. These guidelines could then be referenced in contracts with private firms providing aid.

Donor Drivers for Business (non)Engagement

The reasons donors engage or do not engage with businesses originate in their bureaucratic and legal structures and moral or ethical beliefs about the benefits, or risks associated with such engagement. This section discusses the policy drivers towards different approaches to business engagement in the U.S. Government and the European Commission.

United States of America

The United States Agency for International Development (USAID) is the main body through which business engagement in humanitarian assistance is funneled in the U.S.. It is not possible to determine the amount USAID spends on humanitarian vs. development assistance, or how much goes to private businesses versus other implementing agencies because of the way their budget is consolidated. Further, because its work is in geographically sensitive locations or places where the U.S. has national security interests, its budgets are not open for scrutiny.²⁷ It is also not currently possible to view all the contracts USAID has given out or

²⁵ Stephen Hopgood, "Saying 'No' To Wal-Mart? Money and Morality in Professional Humanitarianism."

²⁶ Hopgood points out that the definition of what is humanitarian has been evolving since the time of Dunant. This suggests that the term and its definition could continue to grow allowing for businesses to be considered humanitarian.

²⁷ R. Bate, "The Trouble with USAID," *The American Interest* 1, no. 4, 2006, pp. 113–22.

currently has,²⁸ making a complete analysis of business versus traditional actor implemented projects difficult.

In the U.S., the drivers for business engagement in aid have their roots in the 1933 Buy America Act which ensures that USAID funds goods and services of American origin. This stipulation appeases Congress with domestic interest arguments²⁹ with the result that USAID has a preference for large long-term relationships with big U.S. organizations. Research shows that for-profit firms receive the most money from USAID, that the geographic distribution of all contractors is skewed towards Washington D.C., and that there are firms that rely exclusively on USAID to stay in business.³⁰

Following the end of the Cold War, USAID was in political limbo. Its primary purpose had been to help win the Cold War by providing foreign assistance to “developing democracies” or countries of geopolitical importance. Once the Cold War was over, many in Congress saw no reason for the continuation of the agency, and called for its elimination. USAID was saved on three conditions: that it shrink, be accountable to the State Department, and embrace the private sector.³¹ Funding for USAID continued to shrink in the 1990s and as USAID is prohibited from lobbying Congress itself for money, it uses its contractors and commercial supporters (“partners”) to do the lobbying for more USAID funding. As a result, USAID relies strongly on contractors in its work.

USAID guidance for contracting decisions is found in *ADS Chapter 304: Selecting the Appropriate Acquisition and Assistance (A&A) Implementation Instrument (2005)*.³² Acquisitions are generally contracts, while assistance mechanisms are usually grants. There are no limits on what type of organization can apply for contracts or grants, but generally contracts are used to engage for-profit firms, while grants are used for NGOs. According to the *ADS* “Where a politically sensitive situation exists, it may be necessary or desirable for USAID to have more day to day operational control and oversight of the implementation of a program. If the OU³³ believes that this level of involvement is needed, acquisition is the more appropriate choice of instrument.”³⁴ This clause could be interpreted as suggesting that contracts are the preferred mechanism for situations where the U.S. has political objectives and wants to ensure the funded program does not contradict those objectives. Contracts, such as Indefinite Quantity Contracts are also used for technical service provision which requires intensive day to day oversight.

²⁸ USAID, “Acquisition & Assistance Ombudsman,” USAID, ———, “Doing Business with USAID,” (<http://www.usaid.gov/business/>).

²⁹ Bate, *op. cit.*

³⁰ R. Berrios, *Contracting for Development: The Role of for-Profit Contractors in U.S. Foreign Development Assistance*.

³¹ Bate, *op. cit.*

³² USAID, “Automated Directives Service, Chapter 304: Selecting the Appropriate Acquisition and Assistance (A&A) Implementation Instrument.”

³³ Operating Units: USAID field Missions, regional entities, and USAID/Washington Offices that expend funds to support Agency program objectives. This definition particularly includes operating units performing the functions of formulating policy, strategic and budgetary planning, achieving results, procurement, personnel management, financial management, and statutory requirements. *Ibid.*

³⁴ *Ibid.* p. 6.

Applying for grants/contracts is done through a U.S. Government website: grants.gov. Since 2003, all businesses involved in contract and assistance awards must register with the Central Contractor Registration. Roughly half of the contracts and grants awarded by USAID are negotiated, issued, and administered by the Washington D.C. office of Acquisition and Assistance. The other half by contracting and grant staff located at USAID missions worldwide.³⁵

The exception to the above mechanisms is humanitarian emergencies. If the situation warrants it, OFDA may utilize its emergency acquisitions authority to bypass the normal USAID contracting procedures. The emergency acquisitions were created to expedite the contracting process and ensure the timeliness of aid delivery. Full and open competition is not required, because they are exempt from the requirements contained in central contract registration policy.³⁶ OFDA may choose to forego the qualification requirements needed for all other types of contracts, including the Buy America Act.³⁷

Indefinite Quantity Contracts

Indefinite Quantity Contracts are sector-based contracting mechanism and are the primary means by which USAID procures technical services in humanitarian assistance. In disaster assistance, current subcontractors include the International Resources Group and CDM International Inc, who provide immediate disaster relief in water and sanitation, health and nutrition, and food and non-food responses to international emergency requirements. For humanitarian interventions occurring in post-conflict states there is the Instability, Crisis, and Recovery Program. The program will terminate in September 2010 and has a ceiling of 500,000,000 USD.³⁸

The Global Development Alliance

The Global Development Alliance was launched in 2001. Billed as an innovative public-private alliance model³⁹ it brings together USAID and strategic partners, primarily businesses, to “support the U.S. Government’s goals of transformational diplomacy.”⁴⁰ Since its inception, USAID has spent \$2.1 billion in approximately 600 public-private alliances worldwide and leveraged over \$5.8 billion in committed contributions from more than 1,700 partners. USAID’s role differs from alliance to alliance—playing an active role in monitoring to a more hands off role merely requesting regular reporting (quarterly, semi-annual or annual reporting.) Within the program there are both profit making and charitable partnerships.⁴¹

³⁵ USAID, “Doing Business with USAID.” <http://www.usaid.gov/business/>.

³⁶ United States Government, “Central Contracting Registry,” (www.ccr.gov).

³⁷ GPPi Interview, U.S. Government informant, 2008.

³⁸ USAID, “Central Awards Listing/ Indefinite Quantity Contracts (Iqcs) Conflict Management and Mitigation.”

³⁹ USAID, “USAID Global Partnerships, About the GDA.”

⁴⁰ Ibid.

⁴¹ USAID, “Global Development Alliances Faqs,” (http://www.usaid.gov/our_work/global_partnerships/gda/faq.html).

While the majority of alliances deal with development issues, there are a few for disaster relief and preparedness including an alliance on disaster preparedness in Latin America and some programs that promote private sector involvement in disaster preparedness and mitigation in China and Asia.⁴²

Monitoring and Evaluation of Business Engagement

USAID uses different mechanisms for different types of business engagement, but there is limited oversight and evaluation, which when coupled with the directive to use mechanisms more suited to private firms in politically sensitive areas raises obvious issues in regards to ensuring high quality, principled work. A Government Accountability Office report of USAID's monitoring and evaluation systems show that monitoring and evaluation is weak on two fronts: gathering information about competencies and capacities of staff and developing systems that address monitoring needs. Contract officers are overworked and the offices are understaffed. Companies are allowed to negotiate reviews if they feel the review is too negative and as a result no cases could be found where USAID dropped a company for poor performance. Furthermore, in some Global Development Alliance projects and most Indefinite Quantity Contracts, companies self-monitor and then report back to USAID. This is a staffing issue, but is also ineffective as companies are necessarily biased in reviews of their own work.⁴³

In essence, USAID is mandated to use businesses, in particular U.S. businesses, to fulfil its mission. Recent restructuring efforts have resulted in more hurdles for foreign and non-profit entities to work with USAID.⁴⁴ Sadly, these restructuring efforts have not been coupled with increased contracting, monitoring and evaluation staff to ensure that firms are fulfilling the requirements of their contracts. The effects of these legislative and administrative issues are that 70 percent of foreign assistance money from the U.S. Government is spent in the US.⁴⁵ This is problematic for those who feel assistance should go towards improving lives in poorer countries and for those who feel contracted for-profit firms may be less willing to defend the humanitarian principles in their work.

European Commission

The mandate of USAID to use private businesses in the provision of aid and humanitarian assistance stands in stark contrast to the European Commission's mandate. DG ECHO's regulations specify that humanitarian assistance can only be directed to international and non-

⁴² USAID, "Latin America and the Caribbean—Disaster Preparedness and Mitigation Programs," (http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/publications/prep_mit/mods/program_updates/lac_dp_fs01_09-30-2007.pdf, last accessed March 29th, 2009; 2007), ———, "Asia and Pacific –Disaster Preparedness and Mitigation Programs," (http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/countries/solomon_islands/template/fs_sr/fy2007/asia_dp_fs01_03-30-2007.pdf: 2007).

⁴³ Government Accountability Office, "Report to the Committee on Oversight and Government Reform, House of Representatives: Usaid Acquisition and Assistance, Actions Needed to Develop and Implement a Strategic Workforce Plan."

⁴⁴ Under the Clinton Administration USAID lost many of its field staff, and as a result knowledge of local agencies. Local agencies have also been found to lack the necessary knowledge and lobbying prowess to get USAID funding. R. Bate, "The Trouble with USAID," *The American Interest* 1, no. 4 (2006).

⁴⁵ Similie/Minear, op. cit., p. 168.

profit organizations, such as the Red Cross, the UN or NGOs.⁴⁶ The regulations also specifically state that humanitarian aid funds cannot be used for profit. As a result, the European Commission cannot directly support business engagement in humanitarian assistance. Although when it comes to technical support, DG ECHO is generally supportive of the use of businesses in areas such as telecommunications and IT.

Unlike the U.S. Government, the Commission has a large and explicit policy document outlining its views towards humanitarian assistance: The European Consensus on Humanitarian Aid. The Consensus reinforces the humanitarian principles and highlights the independence of aid, stating that aid “should not be influenced by specific interests be they economic, political, cultural or religious”⁴⁷ leaving seemingly little room to engage with humanitarian businesses. But closer analysis of DG ECHO, and the Consensus, finds that there is some openness towards business.

The Consensus states that the European Commission seeks to maximize the efficacy of assistance by providing aid as quickly to as many people as possible. It also states that the European Commission seeks to utilize professional planning, monitoring, evaluation, and audit tools to achieve accountability and transparency. Many of these skills can best be found in the private sector. Furthermore, the 2008 DG ECHO strategy paper states that DG ECHO “will continue its reflection on other themes and sectors such as protection, gender, environment and possibly the role of the private sector in humanitarian aid.”⁴⁸ This suggests that there may be room for engaging with businesses in a non-profit manner, and the idea of partnerships with private business is not anathema to DG ECHO per se.

In fact, the European Commission supports organizations that work with businesses and can be said to thus indirectly support business engagement.⁴⁹ A case in point is the World Food Programme, a major recipient of Commission funds which has ground breaking commercial and non-commercial business engagements in insurance and logistics support.⁵⁰ The Commission also contracts out support services such as procurement and evaluations. Nevertheless, major internal funding regulations and other administrative hurdles, as well as a narrow, principled view of humanitarianism, make it unlikely that the European Commission can engage seriously with business in the actual provision of humanitarian assistance.

In some senses this strict mandate has effectively forced DG ECHO to have tied funding, in that DG ECHO can only give to non-profits or major international organizations. If a for-profit company could do the job better, save more lives etc, for less money, this limitation in

⁴⁶ DG ECHO, “General Conditions Applicable to European Community Grant Agreements with Humanitarian Organizations for Humanitarian Aid Actions” (http://ec.europa.eu/DG_ECHO/files/about/actors/fpa/general_conditions_en.pdf, last accessed March 29, 2009: 2008).

⁴⁷ European Commission, “European Consensus on Humanitarian Aid—Action Plan” (Brussels: Commission of the European Communities, 2008), Annex point 1.

⁴⁸ DG ECHO, “DG ECHO—Operational Strategy 2008” (Brussels: Commission of the European Communities, 2008).

⁴⁹ GPPi Interviews, personal correspondence with DG ECHO informant, 2008.

⁵⁰ WFP, “World’s First Humanitarian Insurance Policy Issued,” (As found at: <http://www.wfp.org/news/news-release/worlds-first-humanitarian-insurance-policy-issued>, last accessed March 29th, 2009: 2006). And TNT, “Moving the World: Tnt’s Partnership with UN World Food Programme” (2006). For more information please see the case studies on disaster preparedness.

DG ECHO's mandate raises just as many questions about how to ensure effective aid delivery as there are about the U.S. Government's use of private firms.

Business Engagement: Lessons From the Case Studies

The previous sections have shown that donor-business engagement is varied and complicated by both operational issues and ethical concerns. This section briefly highlights some of the key lessons related to business engagement in disaster preparedness and response. More detailed information and recommendations specific to these areas are found in the case studies.

Commercial Disaster Preparedness

One of the core areas where businesses can engage commercially in preparedness is insurance. Insurance schemes play an important part in disaster risk reduction toolboxes for at risk communities. While insurance will never fully replace response efforts, it is an area where there are easy wins. There is incredible capacity in the private sector to support insurance schemes that can reduce risk exposure to natural disasters. Additionally, preparedness initiatives generally do not have the same problems related to principled action as response initiatives and as such many of the concerns regarding business engagement and the humanitarian principles are not present here. When one further considers the fact that many of these initiatives contain built-in checks and balances, and transparent and efficient monitoring and evaluation tools, commercial engagement in disaster preparedness is clearly an area donors should support.

Unfortunately, research found that donor support for these schemes is limited by administrative and mandate-related issues that prevent the use of for-profit tools, as well as the cost, limited information for insurance assessment of risks and markets, and low levels of partnerships with governments. Of further concern is that despite its proven successes insurance seems to be a low priority for governments until after major disasters, when it is too late. Political instability can be an obstacle to sustained action in disaster preparedness and in getting accurate and reliable information with which to create insurance schemes and sadly, many of the most at-risk areas are politically unstable.

Corporate Social Responsibility in Disaster Preparedness

It is much harder for corporations to make the case to engage philanthropically in disaster preparedness than it is to contribute to response efforts. For that reason, governments should provide incentives, and a legal framework to encourage business engagement in disaster preparedness. Despite the difficulty, there are many industries that are supporting preparedness initiatives—primarily through pre-positioning efforts such as signing agreements to allow immediate access after a disaster or stockpiling supplies and creating mechanisms so they can be easily and quickly dispersed. Logistics firms such as DHL, for example, can significantly contribute to disaster preparedness and response efforts. Preparing and responding to disaster is a logistical nightmare. These companies have business expertise in logistics and transport. They can and do play a serious role in ensuring an efficient aid response. However, their role

must be facilitated by the local government. To overcome this difficulty, some logistics companies sign memorandums of understanding with at-risk countries prior to disasters so that should disaster strike, the company can put its team in place as soon as possible.⁵¹ Similarly, health and pharmaceutical companies can stockpile drugs, first aid supplies, and medical supplies, and work with first responders to ensure that they have the appropriate tools necessary to prevent pandemics.

Commercial Emergency Response

Commercial response initiatives are a small, but growing niche in the humanitarian assistance field. Fully understanding their role and the moral and financial consequences for their use remains difficult due to incomplete information on the subject. The research of this study group has found that the donor rules governing the use of private firms generally relate to contracting and implementation, but do not address whether private firms are the appropriate actors for a response. Further, they do not demand and ensure adherence to the humanitarian principles. As they are only a tiny fraction of the players in this field, the use of humanitarian firms has not resulted in serious debate between donors, yet serious debate is required if new actors are to join the field. Mechanisms must be created to determine whether and where such actors can play a role. Donors need to transparently report their use of these firms to enable comparisons between their response efforts and those of traditional actors. One of the reasons why firms are currently used is because they can deliver very quickly. This is the result of the different ways that NGOs and private firms are organized and funded by donors. If donors determine that engaging commercial businesses impinges on the humanitarian principles they will need to adapt their mechanisms to support traditional actors to develop rapid reaction capacity.

Corporate Social Responsibility in Humanitarian Responses

Non-commercial disaster response engagements have received increasing attention and occur in many different industries. Non-commercial engagement generally occurs in one of three ways: cash donations, in-kind donations of goods or services, or employee secondment. Analysis has shown that business involvement in humanitarian assistance is more helpful when the support is a cash donation or draws on a core competency of the business. Implementing agencies or donors engaging in aid have experienced problems when well-meaning companies donate goods that are not needed as donations of unnecessary supplies and skills can clog disaster response and make it less effective.⁵² Guidelines for businesses that want to support aid efforts have been developed by many aid agencies, donors, and business organizations, but have been found lacking. The findings of this study are similar to those for the corporate social responsibility in disaster preparedness in that what is needed for business engagement to be truly beneficial is pre-planning and a long term partnership.⁵³

⁵¹ GPPi interviews, business informant, 2008 and GPPi, "Learning from the Field: Fostering Effective Transatlantic Action on Disaster Relief and Preparedness".

⁵² EIU, "Disaster Response Management: Going the Last Mile" (Economist Intelligence Unit, 2005).

⁵³ BusinessRoundtable, "Partnership for Disaster Response" (<http://www.respondtodisaster.com/>: 2009).

Interviews with business representatives, and the discussions at the Second Transatlantic Dialogue on Humanitarian Action revealed that coordination of business engagement during a disaster has been a serious difficulty faced by businesses, implementing agencies, and donors alike. Many businesses have complained that they are not able to help as much as they could during a crisis due to a lack of pre-planning on the part of governments, multilateral organizations, or NGOs.⁵⁴ Many businesses feel that their donations could be more helpful if a mechanism existed for highlighting what was needed where, and putting those in need in touch with those who have such goods. Implementing agencies and governments have also been frustrated when faced with an onslaught of unnecessary goods or demands for meetings about donations during a disaster when their staff are, obviously, working at full capacity. As a result, some government and implementing agencies have set up portals and guidelines to support business engagement, match donations to organizations that need them, or organize requests for information on donating, albeit with limited success.⁵⁵ Given the wealth of resources found in the private sector it seems foolish to ignore them. Disaster planning should include training to facilitate the effective use of business resources. Pre-planning and creating partnerships well in advance of a disaster are vital to ensuring effective implementation and engagement with businesses.

Guidelines

While all stakeholders believe guidelines are necessary, attempts to create them to date have been insufficient. Existing guidelines for business engagement in humanitarian assistance either do not cover the entire breadth of business engagement, are too broad, or lack enforcement mechanisms. The formal role of business in disaster preparedness was only acknowledged in 2005 with the creation of the Hyogo Framework. This section briefly discusses the Framework as well as the Guiding Principles for Public-Private Collaboration in Humanitarian Action, one of the most well known sets of guidelines for business engagement in this field.

The Hyogo Framework

Adopted in 2005 at the World Conference for Disaster Reduction and based on a 2003 decision of the General Assembly of the United Nations, the Hyogo Framework is the first disaster reduction framework to confirm that civil society, the scientific community, and the private sector are all vital stakeholders and legitimate actors in the implementation of disaster risk reduction strategies. To meet its goals to reduce underlying risk factors it “promote[s] the establishment of public-private partnerships to better engage the private sector in disaster risk reduction activities: encourage the private sector to foster a culture of disaster prevention, putting greater emphasis on, and allocating resources to pre-disaster activities.”⁵⁶ The Hyogo Framework gives donor and recipient nations a platform for engaging with business, to enable access to businesses’ skills and to better prepare for and respond to disasters. But the Hyogo

⁵⁴ BENS, “Getting Down to Business: An Action Plan for Public-Private Disaster Response Coordination,” (<http://www.bens.org/library/publications/current.html>, last accessed March 29th, 2009: 2007).

⁵⁵ For example: Foundation AidMatrix, “Aid Matrix Network.” GPPi interviews, business informant 2008 and BENS, “Getting Down to Business: An Action Plan for Public-Private Disaster Response Coordination.”

⁵⁶ UNISDR, “Report of the World Conference on Disaster Reduction” (paper presented at the World Conference on Disaster Reduction, Kobe Hyogo, Japan, 2005), p. 17.

Framework does not address the concerns of the humanitarian community, namely that involving business in humanitarian assistance could undermine the humanitarian principles.

The World Economic Forum and the United Nations Office for the Coordination of Humanitarian Assistance Guiding Principles for Public-Private Collaboration for Humanitarian Action

Given the potential difficulties of bringing businesses into disaster response, implementing agencies and international organizations have created many sets of guidelines for their work with businesses.⁵⁷ In 2008, the World Economic Forum and the Office for the Coordination of Humanitarian Affairs created a set of guiding principles to support public-private collaboration in humanitarian action in order to address some of the concerns surrounding business involvement.⁵⁸

These guidelines are a step in the right direction, but there are flaws. The principles only cover non-profit engagement, are non-binding, and offer no mechanism to monitor businesses. They also ask businesses to refer to multiple other sets of guidelines that exist. By giving no specific instructions as to which principles must be followed by which type of business and when, the document leaves it to the business to decide. This situation is highly ineffective because, with no follow-up enforcement, a business has no motivation to utilize the guidelines most applicable to its work and to implement the changes necessary to follow them.

If donors are serious about ensuring that business engagement remains principled, then guidelines that encompass all forms of business engagement are necessary. These guidelines will need to be developed by an internationally recognized organization, with the help of businesses, donors, recipients, and other stakeholders. One potential solution is to create a Humanitarian Compact, similar to the Global Compact,⁵⁹ but with stronger monitoring mechanisms.⁶⁰ If businesses were in good standing with the Compact implementing agencies, and donors could then partner with them knowing that the businesses would act in accordance with established rules and guidelines to ensure their participation promoted principled humanitarian action.

⁵⁷ For example please see Oxfam, "Policy Compendium Note on the Private Sector and Humanitarian Relief" (2007).

⁵⁸ OCHA, *Guiding Principles for Public-Private Collaboration for Humanitarian Action*.

⁵⁹ Alyson Warhurst, *Disaster Prevention: A Role for Business?* (Maplecroft and ProVention Consortium, 2006). Warhurst believes that the Global Compact may be an ideal tool for harnessing the power of businesses to engage in disaster preparedness initiatives. Recognizing that disasters have the potential to undermine progress towards the millennium development goals, preparedness efforts do seem better placed here. Subsequently the new Humanitarian Compact could focus on disaster response initiatives.

⁶⁰ A McKinsey report has found that the Global Compact suffers from poor monitoring and evaluation and that companies which have not met the Compacts minimum standards remain members. McKinsey&Company, "Assessing the Global Compact's Impact," (http://www.unglobalcompact.org/docs/news_events/9.1_news_archives/2004_06_09/imp_ass.pdf, last accessed March 29th, 2009: 2004). Given the importance of principled action in humanitarian aid, more stringent monitoring and evaluation procedures are necessary. An example of a more stringent set mechanism can be found in the OECD Guidelines for Multinational Enterprises OECD, "OECD Guidelines for Multinational Enterprises," (<http://www.oecd.org/dataoecd/56/36/1922428.pdf>, last accessed March 29th, 2009: 2008).

Conclusions And Recommendations

While business is not usually a topic of conversation at donor meetings, the engagement of the private sector for humanitarian purposes speaks to the fundamental differences between how the U.S. Government and the European Commission conduct humanitarian assistance. Both the European Commission and the U.S. Government are interested in ensuring maximum effectiveness of aid dollars. Where the European Commission and the U.S. differ is on whether or not businesses are legitimate actors/agencies through which assistance can be channelled.

The U.S. Government views business as a legitimate player, in part because USAID must work with businesses in order to meet its legal requirements as laid out in the Federal Assistance Regulations and Buy America Act. However, there is also a belief that by increasing donor capacity to deliver aid, business engagement may further the commitment to the world's neediest. The European Commission on the other hand does not involve business in the direct provision of assistance due to institutional barriers preventing DG ECHO from funding anything but NGOs and the UN, and because of a strict understanding of the humanitarian principles precluding economic interests in influencing aid. As these conceptions are based on principles and assumptions rather than measured evidence and conclusions, a change in policy on either side of the Atlantic will require a shift in conceptions of assistance and how it should be delivered and governed.

Such a shift in thinking may eventually be possible. The 2008 DG ECHO strategy paper which outlines DG ECHO's interest in watching the role of business suggests some movement.⁶¹ Plus several international codes of conduct have set a precedent for normalizing the role of business in humanitarian assistance to ensure that private sector involvement remains principled. Thus there is now political backing to consider business a legitimate player in the aid game. However, there are considerable administrative barriers to be overcome in both the Commission and many member states' bilateral aid agencies before the European Commission can start seriously engaging with the private sector in the delivery of assistance.

In addition, the European Consensus on Humanitarian Aid outlines the Commission's stated goals of increasing partnerships, expanding the funding base for humanitarian aid, and reaching out to all actors, so that the governance of humanitarian aid remains principled and fair and uniform across the board. So, while the funding stipulations that govern what types of organizations DG ECHO can work with may prevent it from funding businesses in humanitarian assistance, DG ECHO has a responsibility to recognize businesses as a new(ish) actor and find a way to engage with or at least have dialogue with businesses. DG ECHO funds many implementing agencies who partner with the business sector. Given the Commission's stated desire to be a policy leader in humanitarian assistance, it should engage in or spearhead efforts to create codes and guidelines to govern business engagement, regardless of what organization a business is partnered with, thus ensuring that all humanitarian assistance funded by the Commission remains principled.

⁶¹ DG ECHO, *op. cit.*, p. 24. However, the 2009 strategy paper does not include any reference to business.

***Recommendation One:
Ensure that Business Engagement of All Kinds Remains Principled and Effective***

Existing codes for guiding business engagement have proven ineffective in guaranteeing compliance of business to the humanitarian principles or in ensuring high quality aid. The international community faces several problems which are reflected in the U.S. national model: How do you encourage business involvement while maintaining a principled approach? This requires strong guidelines that are backed up by strong monitoring and evaluation procedures—something lacking both in the U.S. and on the international stage. Without such guidelines it is unlikely that DG ECHO would be able to work with businesses, or view them as legitimate purveyors of humanitarian assistance.

Donors need to enter into active dialogues with the private sector on the role of business in humanitarian assistance and the principles guiding that assistance. Building on the *Guiding Principles for Public-Private Collaboration for Humanitarian Action*, donors should support the development of common standards of business engagement in humanitarian assistance, that encompass all types of business engagement. They need to develop clear policies using an interactive process on when, whether, and how to engage with the private sector in humanitarian assistance.

***Recommendation Two:
Support Both For-Profit and Corporate Social Responsibility Efforts in Disaster Preparedness***

First, as outlined in the Hyogo Framework, business has a legitimate and important role to play in disaster risk reduction strategies. Preparedness initiatives do not have the same ethical dilemmas that response initiatives do and can be easily designed to include checks and balances and evaluation mechanisms that make them low-risk, high-reward engagements. While such initiatives can never fully replace response efforts, they can protect livelihoods and support rapid reconstruction efforts through the disbursement of policy pay-outs, which reduces the impact disasters have on development gains.

Second, the business case for charitably engaging in preparedness efforts is much harder to make than it is for response efforts. Nevertheless it is an area where business involvement could make a real impact. Accordingly, donors should examine potential mechanisms to incentivize business engagement in this area such as tax breaks, or grants to support preparedness initiatives.

***Recommendation Three:
Increase Transparency in Business Engagements***

More information is needed on how and where businesses engage. The full extent of business engagement and the processes used to engage businesses need to be more open. Only with more information can effective policies and informed opinions be made.

In the United States, business engagement currently lacks transparency because funding is not clearly or systematically reported. Budget information has not been disaggregated, or made public due to national security concerns. What information is available is spread across multiple sources and is not easily organized. More transparency is necessary. Shedding light on the processes through which the U.S. Government engages private companies to deliver aid would provide an excellent learning opportunity for the aid community. This would enable gathering the measured evidence necessary to make informed decisions on the role business can play in humanitarian assistance.

Once greater transparency exists, further research can be done on the role of business. Based on the subsequent findings, donors could modify the structure of business engagement to address the issues important to the international community regarding the possibility of business interests outweighing the humanitarian principles. The U.S. has experience in engaging with business and would be in an excellent position to develop mechanisms to monitor and control business engagement to ensure that humanitarian principles are better upheld and assistance is more effective. As outlined in other chapters, DG ECHO has superior monitoring and evaluation mechanisms and could work with the U.S. to develop such mechanisms for business. This notion may require significant restructuring at USAID in particular, but given the Obama administration's stated desire to reorganize USAID and re-examine contracting procedures for all U.S. Government agencies, now is the opportune time to do so.⁶² Given the current lack of transparency coupled with the different principles, assumptions, and administrative structures on either side of the Atlantic, it seems unlikely that European donors and the U.S. Government will be able to sit down and discuss the issue of business engagement openly until the U.S. processes become more transparent and open to scrutiny. Until then, assumptions and principles may get in the way of honest debate.

There are other sticking points worth considering if the U.S. Government and the European Commission are to work together on contracting out to third parties for humanitarian assistance. The U.S. has a policy of contracting out to U.S. companies as much as possible. In fact the U.S. procurement regulations favor or in some cases demand the use of U.S. based firms versus local firms in the target areas. The European Consensus on Humanitarian Aid states that aid efforts should not undermine local skills and resources and the exclusive use of U.S. firms has the potential to do so, and undermine the expediency of aid as well.

Given these sticking points, and the current lack of concrete information on business engagement, high level cooperation in this area seems unlikely and may have the potential to undermine increased transatlantic cooperation in humanitarian assistance. The legislative and administrative mechanisms that shape and guide the European Commission and the U.S. are very different, as are the views towards how best to maintain the humanitarian principles in practice. Debates on issues that mix moral and ethical concerns with administrative and legal realities, and incomplete information, will never lead to fruitful conclusions. Nevertheless both the European Commission and the U.S. Government are important donors and drive policy in this field. It would behoove them to find ways to discuss the guiding of business engagement in a manner that bypasses the sticky, political questions and instead focuses on the practical.

⁶² Scott Wilson and Robert O'Harrow, "President Orders Review of Federal Contracting System: More Competition, Accountability for Procurement Sought," *The Washington Post*, Thursday, March 5, 2009.

***Recommendation Four:
Donors Should Work with Implementing Agencies and Businesses to Create Maps of
Humanitarian Interventions.***

One of the core concerns for donors, businesses, and implementing agencies alike is coordinating all the various actors involved in humanitarian interventions and determining what tools and skill sets are needed where. A comparison of what types of organizations are best suited to what types of assistance mechanisms has not been done, but is clearly necessary. Such a tool would allow stakeholders to understand each others' skills sets and how they can work together to ensure the efficient delivery of assistance. To assist in this effort, donors could come together and create maps that:

- Highlight the highest priorities for humanitarians and identify gaps in their capacity;
- Create a matrix of tasks in an intervention, with a clear delineation of who is best placed to do what tasks and when in the cycle of an intervention;
- Tie the map and matrix into policies on when and how to engage with business.

This practical approach would allow stakeholders to come together and work with each other potentially resulting in better assistance for recipients.

Chapter 14

Humanitarian Firms: Commercial Business Engagement in Emergency Response

Abby Stoddard

The current decade has seen continued marked growth in governments' international humanitarian funding, along with an unprecedented surge of private sector involvement following the Indian Ocean tsunami. The international community has undertaken a series of far-reaching reforms in humanitarian institutions and financing architecture during this time, and donor policies and approaches to relief, recovery and development assistance have evolved in tandem, to varying degrees. Amidst these developments it is reasonable to ask what changes, if any, have occurred in the role of private, for-profit entities in humanitarian response.

As a case study, this chapter provides a comparative examination of European and the U.S. Government's engagement with the private sector in disaster response, contrasting the practical and policy approaches, as well as the perceived incentives and risks to utilizing commercial entities for providing relief. In particular, it assesses the options and challenges faced by the U.S. humanitarian donor offices under a broader government stance that takes a permissive, even proactive approach to cultivating business engagement. The U.S. approach is compared with that of DG ECHO and individual European donor governments, which tend to be much more restrictive in engaging with the private sector in the humanitarian sphere. The study focuses on commercial engagement in disaster response; in other words, direct contracting by donors to firms whose motives in the transaction are not wholly or partly philanthropic, but strictly commercial. The analysis takes the perspective of the donor governments, as they gauge the potential risks and rewards of private sector implementers of relief aid vis-à-vis traditional humanitarian providers.

The chapter begins by attempting to quantify the extent of direct donor contracting of commercial entities in global humanitarian action, through an analysis of global humanitarian funding data. Section three examines the drivers of donor decisions, how government objectives and values define the scope for commercial engagement, and the challenges inherent in different modes of implementation. Using case examples from recent emergency responses, the report also looks at the commercial firms themselves and how their roles have evolved in humanitarian action. Section four moves from practical operational issues to issues of principle, and explores the concerns and debates of traditional humanitarian actors and stakeholders on commercial engagements. The chapter ends with conclusions about how donors might revisit and refine their thinking about commercial engagement in the future.

Methods

Global humanitarian funding data from 2002 to 2007 were compiled for the study using OCHA's Financial Tracking Service database. Additional information on donor expenditures was obtained from donor agency annual reports, audited financial statements, and public government databases, as well as informal reports and records provided directly by donors to the researcher.

Interviews were conducted by telephone, with interviewees comprising representatives of government donor agencies, selected commercial firms, and humanitarian organizations. Annex 1 lists the individuals interviewed expressly for this study. In addition, information was drawn from prior interviews with government and humanitarian agency personnel. The interview findings were incorporated into the report on a not-for-attribution basis. However, a small number of interviewees wished to remain anonymous, and therefore their names are not listed in the Annex.

In addition to financial data and reports, the document sources included secondary literature on the issue of private sector engagement in humanitarian action official policy materials.

The Level and Reach of Commercial Business Engagement in Humanitarian Relief

In a precursor to this study, a 2007 report by researchers from the Global Public Policy Institute (GPPi) found that overall business engagement in humanitarian assistance had increased in both level and scope of activities. This increase was particularly evident in natural disaster response and in non-commercial forms of engagement and public-private partnerships. The report nonetheless determined that commercial activity remains a very small percentage of overall humanitarian resource flows. Recent perceptions to the contrary, it noted, stem mainly from the large reconstruction contracts in Iraq and Afghanistan, most of which could not be considered as falling within the realm of humanitarian response.¹

This distinction between humanitarian relief, and longer-term reconstruction and development assistance is important to make in any analysis of government donorship. The former aims to rescue lives and livelihoods in acute crises, while the latter represents a more complex proposition for the donor, entailing a wide range of objectives that include economic, political and national security interests. These interests, combined with the scale of the aid activities in reconstruction, constitute a different form of aid activity from what is traditionally considered humanitarian relief, and one which only a few traditional aid actors are willing and capable to assume. There are no bright lines between relief and reconstruction activities, of course, and some donors, organizations, and firms program within the gray area that has been called early recovery, as the report will explore.

In humanitarian assistance as narrowly defined, for-profit firms have always inhabited the margins of the operations, servicing aid providers with the logistics, transport, and packaged

¹ Andrea Binder and Jan Martin Witte, "Business Engagement in Humanitarian Relief: Key Trends and Policy Implications," HPG Background Paper, June 2007, p. 1.

commodities required for disaster response. Typically, these functions are contracted by humanitarian agencies under their grants, as part of their program expenses. This standard practice is not the main concern of this study, which looked specifically at direct contracting of the commercial firm by donors themselves. Finally, it is also necessary to distinguish direct commercial engagement from what has been termed public-private partnerships or alliances. These arrangements are not purely profit-oriented, but allow the company to burnish its public image and pursue goals of corporate social responsibility, incorporating notions of serving the public good within its overall business strategy. The key focus of this report, therefore, is the question of when and how governments decide to use a commercial provider to implement their humanitarian contributions in the place of a traditional humanitarian actor. The following section attempts to quantify this practice, identifying recent trends, and place it within the context of humanitarian funding writ large.

The Private Sector Role in Direct Humanitarian Action: Still Small But Growing in Some Quarters

Humanitarian response funding by the major donor governments has been on an upward trend over the past several years. When controlling for the spiking effects of the unprecedented outpouring of contributions for the tsunami response in 2004 and the initial Iraq humanitarian campaign in 2003, the past two years show “significantly higher” humanitarian aid levels than any time previously,² suggesting that donors have ratcheted up the overall level of their humanitarian engagement irrespective of any specific emergencies occurring year to year. These funding increases were facilitated and encouraged by the creation of new international humanitarian joint financing mechanisms: the expanded Central Emergency Response Fund and the Common Humanitarian Funds, now extant in four crisis countries.³

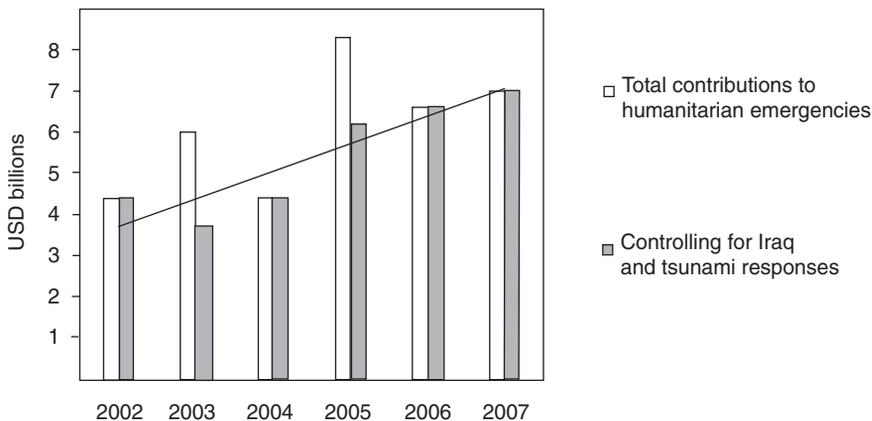
New funding levels and channels have not been accompanied by major changes in the composition of recipients of these funds, however. Analysis of aid flow figures suggests that while official humanitarian flows have increased markedly, they continue to be directed to the hands of UN agencies and their International Organization and NGO counterparts. The combined average annual increase of 43% in donor government contributions to humanitarian emergencies, as shown in figure 1 below, has accrued directly to these donors’ traditional partners, i.e. the UN agencies, NGOs, and the Red Cross movement. In fact, the new common funding mechanisms have effectively facilitated increased sums of direct donor money going to an even smaller number of these traditional humanitarian actors.⁴

Although an imperfect measure (since many donors do not report their direct contracts to commercial firms in the same way they report their contributions to humanitarian agencies) the financial tracking service data on private contract money in humanitarian response point to the same conclusion. Direct donor flows to specific emergencies show that from 1999 through the first half of 2008, total reported direct flows from donor governments to for-profit actors

² See Development Initiatives, *Global Humanitarian Assistance: Update 2007/2008* (London: DI, February 2008).

³ Abby Stoddard, *International Humanitarian Financing: Review and Comparative Assessment of Instruments* (September, 2008). The countries are the Central African Republic, Democratic Republic of Congo, Ethiopia, and Sudan.

⁴ *Ibid.*

Figure 1. Official Flows to Humanitarian Emergencies 2002–2007

Source: OCHA Financial Tracking Service⁵

engaging in specific humanitarian emergencies (as opposed to general, global or head quarters based contracts) was just under \$6 million. This amounts to only 0.06 percent of total official flows for those years. In general, the data show broad fluctuations of this contracting year to year, but no significant upward trend worldwide.

As mentioned above, the area that does show evidence of significant growth in donor contracting has been in the “non-humanitarian” areas of certain donors’ portfolios, such as development assistance and, in particular, reconstruction and rehabilitation efforts. A review of expenditures by the U.S. Agency for International Development (USAID), by far the largest individual government donor of relief and development aid, shows that, on average, the agency has indeed increased its private contracting over the past several years. The total amount in private sector contracts awarded by USAID went from under \$480 million in 2000 to \$2.4 billion in 2006, with an average annual increase of 22 percent in dollars awarded to private contractors. Although unquestionably the bulk of USAID’s budget still goes to traditional grantees as opposed to private contractors, since 2000 the percentage channeled through private sector contracts has increased by average of 15 percent per year.⁶

USAID’s engagement with commercial business, however, has mostly been outside the traditional humanitarian sphere, and more for activities in reconstruction and development. In terms of humanitarian response, as we shall see with a closer examination of U.S. government aid channels in Section three, commercial business engagements, in the words of one official “has not exploded, but is growing as opposed to shrinking.”⁷ And contracting for-profits is cer-

⁵ Global humanitarian funding data from 2002 to 2007 were compiled for the study using OCHA’s Financial Tracking Service (FTS) database. Additional information on donor expenditures was obtained from donor agency annual reports, audited financial statements, and public government databases, as well as informal reports and records provided directly by donors to the researcher.

⁶ Figures from USAID annual financial statements and www.USAspending.gov, last accessed May 25, 2009.

⁷ Interview with USAID official, August 2008.

Table 1. Emergency Response Contributions from 1999 to 2008 (2nd qtr)

Total direct flows to humanitarian emergencies, public and private:	\$31.8 billion
Total government flows to humanitarian emergencies:	\$9.8 billion
Total flows to for-profit actors for humanitarian response:	\$11.7 million
Total government flows to for-profit actors (contracts) for humanitarian response:	\$6.0 million

Source: OCHA Financial Tracking Service

Table 2. Largest USAID contractors 2002–2008

Company name	Total awarded in contracts since 2002
Development Alternatives, Inc.	\$1,794,455,248
Chemonics International Inc	\$1,183,104,524
Management Systems International, Inc	\$ 412,611,881
Infogroup Inc	\$ 371,109,152
Berger Group Holdings Inc	\$ 346,034,598
Bearingpoint, Inc.	\$ 261,753,254
Devtech Systems, Inc.	\$ 257,057,030
Juarez & Associates Inc	\$ 248,496,171
Academy for Educational Development	\$ 225,123,908

Source: www.USAspending.gov

tainly not limited to the US and UK donors, but is practiced also in different ways by European donors, including those perceived to have clearly restrictive policies on engaging with the private sector.

Areas of Business Engagement

In direct contracts with donor governments, commercial businesses can potentially engage in humanitarian assistance in three broad areas:

- Direct humanitarian service delivery, where the firm undertakes or subcontracts the activities and programs that would normally be undertaken by an NGO, International Organization, or UN agency;
- Technical/operational support for the donor and/or the donor's implementing partners, including such functions as recruitment and placement of specialist personnel, IT, logistics, procurement, and operational security; and
- Evaluations and audits of programs, projects, finances and policies.

Research for the study found that virtually all government donors regularly contract with businesses in areas '2' and '3'. The U.S. and British aid agencies maintain long-standing and wide-ranging service contracts with private sector contractors who do everything from staffing back offices in headquarters to procuring armored vehicles, to managing warehouses. The crucial distinction, and the difference between the U.S. and most other European donors, is the

extent to which commercial firms engage in area ‘1,’ providing direct aid via government contracts. In the case of ECHO and some other European donors, their regulations technically prohibit funding for direct humanitarian response programming being channeled to a profit-making entity.

Outside of reconstruction contracts, there have been limited instances of for-profits contracted for direct service delivery within the standard humanitarian relief sectors (food aid, shelter, health, water and sanitation, non-food aid commodity distribution, refugee and internally displaced peoples camp management, and protection.) One representative of a private contractor drew clear distinctions between technical assistance and direct aid provision, noting for example, “We would never be tasked by the government to deliver food.”⁸ Although still an exceptional practice, private-sector contracting by donors for humanitarian response has occurred on average more frequently in recent years, and the cases where it is used tend to exhibit similar conditions. These are discussed below.

Humanitarian Response Contexts

Interviews and financial data indicate that donors are more apt to look to the private sector to take direct response roles in emergencies that feature one or more of the following conditions:

- Large-scale and sudden onset natural disasters lacking prior operational presence of aid organizations;
- Highly insecure operational environments in conflict related crises; or
- High profile post-conflict situations where political objectives demand quick and highly visible measures of aid efforts and results, namely the unique occupation/reconstruction contexts of Iraq and Afghanistan.

In the Financial Tracking Service data, of the 20 emergency country cases that show donor flows to business entities within the humanitarian response, all but three (Afghanistan, Iraq, and Sudan) were natural disasters. Similarly, a review of all private sector contracts issued by the Office of U.S. Foreign Disaster Assistance (OFDA) between 2002 and 2008 yield only 8 cases out of 32 where the contractor was operating in a complex emergency context as opposed to a natural disaster.

Most interviewees acknowledged that when a natural disaster occurs in a country where there are already traditional aid organizations present and operational, it is generally quicker and more effective to channel response funding through these entities. These actors are able to use their existing logistical infrastructures, distribution networks, and familiarity with the local environment and authorities to good effect, getting up and running quickly. When an emergency occurs in an area where there are no aid organizations yet present, however, some donors report having better experience with for-profit firms than traditional aid actors. The firms, they say, have the ability to mobilize materials and personnel much more quickly than NGOs and agencies, who may be hindered by recruitment delays and other startup difficulties.

⁸ Interview, private contractor representative, September 26, 2008.

In long-term complex, conflict-related emergencies, it stands to reason that donor governments overwhelmingly channel their relief money through the traditional humanitarian providers, even those donors that have no stipulations against contracting with businesses. It is not only the advantages that traditional actors possess in terms of local knowledge and networks, and (to the extent they are able to project it) political neutrality—there are simply no profit incentives for businesses to seek contracts in these long-running, typically underfunded, and difficult operating environments.

Another context where direct action by private sector entities comes up is in highly insecure environments where attacks on humanitarian operations have caused humanitarian providers to adopt a practice known as “remote management.” Often remote management refers to an agency withdrawing or evacuating its international staff leaving programming in the hands of local staff and partner organizations. In some instances, however, NGOs and agencies such as The World Food Program and UNICEF have been known in the most difficult security environments to use their private sector contractors (for instance, trucking companies) to not only transport but to deliver the aid commodities to beneficiaries to the extent possible. This practice is considered highly undesirable by all parties and is used only as a last resort, when the organization feels there is no other means of getting the aid in question to the crisis-affected populations.⁹

Private Security Contracting

As humanitarian organizations find themselves in ever more dangerous operational environments and violent attacks against aid workers continue to rise,¹⁰ private security companies have increasingly solicited aid organizations for contracts for protective and risk management services. The private security industry ballooned with the highly lucrative experiences in Iraq and post-conflict Afghanistan, and humanitarian agencies and donors began to be aggressively courted by security firms exploring this new market. Although the balloon has deflated somewhat in recent years, research in 2008 shows evidence of the humanitarian community increasing its contracting of private security services.¹¹ Agencies reported taking the decision to contract out security functions for reasons such as their lack of adequate in-house expertise, time, and staff capacity, and perceived savings in cost and efficiency. It is far from clear, however, that an organization sees long term cost-efficiency gains in pursuing an outsourcing strategy, and many humanitarians have complained that the products and services they are buying from private security companies do not meet their needs. Some private security companies, the humanitarian organizations allege, simply take their off-the-shelf templates from other clients and make only cosmetic changes to appeal to the humanitarian market, without any real understanding of the humanitarian operational ethos and practical approaches.

⁹ Abby Stoddard, Adele Harmer, and Katherine Haver, *Providing Aid in Insecure Environments: Trends in Policy and Operations* (London: Overseas Development Institute, September 2006), p. 39.

¹⁰ Humanitarian Policy Group, *Aid Worker Security Database* (data as of September 2008).

¹¹ Importantly, most of the contracting is for *unarmed* services such as risk assessment consulting and unarmed guarding, although 22 percent of aid organizations reported using armed services in the past year and nearly all major organizations have used armed services, at some point in their working history. (Abby Stoddard, Adele Harmer, and Victoria DiDomenico, *The Use of Private Security Providers and Services in Humanitarian Operations* (London: Overseas Development Institute), October 2008.

Most worrying, potentially, is the finding that virtually none of the humanitarian organizations have developed policies and organizational guidelines on how to responsibly and safely identify, screen, and manage these private security personnel and services once they have taken the decision to contract out security functions. Donor governments continue to be concerned about the generally deteriorating security situation for aid work and the responses that their partner organizations are taking, but their own policies in this area are only marginally more developed. The weakness of policy and regulatory frameworks for security contractors in Iraq eventually led to a memorandum of agreement between the U.S. Department of State and the U.S. Department of Defense, on how to effectively manage these entities. USAID has used, and in some cases insisted on grantees using, contracted armed protective services in Iraq. Outside the extreme and unusual case of Iraq, donors have admittedly explored—but thus far resisted propositions—to contract out the protection of their staff and humanitarian implementing partners to private security firms. Similar debates on this highly sensitive subject have occurred within the United Nations regarding the contexts of Iraq and Somalia.

Donors and Firms: Varied Approaches toward Commercial Business Engagement in Humanitarian Response

This section looks at the comparative experiences and preferences of donors regarding their engagement with commercial firms and humanitarian response, with a particular focus on the U.S. and DG ECHO. The GPPi report cited earlier found that for most European donors, “emergency money is exclusively expended on non-profit organizations,” whereas the U.S. and UK, with “more flexible funding regulations,” contract to private firms as a “well-established practice.”¹² This is essentially accurate, but perhaps oversimplified, as the lines are not so clear cut. As will be examined below, the majority of U.S. and UK contracting in remains limited to the secondary, support functions for humanitarian assistance such as logistics—a practice other European donors also engage in—and some European donors engage in more direct delivery contracting than is commonly thought.

Policy Approaches on Commercial Engagement in Humanitarian Action

European Commission

Although it is commonly stated that the policies of DG ECHO prohibit the contracting of any profit-making entity using humanitarian assistance money, this is not in actual fact a specific policy position of ECHO. Rather, it is a legal circumstance, deriving from Council regulations about where Commission humanitarian assistance can be directed. These regulations specify that non-profits and International Organizations exclusively may receive humanitarian funds, which cannot be used for the purpose of turning a profit. At the same time, however, DG ECHO’s overall policy line is supportive of cross-sectoral partnerships in technical areas where commercial plans have contributed expertise and technological capacity to humanitarian

¹² Andrea Binder and Jan Martin Witte, *Business Engagement in Humanitarian Relief: Key Trends and Policy Implications*, (London: Overseas Development Institute, June 2007), 19–20.

efforts, for instance working with the World Food Program emergency telecommunications and logistics.

Louis Michel, the European Commissioner for Development and Humanitarian Aid, has in recent speeches seemed to place more emphasis on creating new inroads for working with the private sector in foreign development assistance.¹³ A review of these public statements, however, does not reveal anything suggesting a significant change of approach in humanitarian aid specifically. Within DG ECHO, officials insist there remains a strong and clear distinction between humanitarian aid and official donor assistance generally, and report no plans or proposals to change or expand the range of DG ECHO's humanitarian provider partners: UN agencies, NGOs, and the Red Cross movement organizations. While there are no set contributions for any grantee (the donor makes decisions depending on who it believes is best placed to deliver the most effective humanitarian response), traditionally roughly 60 percent of Commission humanitarian funding has gone to NGOs, 30 percent to the UN, and 10 percent to the International Committee of the Red Cross.¹⁴

Like the U.S. and other donors, DG ECHO does engage in commercial contracting for program support activities. Procurement, logistics, evaluations, and other non-direct programming area functions have and continue to be contracted by DG ECHO. As discussed in the previous section, most of the instances where the U.S. has engaged private sector contractors in direct humanitarian services were in natural disaster as opposed to complex emergency contexts. For its part, DG ECHO does not program a major share of its humanitarian response funds for natural disasters to begin with: 80 percent of its financing goes to complex emergencies. This is not to say that if DG ECHO spent greater sums of money in natural disasters, it would necessarily begin to use more private contractors the way the U.S. has done, but merely suggests that it may not face the same calculus as the U.S. when factoring in scale of response and the presence or absence of traditional partners.

Apart from the issue of private security company contracting, which an official reports that DG ECHO is watching with interest,¹⁵ commercial engagement in humanitarian response does not hold a great deal of currency as a question for exploration or debate. It is simply held as a fundamental principle, even a given, that donor funding is best allocated as grants to traditional actors embodying the principles of humanitarian altruism and political independence.

U.S. Government

The U.S. Government is the largest single donor of international humanitarian assistance, and together with ECHO comprises a top tier of donors that accounts for nearly 50 percent of total combined official contributions to humanitarian emergency response efforts.¹⁶ Its human-

¹³ See for example "A New Vision for Development Cooperation in the 21st Century," keynote speech by EU Commissioner Michel at the UN ECOSOC Development Cooperation Forum, June 30, 2008, New York, and "Europe-Africa: the indispensable partnership," speech by EU Commissioner Michel at conference organized by the European Policy Center, Brussels, November 30, 2007.

¹⁴ Interview, ECHO official, 11 September 2008.

¹⁵ Ibid.

¹⁶ OCHA Financial tracking service data, 2002–2007.

itarian aid flows, however, are split between a few different funding channels in the U.S. Government, which adopt differing approaches to commercial business engagement in aid. U.S. humanitarian response funding is programmed through two main government bodies: USAID's Bureau for Democracy Conflict and Humanitarian Assistance and the State Department's Bureau for Population, Refugees and Migration. The Bureau for Population, Refugees and Migration's roughly \$740 million budget¹⁷ is allocated in grant to a regular slate of mandated partners: UN agencies and the Red Cross, with small amounts going to NGOs, and none through private contractors. Within USAID the most important humanitarian funding channel is the Office of the US Foreign Disaster Assistance (OFDA), with an average annual expenditure over the last three years of \$591 million.

It has long been the general policy of USAID that private sector participation in foreign assistance is something to be actively encouraged, and the agency highlights its efforts in this area to the public as a selling point.¹⁸ USAID currently contracts out roughly \$4 billion worth of business each year, and has taken a proactive approach to engaging the private sector,¹⁹ not only with a program for public-private alliances, but also in its long history of contracting out development and reconstruction projects to commercial entities. The USAID Administrator recently called for a tripling of the private sector actors engaged in the Agency's aid work. As one official explained, "For the most part USAID believes in working with businesses in a way that allows businesses to make a profit, as we tend to think that sustained economic growth is through entrepreneurship and building economies, not primarily through ODA/wealth redistribution."²⁰ However, USAID interviewees acknowledged that this approach is more applicable to development than to emergency humanitarian response, and indeed, in OFDA programming this principle is much less evident.

For the purposes of this study, it is OFDA's funding over the past several the past years that is most relevant in terms of commercial business engagement in U.S. humanitarian response. OFDA currently maintains two large and long running institutional contracts with for-profit companies. Both contracts have been ongoing for 10 years, roughly since the USAID was radically pared down in a government efficiency movement during the Clinton administration. One provides communications technology and networks, and the other supplies personnel to fill the ranks. For instance, information officers to write reports and do research, contracting support and grants management, and training. Although provided by a contractor, these functions are thought of as in-house, and the individuals treated as core staff. In terms of actual emergency response contracts, interviewees reported that the vast majority of contracting was for technical and operational support, in other words, secondary to direct aid programming. The contractors tend to be chosen from a fairly small pool of companies that have done business with USAID for many years. Some, like the International Resources Group (IRG), appear almost as private sector offshoots of the government agency, and operate nearly exclusively as a U.S. Government contractor with USAID as the main client.

¹⁷ Average for 2002–2007. Figures provided by U.S. State Department, Bureau for Population, Refugees and Migration.

¹⁸ "Private Money Dominates Foreign Aid," Press Release, February 12, 2008, Washington, D.C.

¹⁹ USAID website: <http://www.usaid.gov/business/>, last accessed May 25, 2009.

²⁰ Interview with USAID informant.

Table 3. OFDA Commercial Contracts 2002–2008

Year	# of commercial contracts	Average size	Total amount	% of overall budget
2002	22	\$454,867	\$10,007,071	NA
2003	23	\$615,801	\$14,163,415	3.6%
2004	26	\$593,546	\$15,432,198	3.9%
2005	21	\$1,222,412	\$25,670,661	2.3%
2006	21	\$699,675	\$14,693,181	2.4%
2007	26	\$499,487	\$12,986,656	2.5%
2008	28	\$673,877	\$18,868,567	NA

Source: OFDA Finance Unit (raw data provided to the study)

OFDA staff interviewed report that they perceive that the office's use of private sector contractors has increased somewhat in recent years, and a review of all OFDA contracts awarded to for-profit firms since 1992 bears out this perception. From 2002–2008, the annual number of commercial contracts awarded by OFDA has grown by 27 percent, and the amount of money awarded has risen by 89 percent. Averaged out over the seven years, the data show an average of 18 percent annual percent growth in contract dollars. Slightly over 30 percent of this money was awarded in contracts for actual program/service, while roughly 70 percent went to support services such as transport and logistics. Where OFDA contracts were given for direct services, none were in conflict-related crises in Africa, which see the majority share of OFDA funding. Between 2002 and 2007, OFDA awarded a total of 27 contracts to for-profits in the sectors of agriculture and food security, capacity building, disaster support, health, shelter and settlements and water and sanitation. All but three of these contracts were for natural disaster contexts, with the lion's share going to the International Resources Group for regional risk reduction programs in Latin America and Caribbean. 2008 total spending is unknown, but for the years 2002–2007 the percentage of OFDA funding that went as commercial contracts (all types) remained under 4 percent.

In sum, similar to the overall findings, OFDA direct commercial contracting has been seen to rise to a small, but measurable degree. According to interviewees, this is due to the combination of an emphasis on the private sector in the Administration's approach to foreign aid, a smaller USAID with less field capacity to manage numerous grants, and two major post-conflict reconstruction campaigns (Iraq and Afghanistan) taking place under a new strategic approach that links relief and reconstruction aid to national security goals.²¹ Additionally the findings show that contracting in U.S. humanitarian assistance is concentrated on support services as opposed to direct aid programming, and used mainly in natural disaster relief and prevention contexts.

OFDA interviewees assert the modest increase in contracting has not amounted to any change to their core approach to humanitarian response. Aside from the three health contracts, they point out, OFDA did not engage in the large-scale reconstruction contracting in Iraq. That was done by the development side of USAID. In the face of the massive private sector

²¹ U.S. Department of State and USAID, *Strategic Plan, Fiscal Years 2004–2009: Aligning Diplomacy and Development Assistance*. Washington DC, August 2003.

contracts for health²² and education in Iraq and Afghanistan, some NGOs argued that they would have been more appropriate recipients of the U.S. funding, having more emergency health intervention expertise and more experience forging community ties than the private sector contractors. Some U.S. officials agree that the substance of some of the health and education programs that USAID contracted out could have been accomplished by NGOs, but they were “going for scale.”²³ It was expedient both practically and politically, they argue, to contract out to a single entity, and for them to farm out the work to NGOs and other partners, and be accountable for an entire countrywide program. In Afghanistan, for example, USAID did not have adequate staff capacity to manage dozens or hundreds of individual NGO projects, and security restrictions made it difficult for U.S. Government personnel to monitor progress firsthand at any rate. It was also deemed critical for political/security objectives to show the populace across the whole country that progress was being made, quality of life was improving, and all provinces were being treated equally in this effort.

Another, smaller office within USAID, the Office of Transition Initiatives, is worthy of mention here because it operates largely in the gray area between humanitarian relief and longer-term reconstruction assistance. The office has been in existence since 1994, and has a specific mandate to assist post-crisis countries with reconstruction, emphasizing good governance and civil society strengthening. It programs much less money each year than OFDA does²⁴ and its projects are longer-term, usually a few years in duration. It also works almost exclusively through private-firms—seven firms on standby contract that are prequalified to bid on projects—and exerts much more direct steerage and control of the assistance activities.

United Kingdom

The UK is the third largest humanitarian donor, and arguably falls closer to the U.S. side of the spectrum in its approach the private sector engagement than to DG ECHO's. Like DG ECHO, the UK's Department for International Development (DFID) and its office for Conflict Humanitarian Assistance and Security do not have a specific policy on commercial business engagement in humanitarian aid. Nonetheless, it is generally seen to be more permissive of such engagement than many of its fellow European donors. Similar to OFDA, DFID maintains a long-running contractual arrangement with a private contractor that might be thought of as “inside-outsourcing”—in DFID's case with Crown Agents. Since the early 1990s, Crown Agents has supplied DFID with personnel resources, currently providing a full-time staff complement of 25, with additional people brought on at any given time through contracts and consultancies. These individuals are co-located with DFID and are treated as (and feel themselves to be) DFID staff. Crown Agents also provides technical expert consultancy and evaluation services, and procurement and logistics backup. Crown Agents describes its work with DFID as essentially “to provide continuity in the delivery of programs.”²⁵ Their remit can expand to meet the current demand of the Department.

²² “ABT Associates to Receive \$40m from U.S. Govt. for Health in Iraq.” *Humanitarian Times*, May 2, 2003.

²³ Interview, OFDA official, August 25, 2008.

²⁴ In the first 10 years of its existence, OTI oversaw 24 interventions and spent \$754 million.

²⁵ Interview with UK DFID official, September 2008.

While Crown Agents is DFID's primary contractor for humanitarian and stabilization activities, DFID also maintains a roster of specialist companies that are pre-qualified to bid on call-down contracts. Also like OFDA, contractors are mainly used for support and technical assistance, but in rare cases will be used for direct interventions in sudden onset crises where traditional partners are not present or lack capacity. For example in the recent Lebanon crisis, Crown Agents was tasked with building bridges. In the 1999 Kosovo emergency, the company did a much larger hands-on operation to rehabilitate the power grid. Crown Agents says it maintains the capability for direct relief activities, but it is seldom called on for this today.

Where DFID differs from USAID is in exhibiting the reverse trend in terms of outsourcing. For the past couple of years, it has intended to bring in house as much work as possible, for instance absorbing some adviser positions that used to be provided by Crown Agents. The in-house Crown Agents humanitarian team has also shrunk. Nevertheless, in times of rapid-onset crisis, such as Burma and Georgia recently, DFID like USAID often finds that the only way to come up with sufficient numbers of professionals necessary to staff the donor's field presence and management capacity is to bring them in from outside. The Crown Agents arrangement, officials say, gives DFID ready-made access to a personnel source which can move quickly and flexibly to meet the needs.

Norway

Although Norway has been cited, along with some other European governments, as a donor that expressly does not provide humanitarian funding to for-profit entities,²⁶ it in fact maintains a unique arrangement for the contracting of for-profit firms in emergency response. The Norwegian Government allocates its humanitarian assistance through the Ministry of Foreign Affairs, and does not have a separate operational donor agency to play a hands-on role in programming in the manner of DFID, SIDA, or USAID. As a technical matter, therefore, they do not engage in contracting for direct humanitarian services or support, but rather allocate all their funding in the form of grants to UN agencies, the Red Cross entities and NGOs. However, in the early 1990s the Ministry created a consortium of firms engaged in humanitarian assistance support functions to be at the disposal of Norway's grantees. This consortium, the Norwegian Preparedness Emergency System, was initiated by Jan Egeland in part as a response to the weak and untimely initial performance of humanitarian relief efforts in the Rwandan refugee crisis in Goma.

The Norwegian companies in the consortium provide commodities, transport functions, and personnel for humanitarian actors and programs. The logic behind the consortium is that these companies are well placed to enable the humanitarian actors to launch a more rapid and efficient response. Norway's grantees are not obliged to make use of these companies, but arrangements are made upon request. When requested it has been found at times to be more cost-effective and efficient for Norway to pay the private sector purveyor directly, while still counting this expenditure towards the traditional humanitarian actor's grant. In this way indi-

²⁶ Binder and Witte, *op. cit.*, p. 19.

rect costs (overheads) are avoided, and it is also deemed to be a quicker method of transaction.²⁷ The process is very quick, with no tender needed, and convenient from an agency perspective.

Once again, most of these contracts are in the secondary, support role for humanitarian assistance, and not direct aid delivery, but there are occasional exceptions. A private firm was contracted to establish the identification center in Phuket, Thailand after the tsunami. In addition, like its fellow donors, Norway will also contract private firms to undertake evaluations and consultancies.

Advantages

As a practical matter, representatives of donors, firms, and traditional actors alike seem to share an understanding of the perceived advantages and risks of using contracted companies as opposed to traditional aid actors in humanitarian response. In terms of the advantages to contracting private firms, interviewees cited the following most often:

- **Speed and flexibility**—Depending on the activity, private sector firms often have the capacity for shorter start-up times when there was no prior operational presence. Hands on supervision by the donor also allows for the project to change objectives to suit changing conditions on the ground.
- **Scale**—Most NGOs do not have the capacity to sub-contract and manage numerous projects in large-scale, country-wide program.
- **Direct control**—A contract enables donors to set specific objectives and be more substantively involved in management and direction. Grants to traditional actors, by contrast, offer the donor very little substantive control and direct oversight of activities.

In U.S. government humanitarian assistance, the contracting of for-profit firms for disaster response, although the exception, has been practiced at least since the major crises of the early 1990s. The Rwandan refugee crisis in Goma, as mentioned above, found traditional humanitarian actors under-prepared and, at first, sparsely present in the crisis area. To address this preparedness gap, OFDA initiated the Indefinite Quantities Contract which entailed pre-selected partners to receive contracts for aid programming after an emergency struck. These contracts were awarded to both NGOs (CARE and the International Rescue Committee) and private firms (including Camp Dresser McKee), but ended up being underutilized, and seldom activated for disaster response beyond mobilizing joint assessment missions.

The early recovery and reconstruction assistance programmed by the U.S. Office of Transition Initiatives, which, as previously mentioned, employs private contractors almost exclusively, also uses an Indefinite Quantity Contracts vehicle. Their major contractors, Chemonics, Development Alternatives Inc., Creative Associates and International Resources Group, among others. The Office's contracts vehicle is known as SWIFT III, as it is in its third con-

²⁷ NOREPS' website outlines the three main criteria for its member companies as : "Quality—Products must be well-known and have a proven track record of effectiveness in the field; Availability—Partner companies must maintain constant stocks of the products and be able to deliver them to an international airport on 24 hours' notice; and Price—products must be competitive in relation to world market prices, and either win a UN international competitive bidding (ICB) process or be recommended by a Norwegian NGO." <http://noreps.no/About-NOREPS/The-objectives/>.

secutive five-year run. Through this mechanism, officials say, the relatively small office is able to move a great deal of resources for reconstruction—for instance with the International Resources Group in post-tsunami Aceh, Indonesia—and design projects which the firms execute for the office. The office prefers contractors to traditional partners like NGOs, staffers report, because its overall mission is a political one in complex and shifting political environments. Conditions and objectives change rapidly, and the office’s programming must therefore be able “to be extremely directive, project by project, and turn on a dime.”²⁸ Unlike traditional independent humanitarian actors, they say, contractors quite simply “do what we tell them to do.” Also unlike with grantees, the donor is able to direct all aspects of the program, including vetting the CVs of potential project management staff provided by the contractor.

The openly political nature of the office’s aid objectives set it apart from other donors engaging in emergency and immediate post-crisis contexts. Even if its specific reconstruction aid objectives are similar to that of the humanitarian community, most traditional providers are reluctant to deal with U.S. political strategies designed to advance U.S. policy. Finally, contracting rather than granting can make things easier for a donor by transferring the administrative and fiscal accountability burdens to the firm. With one contract a donor can avoid having to track and manage a multitude of sub-contracts and grants for the ground level delivery (indeed, the firm often makes project arrangements with NGOs, supplanting the traditional role of the donor.) Moreover, a contract means that the contractor, not the donor holds financial responsibility for the disposition of funds, and this provides a buffer for the donor against any potential waste or misdeeds.

Risks

While the advantages of using private entities have much to do with the nature of the contract vehicles, the risks pertain more to the nature of the contractors themselves, and their perceived deficits compared with traditional humanitarian actors. Interviewees and written materials tended to highlight three main points:

- Lack of long-term experience in the local context.
- Less expertise in certain aspects of humanitarian relief programming.
- “Legitimacy” problem stemming from negative public perceptions of contractors and lack of a principled foundation for their presence.

Donor interviewees were loath to name specific firms who had performed badly in their contracts, but the biggest problems that were mentioned had to do with a lack of context-based knowledge and experience, either in the field of humanitarian or recovery assistance. One firm contracted by USAID in Afghanistan early on in the recovery efforts reportedly was known for its engineering capabilities, but viewed its task solely from an engineering perspective, without “getting the ‘why’ and ‘how’ of what we were doing.”²⁹ In some communities, for example, it might be equally important to have rival factions come together on an aid project

²⁸ Interview with US OTI official, September 2008.

²⁹ Interview with US OTI official, September 2008.

as it is to accomplish the project itself. The lack of cooperative ties with local communities, enjoyed by many NGOs, is a particular shortcoming of some private contractors who may be working in the locale for the very first time. A much repeated anecdote involves a contractor building a new school in a village only to see it destroyed by the villagers who were not included or consulted in any part of the plan, design, or implementation of the project, and were unhappy with the result.

The political agenda inherent in U.S. recovery assistance in contexts such as Iraq and Afghanistan, such as is advanced by the Office for Transition Initiatives demands quick, measurable, and highly visible results of aid, counted in concrete outputs such as houses built or miles of road repaired. NGOs often argue that such metrics are often meaningless in terms of ultimate outcomes on the ground, and serve merely to for governments to tick the necessary boxes for the benefit of public relations and legislative overseers.

Some multilateral agencies and the larger NGOs have already worked jointly with for-profit entities in partnerships, and some key private sector participants have been brought into the global cluster coordination system for humanitarian assistance (such as Ericsson and Vodafone in the Emergency Telecommunications cluster). Moreover, a few U.S.-based NGOs, it should be noted, have been accused of acting like government contractors themselves, accepting very large contracts in Iraq in operational roles that they had not assumed at any time prior. In 2007 the Inter Agency Standing Committee and the World Economic Forum drafted “Guiding Principles” on private sector involvement in humanitarian response. The principles, oriented more toward public-private partnerships than direct contracting by donors, hold firms to standards for working in humanitarian relief, including maintaining coordination with traditional actors, drawing clear lines between their commercial activities and their philanthropic ones, and ensuring truth and transparency in their reporting and publicity.³⁰

In addition, the direct, substantive management entails time intensive involvement on the part of the donor which may be onerous. An NGO critique of public-private partnerships serves as a cautionary note for business engagement in aid generally. Even if bringing a comparative advantage in some areas (such as scale and speed), the for-profits may lack the “legitimacy, legality and an understanding of critical cross-cultural issues”³¹ of some traditional international aid actors. The legitimacy argument will be examined more closely in the next section’s discussion of humanitarian principles, but it is important to point out that the rationale that stakeholders give for why it is more efficacious to use NGOs is a largely practical one. As NGO representatives have insisted, and some donor representatives have acknowledged, “You cannot contract for the presence that the humanitarian organizations possess and their existing relationships and knowledge in country. You can’t contract for that real strength of the NGO community.” When an emergency occurs in an area where NGOs have been operational in development work for years and already have a logistical infrastructure in place, there is no other international actor, they say—not even the military—that can get a disaster response up and running faster. As a former U.S. Government official and NGO worker put it, contractors

³⁰ WEF/OCHA, *Guiding Principles for Public-Private Collaboration for Humanitarian Action*. (Geneva: World Economic Forum and the United Nations Office for the Coordination of Humanitarian Affairs, 2007).

³¹ Geoff Prescott and Lara Pellini, “Public-private partnerships in the health sector: the case of Iraq” Humanitarian Practice Network Report, Overseas Development Institute, www.odihpn.org/report.asp?id=2614.

can provide expertise in the form of technical assistance, but actual mobilization of humanitarian response needs to be done by the traditional actors for both quality and legitimacy reasons.

Donor representatives who had experience with private contractors were asked to what extent they have attempted to assess and mitigate these risks. Some said the contextual knowledge deficit was addressed by ensuring that the firm had prior operational experience in the setting, or could at least provide staff with this expertise. Many firms, donors point out, have personnel with NGO backgrounds who fill this role. The Office for Transition Initiatives cited examples of using this strategy successfully, for instance with a Chemonics team in Nepal, and with a Dutch-contracted firm in Yemen with a large number of ex-NGO staff leading the program. When the firm lacks experience, one interviewee said, they will tend to focus more on in-kind assistance and simple transfer of items, such as construction materials. On the whole, beyond the sometimes extensive government regulations on contracting, donors did not report having specific policies, guidelines or criteria and regulations for determining whether and how to contract private sector actors. Regulations exist to prevent waste and corruption, but do not address any specific objectives and criteria for operating in a humanitarian crisis or conflict situation. Nor do they provide guidance or criteria for donors on choosing appropriate partners. In the specific tender invitations donors have sometimes included criteria such as demonstrated experience in working in the location, but this is an ad hoc practice, decided case by case by individuals overseeing the bidding process.

Costs

The issue of cost was also, though less frequently, raised as a pitfall of contracting. NGOs have claimed that the “Beltway Bandits,” as the large U.S. Government contractors are disparagingly labeled, tend to be awarded exorbitant amounts for what traditional actors could accomplish for much less. One U.S. official roughly estimated that their private contractors tended to take 30 percent as overhead, while 70 percent went to direct costs, and then said this was roughly comparable to NGOs’ cost ratios. In actual fact, the indirect cost recovery rates negotiated by NGOs with the U.S. Government, particularly the largest ones such as CARE and World Vision, tend to be a good deal lower.

Conversely, although it was not emphasized by donors interviewed, one representative of a private firm interviewed for this study proposed that contractors tended to be more cost-efficient than grantees.³² If a contractor goes over budget on its operating costs, the argument went, it must come out of its profits, because the government has agreed to a set amount for the contractor’s costs, plus the fee for service on top. With grantees, it followed, there is no profit margin, hence less incentive for cost control and more potential for waste. Again, most NGOs would dispute this, however, insisting that precisely because they have no margin, their costs are usually cut to the bone. The alternative—scaling back on program activities—they claim as their least desirable outcome.

To date, there has been no side-by-side cost comparison (known to this researcher) to confirm or rebut the competing claims made by some contractors and NGOs on cost efficiency. A

³² Interview, private contractor representative, December 3, 2008.

Table 4. Costs per Beneficiary Served (survey of 30 projects—22 NGO grants, 8 business contracts)

Type of implementer	Lowest cost*	Highest cost*	Average cost*
NGO	\$1	\$892	\$105
Contractor	\$6	\$3,790	\$846

* Per direct beneficiary, based on final project expenditure and beneficiary count.
Source: project final reports, Development Experience Clearing House database.

rigorous comparison would be exceedingly difficult and time-consuming, because it would require identifying projects of comparable objectives and inputs in comparable scenarios and then comparing the expenditures. In humanitarian assistance, as discussed above, it is rare that private contractors and NGOs would conduct similar program activities in cases where both are present in the same country. Rather, the scale and type of activities sought from a contractor in a humanitarian setting will usually differ from NGO grant activities, along with the materials and other inputs required, which will affect total cost.

Bearing these caveats in mind, a superficial cost comparison of contractor vs. NGO projects can be made by surveying the USAID contracts and grants over the past five years.³³ If one looks at overall dollar costs in similar project sectors, it does appear as though private contractors come with a heftier price tag overall. This is illustrated by the below table, providing a snapshot of project costs for contractors and grantees undertaking USAID-funded projects classified as humanitarian disaster response, when calculated by the crude measure of dollars per beneficiary served. Again, however, without a detailed and extensive cost comparison vis-à-vis objectives and inputs, this finding is of limited usefulness.

Monitoring, Evaluation, and Impact Assessment

When asked the difference between how NGO grants and private sector contracts are monitored and evaluated, U.S. Government representatives largely agreed that there was more transparency and closer scrutiny with contracts. NGOs tend to balk at heavy reporting requirements, as the administrative burden detracts from their direct programming capacity. Humanitarian assistance grants usually do not require much more than a midterm and final narrative report, and statements of expenditure against budgets. Contracts typically come with more detailed budgets, more frequent progress updates, more intense auditing, and hence, say some U.S. officials, greater accountability. The reporting for contracts, however, can often be limited to financials and outputs, as opposed to detailed evaluation and impact measurement against the assistance objectives in the long and short term. (Although it should be mentioned that the Office for Transition Initiatives has developed more nuanced monitoring and evaluating procedures and is trying to look at the broader impact of their projects. Their project officers have undertaken attitudinal studies and focus groups to assess impact.)

³³ USAID makes project documents available on a web-based platform called the Development Experience Clearinghouse (www.dec.usaid.gov). This analysis draws on final project reports from grants, cooperative agreements and contracts under the category of “humanitarian assistance/disaster response” ranging from 2004–2008. www.dec.usaid.gov.

Interestingly, the pressure for more and closer reporting on progress is one of the motivations for the U.S. donor offices to use private contractors. In insecure environments when donor agency staff members have severe restrictions on their movements, it is often not possible for them to get out to the field and do the kind of first hand monitoring of NGO project activities that they would like. A private sector contractor has no such restrictions.

The Humanitarian Perspective: Principles and Traditions

Whether donors and their commercial contractors consider the principles of humanitarianism in their work, and if so, how they might seek to ensure the principles are upheld is one of the core questions regarding private sector involvement in this field. Broadly speaking, the idea of commercial engagement in humanitarian response does not sit well with most traditional humanitarian practitioners: They view profit-seeking as incompatible with the humanitarian principles of providing aid in a neutral, independent, and impartial manner on the basis of needs alone, free of any motives or objectives other than the “humanitarian imperative.”

In direct contracting, however, as we have seen, donors do not maintain policies or guidance notes that explicitly address the issues of for-profit engagement in humanitarian response. Many European donors such as Norway, the Netherlands and DG ECHO appear to treat the humanitarian principles and the preference for using traditional humanitarian actors as a given principle and their de facto way of operating save in exceptional circumstances. Conversely, the U.S. donor agency has only in recent years adopted the language of the humanitarian principles, and does not have the same tradition of maintaining the “purity” of humanitarian action, untarnished by political or profit drivers. In fact, the U.S. has always couched its “assistance policies in terms of both recipient country needs and its own foreign policy objectives.”³⁴

Differences between U.S. and European donorship in this regard derive in part from the different historical cultures of aid. Traditionally the U.S. has viewed international humanitarian assistance as an extension of government policy and an expression of national values: A Wilsonian vision of international action where the Government, aid organizations and other potential providers work together in a team effort. The European perspective, in contrast, emerges from the Dunantist tradition of separate, deliberately apolitical assistance in the tradition of the International Red Cross.³⁵ As a result the U.S. humanitarian donors and their partners were slower to adopt the language and conceptual framework of the humanitarian principles espoused by their European counterparts. Nevertheless, OFDA has moved closer to a transatlantic consensus. The special status of OFDA and the ethos of its staff have managed to carve out a separate humanitarian space within the U.S. government that is somewhat shielded from politics and commercial interests. By public law, OFDA maintains “notwithstanding authority” which allows it to circumvent many of the standard government regulations such as tied aid, and “Buy America” stipulations on food aid and pharmaceuticals etc, which means its projects can be faster and more cost-efficient. OFDA can also deliver assistance anywhere in the world regardless of the state of diplomatic relations or sanctions regimes. This, says OFDA

³⁴ Organisation for Economic Cooperation and Development, *The United States: Development Assistance Committee Peer Review*. OECD, 2006.

³⁵ Abby Stoddard, *Humanitarian Alert: NGO Information and US Foreign Policy* (Westport: Kumarian Press, 2006).

staff, allows the office to focus on humanitarian need. They are feeling pressure from the agency, however, for increasing public-private partnerships and other forms of commercial engagements.

Neither the U.S. nor European donors expressed the feeling that commercial engagement in humanitarian response was one of the more pressing issues facing the international humanitarian system, either because it is still a very limited practice or because the risks and dilemmas it poses to humanitarian action are not perceived to be dire. The main forum for transatlantic donor dialogue, the Good Humanitarian Donorship Initiative, has not dealt with the issue on any of its agenda or workplan in the five years of its existence. One European donor representative made the point that although national donor policies don't address the issue, and there is nothing explicitly enshrined in the humanitarian principles that would preclude using government aid funds for private sector contracting, good humanitarian donorship does promote the principle of using resources to the maximum efficiency. In one way of looking at commercial business engagement, therefore, the large profits reaped by these contractors implies an inefficient use of these aid funds by definition.

Conclusions and Recommendations

In summary, despite significant increases in international humanitarian funding flows, financial data show that the role of the private sector role in humanitarian assistance remains quite small relative to the amounts channeled to non-profit organizations that handle the bulk of direct humanitarian service delivery. Overall, direct donor contracting of corporate actors has increased slightly over the past five years, and this modest increase is most evident in U.S. contracting. Donors tend to contract for-profits more in sudden-onset emergencies such as natural disasters—typically to fill gaps in presence or capacity of the traditional actors—and in politically important contexts of early recovery and reconstruction.

Contrary to common assumptions, the United States does not engage in a large amount of private-sector contracting for its *humanitarian* operations. Rather, this practice is more common in U.S. reconstruction efforts and particularly in longer term development aid, where the U.S. donor actively encourages greater private sector involvement. DG ECHO, which concentrates most of its funding on chronic, conflict-driven emergencies, takes as a fundamental principle, as well as a financial regulation, that for-profit entities are not eligible recipients for any of its activities. In general the U.S. and UK donor agencies are more open to contracting and rely more heavily on long-term contractors to bolster their in-house capacity to manage aid projects as well as to provide procurement services and logistical platforms. Other European donors are also accustomed to contracting for secondary support services.

From the donor perspective, the advantages of using a private sector contractor lie in the direct control of objectives and activities, perceived gains in speed, scale and flexibility, and a lighter administrative burden as compared to overseeing numerous grants to non-profit providers. The tradeoffs include a potential lack of local knowledge and networks, lack of expertise in humanitarian programming and community liaison, potentially negative public perceptions, and a lesser degree of legitimacy with the local population. Monitoring and evaluation of contractors tends to be more frequent and rigorous, but assesses performance at a superficial

level—counting concrete outputs in terms of materials delivered or houses built, as opposed to assessing outcomes and evaluating the impact on the lives and livelihoods of beneficiaries.

The comprehensive regulatory frameworks most donors possess governing the use of private contractors (rules and procedures for procurement and contracting, for instance) are not matched by policies and guidance for what types of entities are appropriate for which settings, what criteria should be met that are specific to humanitarian contexts, principles, and goals. Humanitarian principles seem to be taken as a given by DG ECHO and some other European donors, but not codified in policies relating to the private sector. Neither has the Good Humanitarian Donorship Initiative taken up the question. As for the U.S., its key humanitarian donor agency, OFDA, has endeavored to create a principled space to enable needs-driven humanitarian action, but is under pressure by a USAID-wide effort to increase both commercial and non-commercial business engagement, and the confluence of greater demand with smaller in-house capacity as compared to decades prior.

The growth trends in commercial business engagement in humanitarian response have not been sufficiently dramatic, nor the negative experiences sufficiently calamitous, to spur serious debate or action within the donor community on the issue. Even accounting for the Iraq and Afghanistan reconstruction bonanza, firms do not seem poised to offer major competition to traditional humanitarian actors in their core business.

Firstly, Even if the practice is exceptional, it would still seem to behoove donors to think through their calculus for using private sector actors in aid implementation. In the same way the OCHA/World Economic Forum principles for public-private partnerships outlined the responsibilities of firms when engaging in humanitarian response, a consensus position among donors regarding whether and when to use private sector firms in humanitarian response could be useful for future decision making. The Good Humanitarian Donorship Initiative and the European Consensus on Humanitarian Aid represent significant accomplishments in what has been a multi-year process of donor governments increasingly stepping up their interaction and aligning their policies and objectives. A set of shared standards and criteria for private sector contracting stands to be a small but useful brick within the growing edifice.

Recommendation: Use the Good Humanitarian Donorship platform to open discussion on developing shared standards and criteria for when, whether, and how to utilize private sector actors in humanitarian response.

Secondly, it would be important to undertake a detailed cost comparison between private sector contracts and grants, to impartially assess the quality and value achieved per aid money spent. Taking a practical perspective on this would be preferable, the better to avoid unproductive, esoteric debates on humanitarian principles and ethics that can in fact obscure the very concrete and practical comparative advantages of traditional humanitarian providers in many settings.

Recommendation: Undertake a comparative cost-to-results analysis of non-profit grants and for-profit contracts in comparable contexts.

Finally, it would be worthwhile for donors to explore possible options beyond contracting in situations that do not seem amenable to responses by traditional actors. Often, the crux of the

matter is in the issue of preparedness and capacity for rapid start-up. Indefinite Quantity Contracts and standby contracts can apply to NGOs as well as for-profits, and donors might explore whether it would be more effective in the long-run to invest in preparedness resources and rapid response capacity on the part of agencies and NGOs, rather than reaching for the private sector which may or may not possess the right profile and expertise. The Central Emergency Response Fund and the Common Humanitarian Funds are an important step forward in this regard, providing liquidity to the international humanitarian system and quick allocation capacity. Beyond their contributions to these multilateral mechanisms however, donors will continue to have an interest in bilateral project implementation through direct arrangements with providers. Some donors have begun to look into such alternatives. The Netherlands for instance this year launched an experimental standby grant arrangement with the International Federation of the Red Cross for natural disaster response. For a fixed annual contribution amount over a four-year period, the Red Cross needs only to make a phone call to get approval from the Dutch Government to draw down funds to respond to emergent crises as needed. In this way the provider has the upfront resources to respond immediately and the donor has a trusted partner and an alleviated transaction cost burden.

Recommendation: Continue efforts to develop advance funding sources and standby arrangements with traditional humanitarian partners, to make them a stronger and more viable first option for channeling humanitarian response funding.

Chapter 15

Insuring Against Disasters: Commercial Business Engagement in Emergency Preparedness

Cortnie Shupe

Introduction

Background and the Current State of Donor-Business Commercial Engagement

The World Bank estimates that 94 percent of natural disasters and an even higher percentage of disaster-related deaths occur in developing rather than developed countries.¹ Not only human, but also economic costs of a natural disaster for a developing country prove exorbitant, with damages reaching levels 20 percent greater than in developed countries.² Such sudden, high losses place a significant burden on the governments of these particularly vulnerable countries, as the state becomes the ex-post insurer of last resort by providing recovery assistance to its population in the event of a disaster. However, doing so requires the government to shift funds unexpectedly from other areas of the budget to disaster response and inevitably means it reduces the ability of the government to provide other important services and even plan their budget appropriately. Furthermore, even after mobilizing funds from other areas of the budget, the amount is often inadequate in relation to need and in extreme cases, funding deficiencies turn a catastrophic event into a humanitarian disaster. With a rising incidence of natural disasters, this need continues to grow along with both donor and recipient nation funding gaps to meet this need. Falling short of funds and expertise, an increasing number of state donor organizations are expanding their cooperation profiles to include business.

Although most European and North American state donor agencies have public-private partnerships established or in the pipeline for development assistance, only a few engage on a for-profit rather than a corporate social responsibility³ basis in the area of disaster assistance and fewer contract entire projects out to companies. Most engagements between donor organizations and business in the area of humanitarian assistance reflect a mere procurement nature and seek to acquire a specific product or service. The United States, United Kingdom and Canada present a few exceptions to this rule and examples from these countries will be outlined in the sections to come.

¹ World Bank, *World Development Report 2000/2001: Attacking Poverty* (Oxford, Oxford University Press, 2001).

² P. K. Freeman, "Estimating Chronic Risk From Natural Disasters in Developing Countries: A Case Study in Honduras," *Annual Bank Conference of Development Economics—Europe Development Thinking at the Millennium*. Paris, France. June 26–28, 2000.

³ While acknowledging the often fine line between non-profit and for-profit business engagement, this chapter considers those initiatives that bring direct profit.

Topic Definition:***Commercial Engagement for Disaster Preparedness and Risk Reduction***

It should be emphasized that the analysis at hand does not limit itself to true partnerships, but rather includes all forms of donor-business engagement in which the public partner concedes either the daily execution of a project or the responsibility for its end outcome to the private partner. The distinguishing characteristic of such a constellation is the outsourcing of responsibilities to the private sector. Therefore, the following analysis does not consider relationships that reflect a mere procurement nature or the hiring of a private company to provide specific services that do not make or break the entire project.

Proponents of increased donor-business engagement in humanitarian aid cite an array of advantages: more efficient and professionalized use of public funds; increase federal budget flexibility; knowledge and skills transfer from companies for utilization in humanitarian assistance; and a greater leveraging of funds, particularly at a time when financing of humanitarian disaster preparedness continues to fall short.⁴

While donor⁵-business collaboration may enable innovation and more efficient use of limited government resources with a more effective outcome,⁶ this type of engagement has not been unproblematic. The list below outlines some prevalent critiques for contracting out to and partnering with business in humanitarian assistance:⁷

Because agencies most frequently award large contracts, they promote a small number of large contractors to lobby and sustain their influence on development or humanitarian assistance decisions in a sub-optimal way for the intended beneficiaries. In such a case, the assumed benefit of increased competition would be undermined;⁸

Large companies have the capacity to outbid many NGOs according to price,⁹ but if these companies achieve a monopoly on certain technologies or services over time, a dependency could develop between the donor and business, rendering such an engagement for the public actor only profitable in the short-term;¹⁰

⁴ For more on the potential advantages to private sector engagement in humanitarian aid, see King, S., "Competitive Tendering and Contracting Out: An Introduction." *Australian Economic Review* 107 (July-September, 1994); Butler, S., "Privatization for Public Purposes." *Privatization and its Alternatives* (W. T. Gormley; Madison, University of Wisconsin Press, 1991); Osborn, D./ Gaebler, T., *Reinventing Government: The Entrepreneurial Spirit is Transforming the Public Sector* (Reading, Mass; Addison-Wesley Publishing Co., 1992).

⁵ "Donor" in this paper refers to state development or humanitarian agencies only.

⁶ Here, however, it must be noted that some studies do show that in some areas the public sector may be more efficient than the private sector.

⁷ Many of the proceeding points also encompass the area of development aid.

⁸ See Berríos, R., *Contracting for Development: The Role of For-Profit Contractors in U.S. Foreign Development Assistance* (Westport, CT; Praeger, 2000), pp. 44-50 for an analysis of USAID contractor concentration both geographically and by size. Results lend credence to this concern, as Washington D.C. and the surrounding area presented the largest regional concentration of contracts given and large companies dominate the list. While this analysis does not separate development and humanitarian aid contracts, it indicates certain trends of donor agency contract procedures.

⁹ Berríos R., *Contracting for Development: The Role of For-Profit Contractors in U.S. Foreign Development Assistance* (Westport, CT; Praeger, 2000), p. 36.

¹⁰ See for example Rimmer, S. J., "Competitive Tendering and Contracting: Theory and Research," *Australian Economic Review* 107 (July-September, 1994).

Contractors may concentrate on the input-output fulfillment of a contract and profit-making rather than on maximizing impact on the needs of the recipients;

Company workers may not be trained to properly function in and handle a humanitarian crisis and might not be as committed to humanitarian principles;¹¹

Finally, a very pragmatic reason often prevents donor organizations from engaging with business; transition and transaction costs of working with commercial (or new partners altogether) may prove too high. Such costs include amending existing guidelines, using different types of contracts, changing ex-ante due diligence and bid evaluation and negotiating procedures, and monitoring.

Using case studies of catastrophe insurance and early warning systems, this paper will examine to what extent some rather innovative approaches to donor-business engagement in humanitarian aid actually bring with them the potential advantages or risks listed above.

Methods

The research for this paper consisted of a scoping exercise of the existing commercial donor engagements in disaster preparedness and reasons in favor of or opposed to them; an extensive literature review on the topic of index-based reinsurance schemes, early warning systems and outsourcing; and semi-structured interviews with several bilateral and multilateral donor organizations, as well as with representatives from the participating companies.

Initiatives profiled in this paper include two different projects involving reinsurance, one of the Famine Early Warning Systems (USAID), and finally a comparative case study of German and United States organizational and procedural structures that constrain or enable cooperation with the private sector in disaster preparedness and risk reduction. As the European Commission does not engage with businesses in this area, Germany was chosen for the comparative analysis since it is a policy leader within Europe in engaging with businesses. This discussion was then broadened to encompass reasons for and obstacles to engaging with business on a for-profit basis from the European perspective.

Case Study 1: Index-Based Weather Insurance

Because government funds needed to cover response costs often do not suffice in developing countries hit by an unexpected natural disaster, both bilateral and multilateral donor organizations, as well as NGOs, often step in and offer their assistance. In such cases, donor organizations and national governments both fulfill the function of an insurer of last resort. Experts point to two main reasons why this arrangement presents a suboptimal option for recipient countries: 1) Disbursements of funds tend to occur much too slowly for an emergency situation, meaning that victims do not have the help they need when they need it the

¹¹ Literature critical of contracting out practices from the early 1990s touch on several other points. However, since that time, USAID and other donor agencies have introduced selection, monitoring and evaluation mechanisms that render those critique points irrelevant. See for example Berríos R., *Contracting for Development: The Role of For-Profit Contractors in U.S. Foreign Development Assistance* (Westport, CT; Praeger, 2000), pp. 2–3 for some of these concerns.

most in order to avoid selling off important assets and; 2) International disaster aid is too unreliable.¹² From the perspective of donor organizations, the current ex-post form of disaster response likewise presents several problems: 1) Unable to plan ahead for disaster, donors may end up sitting on response funds and waiting for disaster seasons until the end of a budgetary period for the case that a prioritized recipient country suffers such an event. If this event does not occur, it may be too late to appropriate these funds to second or third priority recipients. Conversely, donors who do not hold on to funds for certain disasters may find their hands tied for catastrophes that occur late in the spending period;¹³ 2) Current ex-post forms of disaster response cost donors much more than paying a fraction of this amount in the form of an insurance premium.

Increasingly during the 1980s and 1990s, innovative insurance models began to change the traditional property-liability insurance market in developed countries, most significantly by altering the securitization of catastrophe risk.¹⁴ The United States, Canada and Spain developed agricultural yield risk reduction systems based on schemes with a public-private funding mix.¹⁵ Such programs in developed countries, however, typically involve a significant level of government subsidies and guarantees. For developing countries, comparable expenditures lie beyond the fiscal capabilities of the federal government and are therefore not feasible. Furthermore, farms in developing countries are on average much smaller than those in developed countries, which makes the costs of administration, marketing, servicing and controlling much more expensive.

Despite the difficulty of applying risk management models of developed countries to developing countries in a fruitful manner, donor organizations and recipient countries of low and middle incomes have begun in recent years to explore how to do just that.

Weather insurance schemes differ from traditional forms of property insurance in several dimensions, all of which have rendered them unattractive for insurance companies in the past. Firstly, catastrophe insurance per definition responds to an event that inflicts damage on a large amount of people in a concentrated area rather than on the individual property of one family. These highly correlated and concentrated damages place a sudden, large burden on insurance companies. Moreover, the extent of loss may in fact reach catastrophic levels. Secondly, insurance companies tend to view the probability of loss as less predictable for catastro-

¹² See International Federation of the Red Cross and Red Crescent Societies, *World Disasters Report 2001: Focus on Recovery*.

¹³ Devastating consequences of the lack of immediate donor money available for the earthquake in Pakistan in October 2005 exemplify this point. See Akbar, A./ Kirby, T. "Pakistan Earthquake: A Tragedy the World Forgot," *The Independent*. Rawalpindi, 2005 <http://www.independent.co.uk/news/world/asia/pakistan-earthquake-a-tragedy-the-world-forgot-516720.html>.

¹⁴ For more on this, see Doherty, N. A. "Innovations in Managing Catastrophe Risk." *Journal of Risk and Insurance* Vol. 64, (No. 4, 1997).

¹⁵ In Canada, the federal and provincial governments finance approximately 66 percent of agricultural production insurance, while producers themselves are obligated to deposit a certain amount money in a private financial institution depending on their level of production. In the United States, the Government cooperates with several insurance companies under the Federal Crop Insurance Program. The Federal Government regulates this process slightly by prohibiting companies to refuse insurance to eligible farmers on the basis of past history. In Spain the National Agricultural Insurance Agency works with the Insurance Compensation Agency and private reinsurance companies collectively provide Spanish agricultural producers with reinsurance in the event of disaster. For more on these insurance schemes, see World Bank. *Managing Agricultural Production Risk: Innovations in Developing Countries*. (Washington, DC, The International Bank for Reconstruction and Development/The World Bank, Agriculture & Rural Development Department, 2005), pp. 11–14.

the insurance than for other forms of insurance. Finally, particularly for the most vulnerable in developing countries, researchers have found a lack of either ability or willingness of the poor to pay to insure their risks,¹⁶ which makes coming to a premium agreement for disaster insurance impossible.¹⁷ All of these factors contribute to the unlikelihood that a market for individual catastrophe insurance would emerge on its own, without intervention from the state and/or donor organizations. Regional, index-based catastrophe insurance schemes such as the “LEAP” (Livelihoods–Early Assessment–Protection) Drought Risk Management and Caribbean

Catastrophe Risk Insurance Facility programs seek to counter some of these challenges by geographically bundling the insured and collecting premiums from donor organizations that would otherwise respond to a disaster after the fact. These models remain quite new, replication is yet to reach full proportions and the majority of donor organizations do not participate.

Although index-based weather insurance only recently caught media attention, ideas for this type of insurance trace back at least into the 1920s in India. Early attempts to design non-index-based crop insurance programs beginning in the 1950s and 1970s in Sweden and Canada and concentrated on insuring yields directly rather than through a correlated index mechanism.¹⁸ Donor organizations such as the World Bank became involved in crop insurance in the 1970s and 1980s, but quickly realized that yield-based insurance would prove too costly in regards to assessing damages and also offered incentives for cheating rather than investing in the long-term sustainability of crops. Over the course of the 1990s, several experts, notably Jerry Skees, Peter Hazell, and Mario Miranda, diligently designed and researched the feasibility of new rainfall-based insurance schemes that would be able to counter some of the inherent problems recognized in earlier models. This work led to pilot projects from the World Bank in Nicaragua (1998), Morocco (2000), India (2003), Ukraine (2002) and Ethiopia (2003).¹⁹ Of these projects, however, the pilot in Ethiopia presented the first index insurance endeavor that sought to mitigate disaster risk rather than improve economic growth or reduce poverty. A variety of researchers, donor organizations, (re-)insurance companies and potential recipient country governments have begun in recent years to build upon and replicate models introduced in some of these pilot countries. For this reason, the Ethiopian experience provides important insights and lessons fruitful for emerging models.

Governance structures of index-based weather insurance differ significantly from those of traditional property or crop²⁰ insurance, especially in regards to the monitoring process. On the one hand, the determination of whether or not to pay out lies in the hands of objective

¹⁶ Here it deserves mention that studies likewise show that citizens in developed countries also show an unwillingness to pay for disaster insurance such as flood insurance if they believe that the government will nevertheless step in and provide aid in the event of a disaster.

¹⁷ Goes, A. / Skees, G., “Financing Natural Disaster Risk Using Charity Contributions and Ex Ante Index Insurance.” American Agricultural Economics Association Annual Meeting. Montreal, Canada; 2003, p. 4. See Rejda 1995:23 for standard conditions of traditional insurability.

¹⁸ Skees, J / Black, J.R. /Barnett, B.J. “Designing and Rating an Area Yield Crop Insurance Contract.” *American Journal of Agricultural Economics* Vol. 79 (No. 2), 1997.

¹⁹ World Bank, *Managing Agricultural Production Risk: Innovations in Developing Countries*. (Washington, DC, The International Bank for Reconstruction and Development / The World Bank, Agriculture & Rural Development Department, 2005), p. 36.

²⁰ Traditional crop insurance refers here to yield-based rather than index-based measurements.

measurement tools for rainfall or temperature, most often controlled by a company or organization independent of the insurance company. As a result, the insured can be sure of a fair payout decision. On the other hand, this model discourages moral hazard and cheating from the side of policy-holders because the factors determining a payout depend on variables beyond the control of the policy-holder, which is not the case in yield-based models. Nevertheless, weather-based models still highly correlate to yield outcome. In fact, designing an index-based model to correctly reflect actual damages or yield outcome presents the largest challenge for this type of insurance.

Drought Risk Management in Ethiopia

The Drought Risk Management project in Ethiopia presents an interesting model through which the World Food Program invests on behalf of USAID and the Ethiopian government a portion of the money they would have spent on disaster response food aid in the event of drought in Ethiopia in an insurance premium. This policy is then sold to a reinsurance company, Paris Re (formerly AXA Re),²¹ which shifts the risk of disaster to financial markets and allows for a more timely payout in the event of catastrophe. Although no event has triggered a payout to date, according to the contract, Paris Re agreed to transfer the insured amount within three days after drought levels reach the trigger level. Independent rainfall information from 26 different weather stations around Ethiopia channel into the data used to determine drought risk. The World Food Program then forwards the money to the Ethiopian Government, which disperses cash to the 67,000 most vulnerable households as identified by their own communities through the existing Productive Safety Net program.

After a first year in pilot stages, the World Food Program announced the LEAP project a success and is currently working with the government of Ethiopia to extend the project for 3 years beginning in 2009. Improved early warning systems through the design of more reliable trigger points, budgeted contingency planning, capacity-building and contingency financing all comprise areas under construction for the LEAP project before 2009.

Initiating the Partnership: Donor Perspectives

In 2004, the World Food Program met with the Commodity Risk Management Group of the World Bank and initiated an informal joint effort to create new solutions for better responding specifically to drought in Ethiopia.²² Ethiopia was chosen for the location of their feasibility study on index-insurance for many reasons, among them need. Ethiopia regularly required ex-post food aid and in 2003 reached a record high of 13 million in need of such assistance. Because aid recipients often found themselves forced to sell assets in order to pay for immediate post-catastrophe needs, a need to develop a model that could respond quicker and more effectively was identified. While the Productive Safety Net Program from 2003 proved effective in saving lives, it fell short of sustaining livelihoods. In the event of a drought,

²¹ Despite a change in name and ownership, the deal between AXA Re and LEAP and now Paris Re and LEAP has remained unchanged.

²² Hess, U./ Wiseman, W./Robertson, T., "Ethiopia: Integrated Risk Financing to Protect Livelihoods and Foster Development." *World Food Programme*; October 2006, p. 2.

millions of vulnerable Ethiopians plummeted into poverty. The World Bank and World Food Program team estimated that index insurance would allow for a response 4–6 months earlier than the country's former disaster assistance strategy and therefore protect livelihoods as well as lives.

Ethiopia proved a pragmatic choice for a feasibility study. After their first trip to Ethiopia, the team realized that the Ethiopian National Meteorological Agency, in contrast to many weather agencies in other developing countries, produced data reliable enough to use for index insurance. Moreover, Ethiopia already had in place a complementary food security system, which could be used for payout distribution and additional risk mitigation in the event of a catastrophe.

After creating the weather index tool, the team approached the government of Ethiopia, which welcomed the initiative. It was more difficult to convince the World Food Program's Board of the appropriateness of the project. The Board initially reacted skeptically to the proposal for a commercial pilot project in such a controversial area of food security. Many did not see the necessity of this project nor the reason why the World Food Program should take responsibility for such a risky new initiative instead of business as usual.

The World Food Program submitted a tender in October 2005 for the LEAP weather insurance contract to nine companies that held an AAA rating with experience in the weather market. Six of the nine accepted the invitation to apply and five of them completed the entire application process.²³ By November, bids from all companies had been received. They selected AXA Re on the basis of both cost and technical competence. The actual acceptance and signing of the contract occurred quite quickly by December 23, 2005.

Before the drafters of the LEAP project approached the World Food Program Board for final approval of the quite controversial initiative, they completed the invitation and subsequent preliminary selection process of a reinsurance company in order to reduce the number of unknown risk factors.²⁴ By investing time in a diligent, informal period of building the initiative and then in including the necessary contract details, a very high likelihood of success was ensured before the World Food Program made an official commitment or applied for approval from their Board.

From the World Food Program's perspective, the main risk involved in the LEAP program stemmed from the possibility that the index payout levels might not correspond with actual need.²⁵ In other words, a catastrophe could strike without an actual payout and money would still be needed despite donors already having paid the premium for such an event. In order to mitigate this risk, LEAP employs an index based on historical figures for Ethiopia's rainfall and agricultural output and sent data to an independent geospatial service company (MDA Federal) that helped to examine and revise it. This index correlates to actual food aid beneficiaries received by 80 percent. Moreover, an update of the index occurs every 10 days, which enables

²³ The five companies consisted of one hedge fund and four reinsurance companies. One company did not accept UN privileges and immunities and therefore withdrew their application.

²⁴ Samii, R. / Wassenhove, L.N.V., "Capital Markets or Alms? An Emerging Paradigm Shift in Disaster Funding." INSEAD, 2006, p. 5.

²⁵ From the farmers' perspective, this gap constitutes their "basic risk."

the timely receipt of information. In a further step, field staff were sent to Ethiopia to confirm the accuracy of the index and ensure that measurements be taken from various geographical areas within the country in order to establish an accurate representation of the aggregate risk level.

Yet another risk that exists can be found in the operationalization of the payout. Some voiced concern about whether a monetary payout would actually reach the beneficiaries. However, in selecting Ethiopia for their pilot, the World Food Program chose to use a country that has demonstrated already through their Productive Safety Net Program that “cash-based responses can work at scale in Ethiopia.”²⁶ While both cash-based and food-based aid still can improve the speed with which it reaches beneficiaries, evidence suggests a timely delivery of cash aid to households in time to protect their livelihoods. Asset depletion levels proved lower for participants in the cash-based Safety Net than for non-participants in this program.

Because at this early phase, the Ethiopian government does not pay its own premium and because local capacity is not yet strong enough to take over control of the initiative, the World Bank and the World Food Program, in cooperation with the Food and Agriculture Organization maintain ownership of the initiative. Bilateral donors work through the Bank to pay for start-up costs or premiums, but remain uninvolved in the details of the project. While donors rely a great deal on their agreement with Paris Re, Paris Re has neither a presence in the field nor operational responsibilities for the project and fulfills nothing more than a tendered function.

Interaction between Donor and Business

The business actor in the LEAP project, Paris Re, maintains little contact with donors on a regular basis. Aside from formulating the contract and reviewing the data that feeds into the index, the company only becomes active in the case that there is a payout. For a payout, they would not even have to assess claims, as the insurance is rainfall-triggered rather than loss-based. Because internationally accepted rating systems are available to check the due diligence and risk of engaging with reinsurance partners, donors need not spend extra effort, time and money on monitoring their activities. An evaluation of whether a payout occurred in the time specified likewise requires minimal effort.

Business Perspectives

Weather and agricultural covers become more and more important in Paris Re's profile. Financially, the amount it earns from the drought reinsurance in Ethiopia is insignificant in relation to its weather and agriculture reinsurance portfolio. However, this experience gives Paris Re the opportunity to further develop their profile and image in countries where they currently have no presence. For example, after their involvement in Ethiopia, inquiries came from Malawi, Vietnam, and India where similar initiatives are being designed. Recently, Paris Re has begun to work with governments to define seismic-based index insurance. Such initia-

²⁶ Hess, U./ Wiseman, W./Robertson , T., “Ethiopia: Integrated Risk Financing to Protect Livelihoods and Foster Development.” World Food Programme, October 2006, p. 4.

tives give the company an edge on the competition, as most reinsurance companies are not developing these new products.

Paris Re associates the LEAP project with low risk, as it helps them to diversify the types of risk they own. Particularly in light of the recent global financial crisis, the company found weather insurance projects attractive because they are not really correlated. For these reasons, Paris Re remains proactive in seeking further initiatives in the weather and agricultural insurance markets.

Results and Lessons Learned

Because the LEAP initiative did not pay out during its initial pilot period, it cannot yet be determined whether it will have the intended effect in terms of a payout to increase liquidity after a drought. Nevertheless, some positive results are apparent. Firstly, it enabled a degree of budget certainty for the Ethiopian Government. Secondly, the first pilot year demonstrated areas in need of improvement and led to a more comprehensive drought risk management strategy as well as the recognition that reinsurance should only serve as part of a more comprehensive strategy for mitigating livelihood risk in Ethiopia. The project, deemed the first “humanitarian reinsurance project,” caused a further externality, namely much press attention for its innovative approach.

Caribbean Catastrophe Risk Insurance Facility

In contrast to the LEAP project, the Caribbean Catastrophe Risk Insurance Facility (henceforth the facility) is a regional rather than country-based model initiated, operated and owned by the beneficiary governments of the Caribbean Community and Common Market countries.²⁷ Also, rather than drought insurance, the facility covers earthquake and hurricane catastrophes.

Similar to LEAP, facility payouts are based on an index that scientifically and historically estimates the correlation between natural, measurable phenomena such as wind speed on the ground in relation to the eye for hurricanes or ground acceleration for earthquakes and the parameter of damage that these factors cause in each of the participating countries.

In a first step, donors such as the World Bank, Bermuda, Canada, France, the United Kingdom, and the Caribbean Development Bank gave money into a start-up trust fund. Beneficiary countries add to this fund through a one-time membership fee and their annual premium. Only five countries, which were deemed by their World Bank status unable to pay the premium themselves, received loans for their first three years, after which countries are expected to come up with the money themselves.²⁸ The trust fund pays for operational costs as well as any payout up to 12.5 million U.S. dollars. Facility directors anticipate that by the time the

²⁷ These countries include: Anguilla, Antigua and Barbuda, Bahamas, Barbados, Belize, Bermuda, Cayman Islands, Dominica, Grenada, Haiti, Jamaica, St Kitts & Nevis, St Lucia, St Vincent & the Grenadines, Trinidad & Tobago, Turks and Caicos Islands.

²⁸ These countries include St. Lucia, Dominica, St. Vincent, Grenada and Haiti. Haiti has an agreement to have the premium provided and an expectation exists that the World Bank will extend this agreement beyond the first 3 years.

start-up donations in the trust fund become depleted, premium payments for the countries' pooled resources will have amassed enough to make the facility sustainable.²⁹ Each country pays directly relative to its risk. If an event triggers a payout, beneficiary countries are notified within days and the affected country's treasury receives most of the funds within a month and all by the lapse of two months.

A second layer of protection for the facility includes the possibility of taking out reinsurance for the event that a payout or series of payouts surpasses \$12.5 million. A variety of reinsurance firms take on risk surpassing the retention level of the facility. Munich Re took the largest share for the 2007–08 period, followed by Paris Re and Hiscox, who also participate.

Initiating the Partnership: Donor Perspectives

After Hurricane Ivan hit Jamaica in September 2004 and caused catastrophic damage there, the Jamaican Government asked the World Bank if it could devise a collective insurance scheme that would offer a degree of compensation in the event of a similar catastrophe in the future. With a generous financial contribution from the Government of Japan, the World Bank then financed the necessary front-end studies that led to the plan for the facility and presented it to the 15 member states of Caribbean Community in the region. Country officials accepted the arrangements and the Bank put the facility into operations, agreeing to fund the entry fee and premiums for the first three years for countries that could not pay. As a following step, the World Bank contacted the Canadian International Development Agency and presented together with recipient countries the design for the program. Canada agreed to help capitalize and on June 1, 2007, the facility was declared operational.

Because the World Bank found it paramount to keep the costs of insurance as low as possible for recipient countries, it decided on a minimalist, virtual entity to operate the facility. They organized the facility into a captive insurance company with a home in the Cayman Islands. They then created the Trust, which would own 100 percent of the company's shares, making it non-profit, which affords the facility certain tax advantages. The facility encompasses 5 board members: a representative from the Caribbean Community countries, a donor representative, finance expert, (re-)insurance expert and an Executive Chairperson. Furthermore, a Facility Supervisor handles all front-office operations (modeling, risk transfer, pricing, dynamic financial analysis, claims and marketing), a Captive Manager is responsible for back-office operations (corporate secretary, accounting, audit management and regulatory liaison) and an Asset Manager invests facility capital according to the company guidelines.³⁰ All operative personnel belong to for-profit consultancy firms and received their positions through World Bank tendering. In this way, two levels of commercial engagement exist in this partnership: operations and reinsurance.

²⁹ Careful financial modeling has shown that this assumption is very highly likely. For more on modeling methodology employed, see Young, S. / Pearson, M., "The CCRIF as a Technical Model." Natural Catastrophe Risk Insurance Mechanisms for Asia and the Pacific Special Session on CCRIF 4-5 November 2008. Tokyo, Japan; 2008, p. 5.

³⁰ Ibid, p. 8.

From the bilateral donor perspectives, the main risk concerned the uncertain sustainability of the facility, particularly in the beginning stages. The risk consisted of the possibility that a hurricane or catastrophic storm could require payouts that could deplete the fund by paying out, but the fund has survived the initial stage and the facility is strengthening. While not all donors could be interviewed, those who responded reported no perception of additional risk attributed specifically to private sector participation for two reasons: 1) bilateral donors made agreements with the World Bank and did not further involve themselves with how the Bank chose to fill positions. They felt confident that the Bank would make a responsible decision and; 2) they expressed a sense that commercial expertise was particularly appropriate for managing such a fund.

Interaction between Donor and Business

The monitoring and evaluation process for weather insurance distinguishes itself from that of other commercial engagements. During the periods where no event has triggered a payout, monitoring of the initiative's activities remain placid and public sector participants look to see if funds are managed appropriately. In this particular case, the World Bank is entrusted with this task and has set up mechanisms to ensure that the private sector actor properly looks after these funds.

World Bank staff on the project communicate almost daily with Facility management, but decisions are left to management discretion. Bilateral donors have no regular communication with management or reinsurers with the exception of the donor representative who sits on the Board.³¹ He and the Caribbean Community representative have formal functions of monitoring the facility's activities, but other community members frequently participate in meetings where the facility presents and discusses developments. The management further emphasized their operational inclusiveness, which allows for additional oversight and monitoring. Additionally, quarterly financial statements and an annual report reviews outputs of the facility, finances and operational governance. The operations company only enjoys a contract of 3 years and must afterward apply with the World Bank for an extension. Monitoring and evaluation for parametric insurance schemes focus largely on these above-mentioned management aspects, because the decision to payout or not in the case of the reinsurance is based on openly observable objective factors.³²

Business Perspectives

For the operational managers, the facility comprises a large portion of their business and the World Bank an important client. Many commented that receiving a contract from such a large and well-known client and for a well-publicized project within insurance magazines, regular

³¹ Interestingly, some donors, such as CIDA, have rules that prohibit its staff from sitting on the Board of a private entity. This rule actually forces CIDA to entrust others with monitoring responsibilities.

³² For example, the Facility relies on the U.S. National Hurricane Center to measure wind speed for hurricanes and it uses the U.S. Geological Survey to determine the level of shaking an earthquake causes, which serve as measurements for the insurance index. In this way, independent scientific organizations are responsible for deciding when the company pays out and with a Caribbean community representative on the Board, the speed of the payout can be independently confirmed.

press, and so forth, presented an attractive opportunity to build a reputation with the Bank and other donors.

For Munich Re and other reinsurers involved in the facility, catastrophe insurance makes up less than one percent of their business, including both developed and developing countries. Out of this one percent, disaster insurance in developed countries dominates their business. Only a couple of engagements exist in developing countries, some of which still remain in the rather long gestation stage.

The largest risk associated with the facility for the companies interviewed is reputational. Even in the case of reinsurance, where the facility makes up only a small percentage of their business, if they get it wrong, repercussions could prove devastating and also ripple to the rest of the reinsurance community. They mitigate these risks by simply doing their job well: ensuring that contracts are made water-tight, that no fall-outs occur, and that claims are paid quickly. The recent 2008 facility payout arrived within 14 days without any unexpected hick-ups.

Results and Lessons Learned

A natural disaster inevitably strains the economic livelihood of the countries it hits, but the extent to which this strain becomes catastrophic depends on preparation and risk reduction mechanisms. Weather insurances such as the facility allow for the necessary budget certainty through a quick pay out. Over time, experts also expect tourism to suffer less after a catastrophe because a successfully run insurance facility will give the industry more confidence that recovery will occur quickly and business will return to normal.³³ The facility indeed quickly paid out \$418,976 to St. Lucia and \$528,021 to Dominica in 2007 following the 7.4 earthquake in the eastern Caribbean in November of that year. A second payout occurred in September 2008 to the government of the Turks and Caicos Islands in the amount of \$6.3 million. In doing so, repetition of the situation in Granada in 2004 was successfully avoided. As planned, the facility notified recipient countries within 24 hours about the amount of their upcoming payout and made the transaction for the first payout within four weeks and for the second within 14 days.³⁴

In addition to the direct benefit of a payout, many point to the positive, indirect effect that accompanies a shift from response payments to preparedness investments. Including a whole range of initiatives, a focus on preparedness is expected to lead to improving also the infrastructure of the country, making it more robust so that it can better withstand future storms. Also, ownership of the facility sends a clear message to the donor community that Caribbean Community nations are serious about addressing their disaster risk rather than relying on donors for relief.

Thirdly, the facility created a need to work with local experts on finding and developing historical exposure data for the calculation of each country's risk level. The Bank began building capacity at a local level for this information. Nevertheless, exposure data for the region proved very scarce. Therefore, facility directors recommend that similar pilot projects begin immedi-

³³ Young/Pearson, op. cit., p. 7.

³⁴ World Bank.

ately compiling data with the help of local officials. This data, once accumulated can be used to update exposure models. They furthermore suggest that new initiatives create at least one model from a well-known modeling firm and one from a regional firm (or at least with the input of regional engineers and scientists) in order to maintain their flexibility.³⁵

While St. Lucia and Dominica stakeholders positively reacted to the payout of over \$500,000 after the November 29 earthquake, stakeholders in other countries like Jamaica responded with disappointment after hurricane Dean caused major damage in August 2007, but did not trigger a payout from the instrument due to its failure to reach the agreed-upon attachment level of the countries' insurance policies. Jamaica for example suffers from enormous debt problems and the government already lacked sufficient funds to adequately react to a natural disaster. Once they paid the premium and nevertheless received no benefit from having done so, meeting these needs became even more difficult.

Jamaica's experience reiterated a very important lesson, namely that catastrophe insurance can only address a portion of a country's risk exposure. In fact, Facility Supervisor Simon Young stressed that the goal of the facility is to get countries covered for 10 percent of their exposure. Many countries have reached this level and some have not. Countries do not take out as much insurance as they need; they choose attachment points which they can afford and have a high deductible before coverage kicks in. For this reason, donors should not expect to be able to substitute disaster relief with catastrophe insurance, but should rather see it as a complement to disaster relief. Its added value lies in its filling of immediate liquidity gaps that exist after a catastrophic event. Between immediate payouts and release of development aid³⁶ however, a gap still exists.

Facility officials realized after the negative publicity following Hurricane Dean the need for an extensive communications strategy created parallel to such a facility. The facility therefore established an external relations strategy in 2007, emphasized the payout to St. Lucia and Dominica and made an effort to portray the facility not as a profit-seeking insurance company, but as joint reserve fund for the region.³⁷ Also in terms of communication, the facility learned the hard way that in addition to wind damage parameters, storm surge should be included in the hurricane insurance model because it causes a large portion of the damage. If not, beneficiary countries should be carefully informed that excess rainfall damage will not trigger a payout. Experts are now attempting to develop technologies for additional index measurements as a result of these experiences.

Since their brokering of the Caribbean Catastrophe Risk Insurance Facility, the World Bank has received replication inquiries from an additional 18 countries.³⁸

³⁵ Because the facility model is based on proprietary research, adding new hazards or member countries becomes quite expensive, as it requires the facility to pay for extensive and in part unnecessary remodeling.

³⁶ Paperwork generally takes 3-6 months.

³⁷ World Bank.

³⁸ World Bank.

Case Study 2: Commercial Early Warning Systems

Following the devastating Indian Ocean tsunami in 2004, many efforts have emerged to create improved early warning systems. While risk assessments particularly in developed countries abound for several natural hazards such as floods, earthquakes, and volcanoes, a gap still exists for complex early warning systems that factor in crucial social, economic and environmental components that affect vulnerability. Food security early warning systems continue as an area of critical importance that simultaneously presents what Kofi Annan called a “risk knowledge gap.”³⁹

USAID Famine Early Warning Systems

The Famine Early Warning Systems Network presents a global food security early warning system funded by USAID and operated through a 5-year contract agreement by a commercial development consultancy, Chemonics International. Following the devastating famines in Ethiopia and Sudan between 1984 and 1985, high-level officers of USAID designed the initiative and previously several universities as well as for- and non-profit organizations won the tendering contract to manage field operations. The Network connects local, regional and international levels in Africa, Central America, Haiti, Afghanistan and the United States in order to monitor and analyze information⁴⁰ about factors that could threaten livelihoods and food security. Activities include information dissemination over the FEWS NET site, vulnerability assessments on various populations groups, alerts, updates and briefings of decision-makers according to the data received through livelihood framework monitoring, local capacity development for national and regional early warning systems.

Initiating the Partnership: USAID Perspective

Beginning in the 1980s, USAID began to intensify its prioritization of cooperating with (especially American) businesses in foreign aid, while the agency also collaborated with a variety of other players.⁴¹ The Network, established in 1985, placed a five-year tender for the operation of the network’s daily activities and was no exception to this rule. Since its very beginning, a plethora of for- and non-profit actors received the contract for five years. Each time, regardless of whether for- or non-profit, USAID replaced the operating agency after this time period and hired a new partner. Chemonics recently broke this cycle by receiving the first renewal contract.

Because by the time of hiring Chemonics, USAID had often cooperated with the private sector for other operations contracts, decision-makers created no extra work for themselves by

³⁹ United Nations, *Global Survey of Early Warning Systems*, 2006, p. 8. <http://www.unisdr.org/ppew/info-resources/ewc3/Global-Survey-of-Early-Warning-Systems.pdf>.

⁴⁰ Relevant data include factors such as food prices, precipitation and crop failures.

⁴¹ U.S. Congressional Research Service. The 1981 Private Enterprise Initiative announced a shift in strategy from “predominantly public sector, or government-to-government, focus to one that emphasizes market forces and active private indigenous productive sectors”. A second notable initiative, the 1990 Partnership for Business Development Initiative publicized USAID’s desire for a greater involvement from US businesses in their aid strategy. These policies continued largely out of budget constraints and domestic pressure to give all forms of foreign aid for the benefit of the American people.

accepting the application from Chemonics. They simply pooled their applications with others from non-profits and for-profits alike and chose the applicant that offered the most competence and best price.

The Network necessitates the hiring of a large number of field staff with rare expertise. For this reason, many local staff may become hired by Chemonics and then retained even in the event that Chemonics not receive the renewal contract. Such a constellation might make future contracting awkward to the extent that a new commercial actor might not be able to hire and fire personnel in a true commercial sense. Moreover, employees could always choose (if offered) to stay with Chemonics and work on a new project, leaving the donor at loss for rare local knowledge and skills. A further but related risk perception exists that in such a large, global and logistically intense contract, the private-sector firm amasses so much expertise by managing the project that it develops a monopoly over these rare skills and the contracting organization would then become dependent on the business.

Interaction between Donor and Business

USAID gives contracts to businesses and grants Memorandums of Understanding to NGOs or International Organizations. While the agency leaves much to the discretion of non-profit partners, they keep commercial entities in general on a much shorter leash.⁴² In the case of the Network or other contracts for commercial operating agencies, the USAID officer in charge of the initiative maintains daily contact with the business partner and often makes ongoing requests and inquiries, which, for the purpose of renewal of a contract become answered by the operating agency. For business contracts, USAID requires quarterly reports and very clearly defined deliverables. In this sense, USAID allows their non-profit partners much more freedom than it does its commercial partners on an operational level and the agency monitors and evaluates the work of their contracted businesses most frequently.

Business Perspectives

A for-profit development consultancy firm, Chemonics has been involved (almost exclusively) with USAID in the development field for over 30 years. Because this long track record has enabled the company to establish local knowledge and connections in several regions around the world, as well as a relationship with USAID, their entrance into the field of famine prevention and early warning systems 8 years ago presents a rather natural development.

Incentives and benefits of engaging in the Network for Chemonics include both profit and impact on lives around the world. Chemonics is a business with a bottom line that expresses its mission as “by promoting meaningful change around the world we help people live healthier, more productive, and more independent lives.” Chemonics emphasizes their ability to create value for their clients, which far exceeds the amount the company earns on their humanitarian or development aid projects. Moreover, a representative asserted that as a business committed to value and excellence, Chemonics is able to offer benefits that attract the most skilled staff.

⁴² USAID tends to agree on work outputs with the NGOs, but leaves the process of their work to the NGO and require the NGO to report what it does, spending, and so forth.

Many employees actually come from the non-profit sector, having gained experience with an NGO, the Peace Corps or academic institutions before joining. Chemonics representative for the Network, Nancy Jaffie, refuted existing fears that a company might not be trained to operate in a humanitarian setting or that a company would be less committed to humanitarian principles. Firstly, the company only hires staff for field positions who have relevant experience in each respective setting. Secondly, she emphasized that a person who chose to work specifically in the disaster assistance or development field—whether for a company or an NGO—will care about his/her work all the same.

Chemonics can offer USAID or other donors two key advantages in comparison to non-profit actors conducting similar work. For one, technical assistance in development or humanitarian projects comprise all of what they do. It is their core business and they can offer specialized expertise. In many cases for early warning systems, as was previously true for the Network years back, universities fulfill this function. However, they only dedicate a department to this type of work and most universities are not set up to run a business that operates in 23 different offices around the world. Moreover, expenditure procedures for commercial purchases, contracts and logistic support at many of the universities that previously won the contract proved inappropriate for the various conditions under which these offices operate. Private enterprises on the other hand specialize in exactly this type of work and have appropriate procedures long in place. A second advantage concerns the large size and financial capacity of Chemonics. For many contracts, applicants know from the very beginning that they will have to put forth large amounts of money into the beginning stages of the project, for which they usually receive reimbursement 60-90 days later through a voucher system. This process places many humanitarian and development contracts out of reach for smaller companies or NGOs.⁴³

For the company itself, Chemonics does not see any exceptional risks attached to the Network or any other project with USAID. Likewise for its client, USAID, and beneficiaries in developing countries, they see no additional risk associated with private sector engagement. In fact, because these types of projects reflect the exclusive, core business of Chemonics, the company feels it is better poised to address the main risk, which is a job poorly done and a queue misread.

A central facilitating factor for the success of the Network is effective collaboration and coordination with other actors in the field. Despite that, in theory, development or humanitarian projects by various actors could be seen as competition, Chemonics retains its ability to operate effectively in the same way that non-profits do, namely by working with all resources available in the field, including researchers, academic institutions, donor organizations and locals with which Chemonics reports to have a collaborative relationship for common goals. In the same way that many large NGOs or International Organizations have accumulated expertise and established a relationship with other donors, Chemonics maintains an active relationship with USAID.

⁴³ A recently begun project in Sudan exemplifies this advantage. Costs for sending staff to Sudan in order to find office space and hire local staff proved quite expensive and the financial capacity of Chemonics allowed the company to be nimble and put forth this amount of money.

Results and Lessons Learned

This donor-business engagement has demonstrated several positive results and effects. Firstly, it fills an essential need in famine early warning and successfully disseminates information to embassies, missions, stakeholders and others through their open website postings. As evidenced through the competitive open tendering process and contract renewal, openness to cooperation with a for-profit partner enabled increased success and satisfaction of these deliverables.

Negative consequences of this engagement could not be attributed to the fact that USAID chose to work with a commercial enterprise rather than a non-profit partner, but did exist as a result of contracting the project out to an independent entity. While Chemonics and not USAID carries legal responsibility for any comments made or outputs of the Network, legal restrictions cannot change perceptions. Therefore, any statements Chemonics may make locally in regards to food security could cause diplomatic difficulties when one of the governments does not agree with their findings. Occasionally, a mismatch occurs between local government and the project if the results did not show that government in a positive light. For famine early warning systems, this risk remains constant because of the complex nature of measuring famine vulnerability, including influences of government policies. Again however, this mismatch does not depend on the commercial nature of the operating entity, but is rather inevitable if such a project intends to disseminate factual and unbiased information.

This survey did not find any criticisms specifically of business, but simply of the fact that USAID did not follow through on its intention to build institutions locally and be involved only temporarily in the initiative. However, not until beginning their work did the leaders of the Network realize how much more complex institution building would be in comparison to individual capacity building, an area in which the Network enjoys extraordinary success. The Network builds local individual capacities for assessment and monitoring needed for the project. However, they, like the other agencies involved in similar programs, have not succeeded in building and sustaining national institutions which would engage and retain these individuals once they become exceptionally trained.

EC-FAO Non-Commercial GIEWS Program

The Food Information Early Warning System Net and the Global Information and Early Warning System on Food and Agriculture Network share many similarities and have even shared staff over the years. Much like how the creation of the previous program grew out of the late and expensive drought response in the horn of Africa, the Food and Agriculture Organization established global warning system in 1975 in response to the world food crisis of the early 1970s. In principle, the goals of the two systems are also quite similar; the global warning system states its purpose as allowing for timely interventions in imminent food crises by “provid[ing] policy-makers and policy-analysts with the most up-to-date and accurate information available on all aspects of food supply and demand.”⁴⁴ Achieving this goal requires that the system monitor and post information on crop production and markets globally and on a

⁴⁴ FAO, *GIEWS: The Global Information Early Warning System on Food and Agriculture*. Food and Agriculture Organization, Rome; 2008, p. 3.

regional, national and sub-national basis to produce situation reports. Both programs rely on a wide range of NGOs, research institutions, and other individuals in order to receive accurate and up-to-date information.

The global system's Chief Henri Josserand, who managed also the food information program from 1995-2000, summed up the differences between the two networks by highlighting two aspects: mandate and reach. The food information net has a mandate from the U.S. government and seeks first and foremost to provide those officials with the relevant information. While it also disseminates its information to a wider audience, such as government officials in the affected countries, the project is often viewed as a project of the U.S. government.⁴⁵ Accordingly, the geographic orientation and reach of the network focuses on areas of U.S. interests, such as Afghanistan, Haiti, the Horn of Africa and Central America. In contrast, the Global System has a UN mandate and is seen as a global project with a wider geographic orientation.

A large degree of collaboration exists between these networks, particularly through technical meetings which take a close look at the methodologies used for the work of both systems. Also, staff frequently meet to discuss some countries of common interests whose situations are more difficult in nature, such as Zimbabwe and Afghanistan. The Food and Agriculture Organization and the World Food Program, which operate the global warning system's network, are partners with the food information network in West Africa and teams occasionally conduct joint missions there. Despite stark similarities between the two networks, representatives of the systems voiced no real concern about work duplication because the networks largely complement each other geographically and even in cases where overlap exists, it often makes sense to have two analyses due to the complexity of the work.

Because both systems, like most early warning systems, are network-oriented, they cooperate with so many government and non-state actors and pull data from various independent sources that no fundamental difference is noticeable simply dependent on whether an international organization such as the World Food Program or a private business such as Chemonics operates the systems. Likewise, because of wide collaboration, no particular need can be identified for specific private-sector skills when it comes to carrying out the project. Most technical skills can be hired on locally, whether by the World Food Program or a private company. In the case of the food information system, Chemonics simply showed a comparative advantage through their international presence and ability to effectively manage the network. The global information early warning system Chief Josserand commented that throughout his extensive experience in the field and with managing both systems, no difference existed in stakeholder perceptions locally whether the project was run "commercially" or "non-commercially", but that it did on occasion matter that one project was US-mandated and the other UN-mandated.

The Lack of Commercial Engagement in Disaster Preparedness

The majority of European donor organizations and ECHO have yet to delve into commercial engagements in the area of disaster preparedness. Inquiries into several state donor agencies investigated three possibilities:

⁴⁵ Interview with Josserand, October 28, 2008.

- Agency decision-makers have ethical or moral concerns in regards to cooperating with the private sector in the humanitarian assistance field;
- Organizational constraints within the agencies render private sector cooperation too costly or a hassle; and
- The market for preparedness from the side of business remains underdeveloped.

Inquiries resulted in a confirmation of the latter two reasons, but a refutation of the first assumption. While a few interviewees acknowledged individual dispositions among some colleagues in their respective organizations of mistrust toward the private sector, moral concerns appear to at the most be a secondary concern. A vast majority welcomed in principle an openness toward cooperation with business in disaster preparedness. The second factor, organizational constraints seemed to dominate along with the lack of a market, although growing, in the area of disaster preparedness best explained the reason for the very few commercial donor engagements in the field.

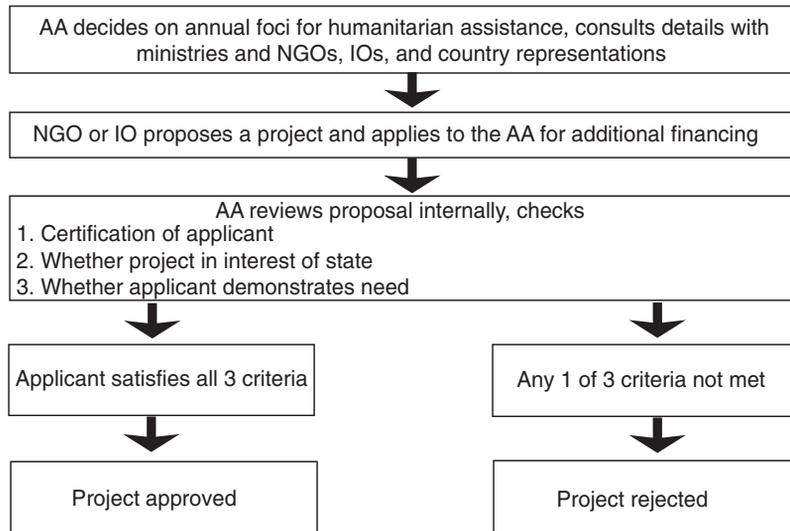
The fact that few commercial engagements exist in disaster preparedness has led some to speculate that most donors are in agreement that such cooperation should be avoided. Had this investigation led to that result, transatlantic policy differences in this area would prove insurmountable or at least less likely to be mended, as they would have their roots in socio-cultural perceptions. However, the fact that organizational constraints form the most significant obstacle to private sector engagement in disaster preparedness suggests that a common transatlantic agreement is possible. The following comparison of United States (OFDA, Global Development Alliance) and German (the Foreign Office and the Federal Ministry for Economic Cooperation and Development) organizational structures seeks to illuminate some of these organizational constraints. The comparison should not imply that one organizational and procedural structure is superior, but rather aims to identify these constraints and enable dialogue as to whether it would prove desirable to change them. Also, it should be noted that aspects of the following structures find reflection in several other countries' systems, but certainly do not stand to represent in their entirety organizations that engage with business and those that do not in disaster preparedness.

Structural Constraints in German Disaster Assistance Organizations

Although four German ministries have budget allotments for activities defined as humanitarian aid, the German Foreign Office (AA in the charts below) and the Federal Ministry for Economic Cooperation and Development (BMZ in the charts below) present the two main actors. The diagrams below depict their grant and contract approval processes.

The Foreign Office's decision-making process is such that all humanitarian aid funding is earmarked⁴⁶ and the decision process for financing a program or project is entirely contingent upon needs assessments made available to them through the UN Office for the Co-ordination of Humanitarian Affairs (OCHA) in addition to internal assessments. Because businesses usu-

⁴⁶ OECD-DAC, *DAC Peer Review: Germany*, 2005, p. 86.

Figure 1. Decision Process for AA Grant Approval

Source: Author (based on interviews).

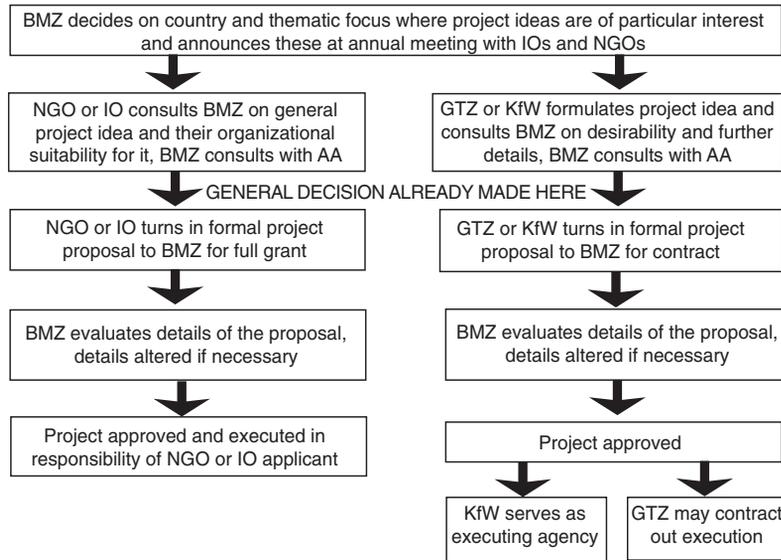
ally cannot demonstrate need⁴⁷ and because the UN database does not include them for pre-certification, companies have little chance of success in proposing a commercial project and receiving money for feasibility studies or start-up capital like those needed for the Caribbean Catastrophe Risk Insurance Facility if not designed by and brokered through an international organization. In their “Concept for Financing of Humanitarian Assistance Initiatives,” the German Foreign office discourages international organizations or NGOs applying for funding from conceding responsibilities to a business partner. Logically, the applicant itself should also not be a profit-oriented entity.⁴⁸ Therefore, early warning systems or minimally structured, consultant-operated projects like the Caribbean insurance facility would not qualify. Decision-making processes within the Foreign Office are at the moment structured in a way that inhibits a change in funding policies that would consider applications from private actors on a commercial basis by exerting tremendous transaction costs upon the Foreign Office in order to change their entire funding process.

In order to counteract these constraints, the German Foreign Office would need to formulate a much more complex, comprehensive system of need definition and evaluation. Furthermore, a needs assessment of a business model would prove more complicated and time-consuming than that of an NGO, as it would be necessary to calculate the costs of product and process develop-

⁴⁷ Companies with a new technology concept may demonstrate financial need to the extent that they would otherwise not make the investment in the further research and development due to lack of funds in combination with the high risk level of operating in a developing or transition country. Also, other non-quantifiable types of needs exist, such as access to certain markets or legitimacy that cooperation with public actors might offer.

⁴⁸ See Auswärtiges Amt. *Konzept zur Förderung von Vorhaben der Humanitären Hilfe aus Kapitel 0502 Titel 68712*. R. VN05. Berlin, 2007, p. 8. The exact phrase reads: “To the extent possible, the applicant [for funding] should, under its own responsible direction, cooperate with experienced and capable, non-profit-oriented executing partners in the partner country.”

Figure 2. Decision Process for BMZ Grants/Contracts



Source: Author (based on BMZ interviews).

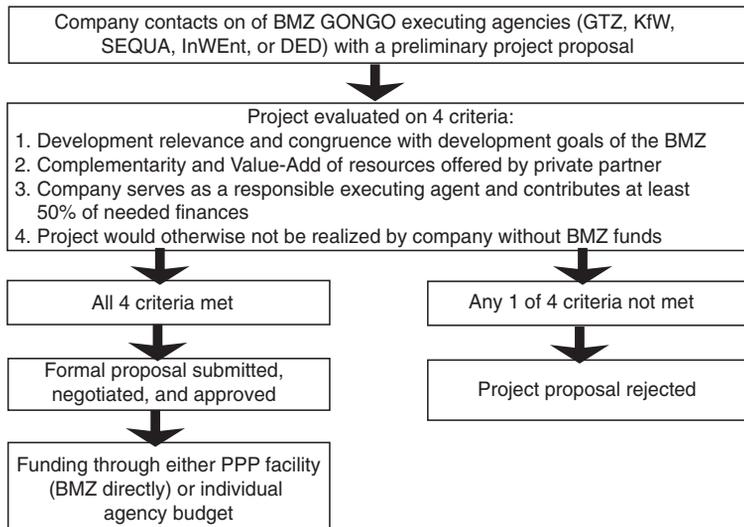
ment, market research and product testing of a business plan rather than the expected operation costs of output as would be the case for NGOs or international organizations.⁴⁹

An added structural constraint relevant for transition costs lies in the emergency nature of the disaster response aid, which makes the ability to decide on fund allocation quickly very important. Establishing a new relationship with business takes time. Long-established relationships between the German Foreign Office and NGOs and international organizations in this respect build a further barrier to new cooperation with the private sector also for preparedness projects that are not subject to the same emergency nature. Because the same team handles emergency response and disaster preparedness, it is easier for them to work with the same partners for both.⁵⁰

The left-hand column of the diagram above depicts the path for applicants other than the German Development Bank (KfW in the charts) and the German Technical Cooperation Agency (GTZ). This general application process, relevant for the contracting out of early warning systems for example, is open exclusively to international organizations and NGOs. The right-hand column shows the process through which the Agency and the Development

⁴⁹ This policy thus could possibly be causing the organizations to miss out on important technological innovations that could in the long run enable them to carry out their work in a more efficient and effective manner.

⁵⁰ In the Coordinating Committee for Humanitarian Aid, Tyderle of CARE commented that mostly short-term projects are discussed, so that it “would make no sense to form a PPP,” which remains predominantly a constellation of development assistance, but not humanitarian aid. While Tyderle attributed this divergence to the emergency nature of disaster response and the longer timeframe needed to work out a cooperation constellation with business where the private sector would also take on project responsibility (as opposed to simply fulfilling a specific contract for a product or service), the emergency nature does not explain why no commercial projects exist in the area of disaster preparedness and risk reduction, as this area involves longer-term planning.

Figure 3. PPP Opportunities with the BMZ

Source: Diagram based on BMZ 2004a: 81–95.

Bank realize the general contract in the form of a specific project application. As seen above, the bank must serve as the main executing agency but the agency may contract out the execution of a project to a private company if it lacks the needed competencies or capacity to carry it out itself. However, no such instances yet exist in the area of humanitarian assistance largely due to the fact that it is not the main focus of the German Technical Cooperation Agency.

A completely separate process exists for companies that wish to engage with the German Federal Ministry for Economic Cooperation and Development (BMZ in the charts below) through their executing agencies in the form of a partnership for development aid, although no such projects exist in the humanitarian field.

As seen above, no one entry point exists for partnerships. However, the Public Private Partnership desk maintains an overview of partnerships funded through its ministry. The fact that the desk reports that they would be perfectly open to partnerships also in the area of emergency and transition aid even though the desk for emergency and transition aid itself has a policy of not collaborating with business suggests that organizational rather than ethical constraints drive this decision.

Rather than having an open application procedure and evaluating the need of the organization, the German Ministry—like many donor organizations—formulates a project idea and invites a select few organizations⁵¹ with which they have had a positive experience in the past to apply. Additionally, they may invite new partners, but in such a case, these few organizations are taken from the database of certified NGOs or international organizations with an exceptionally good rating and a documented specialization profile that would fit the needs of the Ministry for the particular project. Although the basis for funding decisions is a different one

⁵¹ Interview with ministry officials.

than for the Federal Foreign Office, the Ministry nevertheless utilizes a similar database, in which only NGOs and international organizations can be found. This database acts as an expedited certification tool, as all organizations listed have been investigated and had their activities quite extensively monitored independently.⁵²

The lack of a pre-certification for potential business partners presents a structural barrier so strong that it would be unimaginable for the Ministry to engage with new partners unless an external actor created such a database. Time and staff costs necessary to create a new database are also high enough to warrant the switching costs to business too high to bother. In this sense, after the policy and practice of cooperating with NGOs and international organizations came to be and these traditional partners became captured in a database upon which the Ministry learned to rely, entrance barriers became high for new types of partners.

Yet another factor giving non-profit actors an advantage over for-profit entities stems from their status as tax exempt. Because the Ministry prefers cooperating with German NGOs, working with these partners instead of for-profits amounts to a cost savings of 19 percent (level of taxation for such contracts in Germany). An automatic cost increase of 19 percent for switching to a for-profit actor presents a significant barrier to change in current policy on the basis of a very pragmatic cost-benefit analysis.

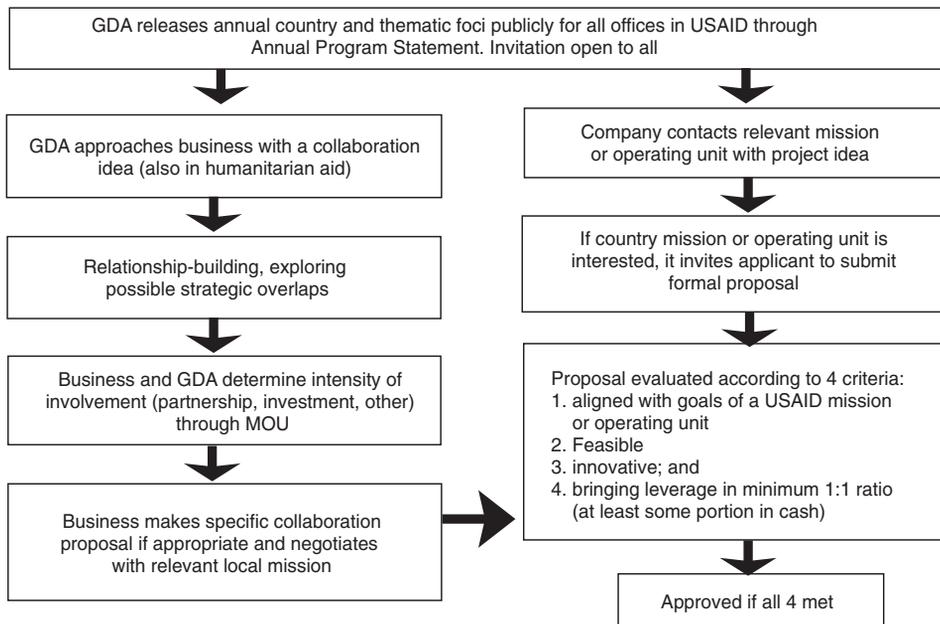
Structural Constraints in U.S. Disaster Assistance Organizations

As in Germany, more than one office of the U.S. Government carries responsibilities for humanitarian disaster assistance. Within the Bureau for Democracy, Conflict and Humanitarian Assistance (DCHA) of USAID, the Office of U.S. Foreign Disaster Assistance (OFDA) plays a dominant role in coordinating disaster assistance from the United States government.

Before the founding of the Global Development Alliance in 2001, OFDA used local missions or headquarters as a point of contact for business proposals and published tenders openly so that business could also apply. Because the Foreign Assistance Act of 1961 allowed for private sector engagement from the very beginning of U.S. humanitarian aid policy, intensifying private sector engagement over the years did not cause much extra cost to any of the aid organizations. Most already engaged on some level with the private sector through announcing tenders for aid projects. A new level of USAID-private sector engagement emerged with the founding of the Global Development Alliance in 2001. OFDA as well as other USAID agencies began to rely on the GDA for their collaboration with the private sector. The Alliance became a single entry point for businesses interested in cooperation with USAID.

The Global Development Alliance office announces annual geographic and thematic foci through its Annual Program Statement and posts them on an open portal, allowing free and equal access for all non-profit and for-profit actors to react to the invitation for relevant project proposals in addition to contracts for USAID projects, which are also announced. While in

⁵² A Ministry representative emphasized the importance of a certification database that allows them to complete their work quickly while at the same time carefully assessing the risk involved in collaborating with each organization. Likewise, she acknowledged that the lack of such a system for the private sector makes engaging with business in an emergency setting much riskier for the Ministry. Were the Ministry to ever reconsider its policy, the creation of such a pre-certification system for business would be an absolute must.

Figure 4. USAID Private Sector Collaboration through Global Development Alliance

Source: Author based on USAID 2008b: 15–18 and interviews.

Germany it would cost the Ministry and the Federal Foreign Office more time (and thus staff expenses) to open up their announcement process for project execution to new partners, including for-profits, such an open process is most cost-efficient for USAID agencies, including OFDA and the Alliance.

One important structural difference in comparison to Germany relates to the use of a separate Controller's office for due diligence evaluations of companies that apply for a contract. Because all USAID offices moreover have a policy of reinvestigating due diligence for old as well as new partners, no real advantage exists for long-standing partners.⁵³ Their evaluation costs are if at all insignificantly less than that of a new partner for USAID. Also, in order to evaluate the feasibility of a new project proposal, the regional project officer assesses it together with a controller with a business background. In this way, OFDA is not constrained by the backgrounds of their immediate staff, most of which come from NGO, international organizations or government backgrounds rather than the private sector. Although OFDA still awards the majority of their contracts and grants to NGOs or international organizations, a flexible evaluation structure allows the application process to remain open to all.

⁵³ This was confirmed through interviews with the Office of Acquisition and Assistance of the Global Development Alliance. The reason for this is that any old and trusted partner could have received bad audit reports or had legal action taken against them since the time of the last collaboration with USAID. Re-evaluation serves as an added tool of risk-management that simultaneously almost equalizes the cost of evaluation for long-standing and new partners.

Conclusions and Recommendations

Keeping in mind the commonly cited concerns of cooperating with the private sector mentioned at the beginning of this paper, this study found very little cause for concern in engaging in the types of commercial collaborations it profiled. Of the operational contractors, many were rather small and dynamic rather than large. Even the large contractor for the Famine Early Warning Systems Net, Chemonics, was not the only entity to win this contract and the specific skills, which could create a certain degree of dependence, proved connected to local experts rather than the contractor. Certainly in the case of the re-insurance companies, dependency is not an issue. The only company that had direct contact with the humanitarian setting is Chemonics and because their activities always involved local and sometimes additionally international participation, this study found that its commercial nature had no substantial impact on the results of the work, which even Food and Agriculture Organization's Global Information Early Warning System Chief labeled "fundamentally similar" to that of a non-profit initiative.

Recommendation 1 for Donors: Increase commercial engagement particularly in initiatives that require no added cost or risk due to built-in structures of checks and balances.

While it would extend beyond the bounds of this study to look into every type of donor-commercial engagement, collaborations similar to those profiled here present little added risk or cost and offer broad benefits for beneficiaries in a disaster context. For example, both index-based weather insurance schemes rely on independent weather agencies to measure whether a natural event hit the necessary trigger levels for a payout. Additionally, the Caribbean Catastrophe Risk Insurance Facility even includes a beneficiary in their Board of Directors. In this way, monitoring and evaluation of both the governance of funds and the appropriate payouts to beneficiaries occur without extra effort. Rather, the structures of the initiatives guarantee accountability of commercial actors vis-à-vis beneficiaries. Also, because the Famine Early Warning System Network relies heavily on local NGOs, weather agencies and research institutes for their information, the commercial nature of the operating company, Chemonics, loses importance. Inclusive participation by the non-profit and public sectors provides accountability controls in favor of beneficiaries. Because accountability remains the main source of risk for donor-business engagement, increasing engagement within these types of controlled constellations would prove a reasonable starting point.

Recommendation 2 for Donors: Where they exist, dispose of limiting regulations that prohibit for-profit cooperation across the board in humanitarian assistance and conduct a cost-benefit analysis of increasing cooperation with the private sector in certain areas.

The structural comparison between the United States and Germany illustrated the need for caution when assuming that the reasons for non-engagement with commercial actors beyond small procurement projects reflect moral preferences for non-profit actors. Structures and their practical consequences within donor organizations often play a decisive role in determining whether the organization chooses to participate with business in disaster preparedness. Each organization should assess what constraints exist for them and whether the costs of amending them are worth the benefits they bring in the long term. Changing structural constraints does not automatically mean that a donor will significantly intensify commercial

engagement at the expense of other partners, but would leave the option open for participating in new and innovative solutions with commercial partners as it sees fit.

Recommendation 3 for Donors: Reach out to international organizations and other partners to enable joint efforts in reducing structural barriers to increased cooperation with the private sector and other partners.

International organizations such as the World Bank or even consultancy firms can help ECHO or bilateral donor organizations reduce limitations by 1) conducting feasibility research for and facilitating (re)insurance schemes in cooperation with other actors and 2) by working to create a pre-certification tool which would reduce the transition-cost-disadvantage that exists for new players in the humanitarian field. A conglomerate of donor organizations could also pool together to fund such a tool, which would reduce costs for all donors seeking to expand their portfolio of cooperation partners in humanitarian aid.

Recommendation 4 for Donors: Continue the shift from response funding to investment in preparedness while understanding that preparedness and risk reduction will never entirely eliminate the need for response.

In addition to long-term cost advantages, disaster preparedness rather than response initiatives are more likely to contribute to building local capacity, as demonstrated particularly by the Caribbean Catastrophe Risk Insurance Facility and LEAP initiatives. Despite its advantages, this study found a general lack of preparedness projects (both for- and non-profit in comparison to response) and it would serve donors to continue increasing their funding for innovations in this area. Nevertheless, as the Caribbean insurance facility directors emphasized, donors should perceive preparedness initiatives as complementary to response. Catastrophe insurance with the Caribbean facility, for example, aims to cover 10 percent of a country's exposure and provide immediate liquidity rather than replace the need for response altogether. Donors should consider these factors in planning their budgets in humanitarian assistance.

Chapter 16

Humanitarian Assistance and Corporate Social Responsibility

Lothar Rieth

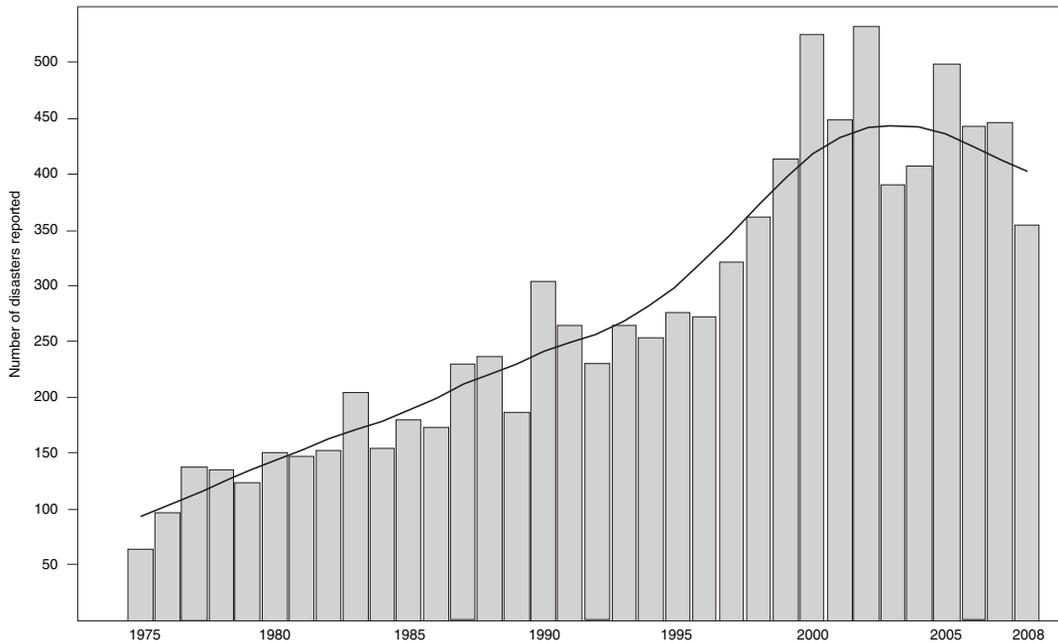
This chapter addresses the potential for non-commercial business engagement in humanitarian assistance, with a particular focus on disaster relief. With only a few exceptions, the potential for corporate contribution to disaster relief operations has previously not been fully realized. There have only been a few partnership projects between corporations and the UN or corporations and civil society organizations. In addition, major donors such as the EU and national implementing agencies have been quite hesitant and disinterested in cooperating with business actors in the aftermath of natural disasters.

An examination of different types of non-commercial business engagement in the past and corresponding business motivations constitutes the starting point for the analysis. Motivations and conditions under which businesses engage in natural disaster response are identified. In conjunction with current donor policies, the potential of non-commercial business engagement and its major obstacles are discussed. General and detailed policy recommendations are formulated.

Owing to financial constraints this chapter is based primarily on desk research. Secondary sources, grey materials and interviews were used to gather information as field visits were not possible. Nevertheless, a thorough examination of the issues at hand was possible and the results of this study show that business contributions to disaster relief can constitute functional supplements to disaster recovery operations, but in the short and mid-term perspective will only complement, not replace, public sector and civil society efforts. The analysis underlines two aspects: by definition business contributions, be they commercial or non-commercial, do not fully comply with the fundamental humanitarian principles of impartiality, independence and humanity. Yet, if ground rules for non-commercial business engagement can be established, then the potential contribution of business can be realized in natural disaster recovery. If properly crafted, partnerships with corporate actors can significantly contribute to improved humanitarian aid operations on the ground by providing additional financial and non-financial resources, thus making humanitarian aid more effective and, at times, more efficient.

History of Disaster Response—An Overview

On the whole, states in western Europe, North America and most other OECD countries cope very well with the effects of medium-sized natural disasters. Local institutions, such as fire brigades, police, military, federal agencies for technical relief, the Red Cross and other civil society organizations, are able to provide sufficient humanitarian assistance such that state governments are not forced to call for international assistance. In the cases of Hurricane Lothar in

Figure 1. Number of Natural Disasters 1975–2006

Source: <http://www.emdat.be/Database/Trends/trends.html>.

western Europe in 1999, the Oder river flood in Poland and Germany in 1997, or the heat wave in France in 2003, state agencies in cooperation with other national actors were more or less able to manage the major consequences of natural disasters. Yet non-OECD countries, such as those in regions with low or uneven levels of development, are often located in disaster-prone regions and are more often affected by natural disasters.¹

Owing to governance gaps, state agencies in non-OECD countries have had more problems providing public goods in the aftermath of natural destruction. Examples include the tsunami in southeast Asia in 2004, Cyclone Nargis in Myanmar in 2008 and the earthquake in Sichuan, China in 2008. Yet even OECD countries have become more dependent on external assistance to overcome the consequences of natural disasters, as demonstrated by Hurricane Katrina in 2005 in the Gulf of Mexico. External assistance in this and other cases was not been limited to state actors and civil society organizations; business actors have increasingly become involved in disaster relief efforts.

In addition, climate change has caused the magnitude, sheer number, scale and quantity of natural disasters to increase over time.²

As a result of governance gaps and resource deficiencies, governments, even when working with civil society organizations, have at times been unable to provide adequate remedies and

¹ See: http://www.adrc.or.jp/publications/databook/ORG/databook_2006_eng/pdf/chapter3.pdf, last accessed November 15, 2008.

² Ibid.

perform necessary relief functions. In the past decade, business actors have become increasingly important in international politics, utilizing material and organizational resources to take on corporate responsibility and contribute to the production of public goods.³ As a consequence, business actors have become more active in humanitarian relief operations and have recently made significant contributions.

So far, there is little systematic knowledge among practitioners or academics as to whether and under what conditions business can make significant contributions to humanitarian relief efforts.⁴ This chapter attempts to shed some light on various facets of non-commercial business engagement in disaster response operations. It starts by assuming there is potential for philanthropic business engagement in humanitarian assistance i.e. that business actors do not engage in and contribute to disaster relief efforts solely with a short-term aim to generate revenues or profits.

In the second section, an overview of four natural disasters is presented. Based on in-depth business illustrations focusing on companies that display similarities and differences across various industries (Deutsche Post World Net/Germany from the logistics sector; Coca-Cola/ U.S. from the beverage sector; Microsoft/U.S. from the software sector),⁵ three types of business engagement are introduced: donations, volunteering and expertise.

Motivations for business actors to engage in disaster relief operations are described in the third section, looking at societal, outward and inward dimensions. Then, current donor policies on business engagement from major donors, such as Germany, the U.S., and the UK, are presented. In the fifth section, the major aspects of contention of non-commercial business engagement in humanitarian relief are discussed, followed by a number of concrete policy recommendations.

Methods of Non-Commercial Business Engagement in Natural Disasters

To illustrate recent corporate contributions in natural disaster relief efforts, this section provides an overview of non-commercial business engagement methods in natural disasters. Four different natural disasters—Tsunami 2004, Hurricane Katrina 2005, Cyclone Nargis 2008, Earthquake Sichuan 2008—were examined to analyze public and private actor contributions to

³ M. Edwards and S. Zadek, *Governing the Provision of Global Public Goods: The Role and Legitimacy of Nonstate Actors*; I. Kaul and United Nations Development Program, *Providing Global Public Goods: Managing Globalization* (New York: Oxford University Press, 2003), pp. 200–224.

⁴ Academic papers on corporations and their contributions to disaster relief efforts are rare: There is a literature review in A. Muller and G. Whiteman, “Exploring the Geography of Corporate Philanthropic Disaster Response: A Study of Fortune Global 500 Firms,” *Journal of Business Ethics* 84 (2009), pp. 589–603.

⁵ See A. Binder and J.M. Witte, “Business Engagement in humanitarian relief: key trends and policy implications,” Humanitarian Policy Group, Overseas Development Institute, London, 2007. In general, three general categories of non-commercial business engagement can be distinguished: single company engagement, partnerships and meta-initiatives. Single company engagements are launched and implemented by a single corporation. Meta-initiatives involve corporations and other actors that cooperate in order to enhance coordination in humanitarian relief work and share lessons learned. Partnerships are voluntary and collaborative efforts that bring together actors from public and private sectors with the goal to achieve a common objective. They are most important to institutionalize long-term collaboration and crucial platform for learning experiences which could lead to best practice examples and could be replicated by other actors.

Table 1. Overview of Surveyed Natural Disasters

Name	Casualties & Damage (costs)	Business Contributions
Tsunami 2004	Casualties: 230,000. Damage: Approx \$2 billion allocated for recovery efforts.	<ul style="list-style-type: none"> • Monetary donations and matching funds. • Donation of medicines, tents, food and clothing. • Applied key expertise, e.g. IT, logistics and consultancy of NGOs to improve the course of relief efforts. • Volunteering by employees.
Hurricane Katrina 2005	Casualties: Over 1,800. Estimated damage: \$81 billion.	<ul style="list-style-type: none"> • Monetary donations and matching funds. • Donation of medicines, healthcare products, food and software. • Applied key expertise in IT, logistics and consultancy. • Volunteering by employees.
Cyclone Nargis 2008	Casualties: 134,000. Estimated damage: more than \$10 billion.	<ul style="list-style-type: none"> • Monetary donations and matching funds. • Donation of medicines, tents, food. • Ensured coordination of donations. • Applied key expertise e.g. set up web-pages as information resource, stored and distributed needed materials. • Volunteering by employees.
Earthquake China 2008	Casualties: 69,000. Estimated damage: approx. \$150 billion.	<ul style="list-style-type: none"> • Monetary donations and matching funds • Donation of medicines, tents, food and employee blood donations. • Applied key expertise e.g. free IT support to local enterprises. • Volunteering by employees e.g. re-construction help.

humanitarian relief efforts. A detailed overview of the four natural disasters can be found in the third section of this study. Table 1 provides a brief overview of each.

Methods of Non-Commercial Business Engagement in Disaster Response

In these four disasters non-commercial business engagement occurred in all three of the ways businesses engage in philanthropic relief efforts: donation of funds, volunteering or delegating of personnel and the provision of key expertise.

Donation of Funds

The most common type of philanthropic engagement to disaster relief is to donate money to international organizations, civil society organizations or directly to governments. There are different types of donations: company donations; employee donations; and matched funds. Matched funds are usually limited to a specific amount per employee.⁶

⁶ See Business Matching Funds in response to Earthquake Disaster in China; http://www.uschamber.com/bclc/programs/disaster/chinaearthquake_donations.htm.

Volunteering and Delegation

Recently, more companies have taken part in volunteering programs in which companies exempt their employees from work so they can participate in relief efforts. There are two types of volunteer employee engagement: in the first, employees do whatever tasks are needed (the classic type of volunteering); in the second, employees are delegated as experts, making available their knowledge and expertise.

Companies who have facilitated staff volunteering or participation in disaster response include IBM (hard and software producer), Deutsche Post World Net (logistics) and TNT (logistics).

Application of Key Expertise

More often companies bring in their core expertise to disaster relief efforts.⁷ This is done by either offering knowledge, material resources, or both. The line between companies applying key expertise and those volunteering is blurred, particularly in case of knowledge provision. The range of offered core competences varies from providing and improving logistical systems, supplying computer hard and software, to consulting business partners. For example, Deutsche Post World Net has set up a partnership with the United Nations Development Program and the United Nations Office for the Coordination of Humanitarian Affairs to provide “the management of complex logistics and transportation processes”⁸ to respond to natural disasters. Microsoft has set up IT systems for public and civil society organizations to coordinate relief efforts, and Coca-Cola has provided bottled water to people in disaster regions.

The nature of non-commercial business engagement in disaster relief operations has changed significantly over time. Previously, business corporations limited themselves to donations of funds. Today they are more willing to make use of their core business resources: personnel, infrastructure/material and expertise. Donations of funds can be made by any company, whereas only some companies can make their goods and services available. These engagements can therefore be differentiated by the type of business contribution to disaster relief efforts. Some companies are able to provide all types of non-commercial business engagement; others are restricted to cash donations as their personnel may not be available and their goods and services not suited for disaster relief efforts.

Overview of Business Engagement in Four Natural Disasters

The 2004 Tsunami in Southeast Asia

On December 26, 2004 large parts of southeast Asia were hit by a tsunami created by an underwater earthquake measuring 9.0 on the Richter scale. The waves hit the coasts of Sumatra, Sri Lanka and Thailand, causing the death of more than 230,000 people.⁹ Apart from the

⁷ See http://www.gppi.net/fileadmin/gppi/TDHA1_Conference_Report.pdf.

⁸ See <http://www.dhl.gr/publish/gr/en/press/release/2005/151205b.high.html>.

⁹ See <http://www.who.int/bulletin/volumes/83/2/editorial10205/en/> and http://www.cof.org/files/documents/international_programs/disasterguide.pdf.

high death toll and thousands of people suffering due to the destruction of their livelihoods, the disaster had a significant impact on the environment as well. Coral reefs and marine and coastal habitats were destroyed, which was the main income for fishing communities along the coast. Due to the flood of sea water across agricultural land, harvests for the following years were destroyed. The flood also affected the groundwater, so people were in need of potable water. Huge efforts were made to provide financial and non-financial remedies needed in the aftermath of the destruction.¹⁰

Comparing Non-Business and Business Relief Providers¹¹

After the tsunami hit southeast Asia, external state actors supplied most of the food, emergency and medical aid. They focused their engagement on response coordination and reestablishment of infrastructure, e.g. building water purification plants and houses. Several states undertook long-term missions to rebuild the basic needs for people's livelihoods. Provision of food, emergency and medical aid, such as the supply of tents, blankets, sanitary facilities and antibiotics, has been the main task of international organizations. International organizations engaged in the response coordination and supply of materials required for general living as well as the establishment of disaster preparedness measures, such as early warning systems. NGOs first provided food and medical aid and contributed to the response coordination immediately after the tsunami. Later they were engaged in several long-term missions, focusing on humanitarian aid, reconstruction and capacity building. In contrast to this, business actors primarily made monetary donations and were involved in logistics, such as aircraft and vehicles to transport urgently needed material, such as emergency and medical aid. Business has subsequently provided IT infrastructure and communication structures, e.g. built websites for tracking casualties and set up platforms where volunteers were able to register with NGOs.

Deutsche Post World Net. Within a day of the tsunami hitting the Asia Pacific region, Deutsche Post World Net provided free delivery of relief materials via planes, vans, flight charters and staff volunteers. Its Airport Emergency Team was deployed and assembled resources and expertise to set up working flows at airports so that relief efforts could be sent directly to regions in need.¹² Deutsche Post World Net also provided storage space in its warehouses for relief material. Deutsche Post World Net donated \$1 million and its employees' donations totalled around \$500,000.¹³

*Coca-Cola.*¹⁴ The Coca-Cola Company engaged in emergency aid after the tsunami hit southeast Asia. The company coordinated with government and non-government actors to provide bottled drinking water as well as basic food, tents, clothes and medical supplies. Later, Coca-Cola also engaged in water supply and public sanitation programs for several villages.

¹⁰ An estimated sum of more than \$2 billion was allocated for recovery efforts. For an overview of financial and non-financial relief efforts see <http://www.un.org/apps/news/story.asp?NewsID=12972&Cr=tsunami&Cr1=>; and <http://www.relief-web.int/rw/rwb.nsf/db900sid/RMOI-6KF8KS?opendocument&query=earthquake%20China%20business%20engagement>.

¹¹ This assessment is primarily based on UN OCHA reports: http://ocha.unog.ch/fts/reports/daily/ocha_R10_E14794_asof_08082117.pdf.

¹² See <http://www.csrwire.com/PressRelease.php?id=3358>.

¹³ See <http://www.dhl.co.th/publish/th/en/press/Localpress/2006/101005.high.html>.

¹⁴ See http://money.cnn.com/2004/12/30/news/fortune_500/corporate_aid/.

Coca-Cola provided transportation and distribution assistance as well as \$2.1 million in monetary donations (including \$50,000 in contributions from Coca-Cola employees and affiliates).

*Microsoft.*¹⁵ Microsoft has been involved in affected countries by building partnerships with governments, NGOs and international organizations. Other measures included the development of websites to give volunteers the possibility of registering for work with NGOs; setting up a satellite communications structure; and creating a casualties tracking application. Within two days of the disaster, Microsoft gave \$250,000 to local relief agencies in Asia. Later on it made a corporate contribution of \$2 million to international relief agencies and matched the funds of over 8,000 Microsoft employees who donated more than \$2 million for relief efforts. In addition, employees engaged in food and clothing collection as well as the purchase of relief materials and sending them to affected areas.

Hurricane Katrina in the U.S. in 2005

Katrina, a Category 5 hurricane, formed over the Bahamas on August 23, 2005 and hit the north-central Gulf Coast of the United States. It was the costliest hurricane in the United States' history—the storm is estimated to have been responsible for \$81 billion in total damages.¹⁶ At least 1,833 people¹⁷ lost their lives in this hurricane and in the floods caused by Katrina, making it the deadliest U.S. hurricane since 1928. It damaged power supply lines, leaving 2.6 million people without electricity for several weeks. People had to be evacuated and had to endure severe material damage or loss of their houses and lived without income for months.¹⁸ Those who remained in the hurricane-affected area for weeks faced dehydration, due to the lack of uncontaminated potable water, and were susceptible to illnesses caused by food poisoning due to the floods in the aftermath. The lack of shelter and sanitary facilities and growing concerns that refineries and sites of chemic industries could have polluted the floodwaters triggered the need for immediate technical and medical help.

*Comparing Non-Business and Business Relief Providers*¹⁹

In the aftermath of Katrina, the U.S. government and international organizations immediately provided emergency aid, food and logistic supply. Later on, international organizations engaged primarily in re-establishing IT and communication infrastructure, whereas the state sent mainly relief personnel and technical equipment to manage the immense masses of water following the hurricane, such as pumps, boats and even troops. NGOs primarily provided food and emergency aid while maintaining communication channels, such as broadcasting radio programs with latest news about damages, casualties and relief operations. Most of the business engagement in relief efforts consisted of provision of logistics, medical aid and food supply. Some businesses also provided help in response coordination and IT infrastructure.

¹⁵ See <http://www.microsoft.com/presspass/press/2005/jan05/0106TsunamiFS.mspx>.

¹⁶ http://www.nhc.noaa.gov/pdf/TCR-AL122005_Katrina.pdf.

¹⁷ See http://www.nhc.noaa.gov/pdf/TCR-AL122005_Katrina.pdf.

¹⁸ See http://www.brookings.edu/opinions/2005/0927demographics_singer.aspx.

¹⁹ This assessment is primarily based on UN OCHA reports: http://ocha.unog.ch/fts/reports/daily/ocha_R10_E14794_asof_08082117.pdf.

Deutsche Post World Net. Deutsche Post World Net made use of its standby Disaster Response Team, which works closely with UN OCHA. The team supported USAID and the Office of Foreign Disaster Assistance with transportation and logistical expertise. As well as unloading and reloading aircrafts and sending shipments to the correct locations, the team delivered supplies from all over the world to the affected areas by plane. DHL contributed direct donations of \$1 million to the American Red Cross in support of the DRT and matched \$200,000 in employee donations.²⁰

Coca-Cola. In the aftermath of Hurricane Katrina, The Coca-Cola Company shipped more than 30 million bottles of filtered water, juice and other beverages to relief organizations. Additionally, the Coca-Cola Company and Foundation together made a \$5 million monetary contribution to several relief organizations.²¹

*Microsoft*²² Microsoft donated \$1 million to international organizations and funds immediately after the hurricane for relief efforts, while employees contributed over \$1.7 million to disaster relief efforts; this amount was matched by the company. Later on Microsoft donated another \$1 million to organizations involved in rebuilding affected areas. Additionally, Microsoft contributed \$5 million in technology assistance, software donations and services committed to the relief effort.

2008: Cyclone Nargis in Myanmar and the Sichuan, China Earthquake

On May 2–3, 2008 Cyclone Nargis hit Myanmar with peak winds of 200km/h.²³ The cyclone destroyed the homes of at least 2.4 million people, and left 134,000 dead or missing. Estimated damages of \$10 billion make it the most damaging cyclone ever recorded in the region.²⁴ The enormous flooding not only destroyed buildings; it polluted potable water, leaving people without shelter and forced to use collected rainwater for drinking. Nargis destroyed the main income sources, of fishing, fish-processing facilities and paddies.²⁵

On May 12, 2008 an earthquake measuring 7.9 on the Richter scale²⁶ struck of Sichuan, China. It killed 70,000 people, injured 350,000 and left five million homeless. It was the deadliest and most costly earthquake in China since 1976,²⁷ with estimated disaster relief costs of \$150 billion.²⁸ Damage to infrastructure, roads and electricity supply made it difficult for res-

²⁰ See <http://www.dhl.com/ng/publish/ng/en/about/citizenship/katrina/130905.low.html>, last accessed August 2008.

²¹ See www.ameribev.org/news-resources/beverage-industry-info/beverage-industry-fact-sheet/download.aspx?id=62.

²² See <http://www.microsoft.com/about/corporatecitizenship/citizenship/giving/programs/katrina.mspx>.

²³ See <http://ochaonline.un.org/cap2005/webpage.asp?Page=1665>.

²⁴ See <http://www.thestar.com/article/427381>.

²⁵ See <http://www.irinnews.org/Report.aspx?ReportId=79298> <http://www.irinnews.org/Report.aspx?ReportId=79198>. [http://myanmar.humanitarianinfo.org/recovery/Technical Guidance/Myanmar's Cyclone Nargis Recovering Food Security and Livelihood Strategies.doc](http://myanmar.humanitarianinfo.org/recovery/Technical%20Guidance/Myanmar's%20Cyclone%20Nargis%20Recovering%20Food%20Security%20and%20Livelihood%20Strategies.doc).

²⁶ See http://topics.nytimes.com/top/news/science/topics/earthquakes/sichuan_province_china/index.html, last accessed August 13, 2008.

²⁷ See <http://www.reliefweb.int/rw/rwb.nsf/db900SID/KKAA-7HC2D8?OpenDocument&rc=3&emid=EQ-2008-000062-CHN>.

²⁸ See <http://en.epochtimes.com/news/8-5-26/71022.html>.

cue teams to reach people in need. River blockages and landslides caused ‘quake lakes’ and polluted potable water.²⁹

*Comparing Relief Efforts by Non-Business and Business Providers*³⁰

In the aftermath of Cyclone Nargis, states and international organizations were primarily engaged in the provision of food supplies. State actors, like Canada, coordinated the response of humanitarian partners and donors, and provided emergency aid (donated tents and materials to provide minimum living standards), medical supplies and aid to rebuild infrastructure. Other state actors provided logistics, e.g. set up flights of relief supplies and established basic livelihood needs (such as repairing fishing boats, providing machinery and animals for farmers). International organizations focused on response coordination, emergency aid and medical supply, followed by rebuilding local infrastructure and securing people’s livelihoods. NGOs were engaged in emergency aid and food supply. Business actors mainly contributed medical supplies, emergency aid, food donations and provided logistics. IT infrastructure, such as laptops to NGO staff working in the affected areas, was solely provided by business actors.

In the aftermath of the earthquake in China, many states and international organizations provided emergency and medical aid as well as food supply. NGOs engaged first in food supply, emergency and medical aid. The International Red Cross took over the important role of response coordination. Businesses contributed mainly to emergency and medical aid; however, some engaged in setting up IT infrastructure and provided logistics.³¹

Deutsche Post World Net. In Myanmar, the Disaster Response Team of Deutsche Post World Net managed a humanitarian warehouse for three weeks by providing technical expertise and equipment. From this facility supplies were directed through several local NGOs.³² Deutsche Post World Net also donated €93,000 for disaster relief.

In Sichuan, China, Deutsche Post World Net provided help in the form of an almost €100,000 donation for the Chinese Red Cross relief efforts. Moreover, Deutsche Post World Net businesses in China worked together, supporting the domestic transportation of relief goods into Chengdu and the affected areas.

Coca-Cola. In the aftermath of Cyclone Nargis the Coca-Cola Foundation Thailand provided 240,000 bottles of water. Several associates from Coca-Cola Thailand and officials from the Thai Red Cross accompanied the water supply trucks to Myanmar. After the earthquake hit China, The Coca-Cola Company sent 20,000 cases of water for the victims. Coca-Cola also donated \$2.4 million in cash and in-kind assistance.³³

*Microsoft.*³⁴ In Myanmar, Microsoft worked in cooperation with OCHA to develop a website for the Myanmar Humanitarian Information Centre.³⁵ In China, Microsoft donated \$125,000

²⁹ See <http://www.guardian.co.uk/world/2008/aug/15/chinaearthquake.china>.

³⁰ This assessment is based on: http://ocha.unog.ch/fts/reports/daily/ocha_R10_E15549_asof__08082117.pdf.

³¹ This assessment is based on: http://ocha.unog.ch/fts/reports/daily/ocha_R10_E15550_asof__08082117.pdf.

³² See <http://www.dhl.com/publish/g0/en/press/release/2008/190508.high.html>.

³³ See http://www.uschamber.com/bclc/programs/disaster/chinaearthquake_donations.htm.

to the Chinese Red Cross and matched the contributions of their Chinese and U.S. staff. The company set up technical assistance through its partnership with NetHope to help large relief organizations prioritize relief efforts. Customers of Microsoft in the affected areas received free technical support to set up and run their technology solutions.³⁶

Motivation for Business Actors to Engage in Disaster Relief

Having described non-commercial business engagement in disaster relief, the rationale for engagement needs to be understood before further conclusions can be drawn on how to attract more business to this policy area. There are several things that motivate business actors. These can be divided into implicit and explicit commercial motives. In public, as can be read on corporate websites and sustainability reports, corporations stress that they want to contribute to humanitarian efforts because they are committed to certain ethical principles. They claim they are willing to take on the role of “corporate citizens.” Internally, implicit mid- to long-term commercial interests are involved as well.

In the past, commercial considerations dominated business approaches toward humanitarian affairs with the aim of having an indirect effect on corporate value.³⁷ When corporations contributed to humanitarian efforts, it was regarded as a public relations campaign or strategic philanthropy.

Over the past two decades, societal expectations of corporations have evolved due to corporate violations of human rights, social standards and the environment. This has had repercussions in disaster relief, while the public did not immediately turn its eye to business actors for additional donations. Instead, some business corporations have made relief a virtue out of potential necessity, and looked for areas to exploit in all fields of activity to improve their public image. They increasingly started donating money and looked into their core competencies, assessing whether they could be used in disaster relief.

Being in the spotlight of public attention anyway, a number of companies decided to proactively achieve two things at once: first, to meet public expectations of being ‘good corporate citizens’ and to behave truly ethically in helping those in great distress in the aftermath of natural disasters; and second, to improve their corporate image and benefit from intangibles, such as a better corporate reputation and better employee morale and motivation.³⁸ The case studies have shown that corporate engagement in humanitarian assistance is an extension of traditional philanthropic corporate citizenship and core business-related corporate social responsibility activities.

There are three drivers for corporate engagement in the field of disaster relief: internal ethical, external stakeholder drivers, as well societal corporate drivers. These three drivers form

³⁴ No detailed information available, see <http://www.microsoft.com/About/CorporateCitizenship/US/ResponsibleLeadership/UrgentDisasterResponse.aspx>.

³⁵ See <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EDIS-7FRRXH?OpenDocument>.

³⁶ See http://www.donorsforum.org/resource/China_Earthquake_Relief.html#member.

³⁷ B. Lev, *Intangibles: Management, Measurement, and Reporting* (Washington, D.C., Brookings Institution Press, 2001).

³⁸ This was stressed by several company representatives in personal interviews.

the basis for corporate engagement in the field of humanitarian aid. A number of obstacles that prevent corporations from becoming even more active agents in this area will be discussed in a brief section at the end.

The Ethical Driver

The ethical driver starts with voluntary contributions, where employee contributions are matched by the employer to a certain maximum limit. These activities are mainly driven by a mix of philanthropic and ethical motivations. Corporations demonstrate commitment to ethical behavior in their reaction to what the public considers right, just and fair. These types of contributions are charitable gifts without direct return considerations, i.e. with no direct financial or material reward to the donor. However, corporations do not engage in matched funding for purely altruistic reasons; they also want to show that they sympathize with public feeling and their employees.³⁹ Although a company's position in philanthropy rankings is important to some degree particularly in the U.S., from an ethical point of view there is no clear direct advantage, but rather an indirect yet implicit intangible economic benefit associated with contributions.

It is interesting to note that American companies donated more to the relief efforts following the Chinese earthquake than after the Cyclone in Myanmar in 2008. This might imply a bias towards those countries that are of more political and economic importance to the U.S., stressing a geographical or regional bias.⁴⁰

The Stakeholder Driver

In addition to philanthropic and ethical considerations, corporations are interested in maintaining a good corporate reputation, particularly in times of increasing criticism about predatory and rampant capitalism. This is achieved by satisfying the expectations of their stakeholders. Corporations engage in humanitarian efforts in order to increase employee motivation and portray a company as an attractive employer. Moreover, through engagement in disaster relief efforts, the brand value of a company and customer attraction might increase, which could lead to higher market shares. Interestingly, these effects can occur in both the home market and in the foreign market where the disaster has occurred. These effects are hard to measure⁴¹ yet corporations still internally justify their engagement by stressing this rather implicit business case.

In this regard some corporate brands are easier to discern than others. It is more effective, from a marketing point of view, when Deutsche Post World Net cargo planes arrive at a capital's airport in a disaster region or when Coca-Cola distributes bottled water directly to earth-

³⁹ Explanation for 'matching funds' given by company representatives.

⁴⁰ http://www.uschina.org/public/china/2008/earthquake_contributions.html.

⁴¹ It is still difficult to actually prove the business case for any type of corporate social responsibility engagement as neither controller nor scientists have yet provided a solid approach. See for example M. Weber, M., "The Business Case for Corporate Social Responsibility: A Company-Level Measurement Approach for CSR." *European Management Journal* 26(4) (2008), pp. 247–261.

quake victims, than when Microsoft provides software that organizes food supply and emergency management in general.

Moreover, corporations tend to cooperate primarily with NGOs and United Nations organizations, which are considered the experts in humanitarian affairs, have positive reputations, and thus convey a high degree of credibility. By cooperating with positively-viewed partners, corporations can improve their public humanitarian image without giving much in return, as many civil society representatives have stressed and criticized.⁴² There is no obligation for companies to engage. They can pick and choose because their engagement is discretionary. Neither UN organizations nor civil society groups can put any pressure on corporations. In most instances, the corporations decide to what degree they want to become involved.

The Internal Corporate Driver

Economic motivators with a potential financial payoff also play a crucial role in corporate investments in humanitarian affairs. Although companies rarely stress these aspects in public (because they are afraid that observers might assume that these aspects govern the degree of involvement in humanitarian relief efforts), economic aspects have to be taken into account when analyzing business engagement in emergency situations.⁴³ This condition can act as a constraint and as driver at different times.

Profit considerations take on the function of a business driver, because by engaging in humanitarian relief efforts corporations have the chance to enter new markets, train employees under extreme circumstances, boost employee morale, put their instruments and standard operating procedure to the test and improve their relationship with state and civil society actors. These factors could lead to new business and less public shaming and reduce NGO campaigns against them.

As pointed out in the first section, more natural disasters take place in developing and transformation countries, where there are new business opportunities.⁴⁴ In remote regions where the populations are largely computer illiterate, software companies such as Microsoft can create the basis for future business sales (although their citizenship and commercial branches are strictly separate). Microsoft is also involved in the One Laptop Per Child project, for ethical as well as financial reasons. This is a prototype win-win situation, where the short and long-term utility functions are followed at the same time. When Microsoft provides hardware and software infrastructure in the aftermath of natural disasters, it is expected that recipient underdeveloped societies will become acquainted with modern software technology. Disaster victims of today might be stakeholders of tomorrow, as customers or as government employees.⁴⁵

⁴² In interviews, this was criticized by several civil society representatives. See also http://www.thirdworldtraveler.com/United_Nations/Bluewash.html.

⁴³ M.Hopkins, *Corporate Social Responsibility and International Development: Is Business the Solution?* (London; Sterling, VA: Earthscan, 2007).

⁴⁴ C. K.Prahalad, *The Fortune at the Bottom of the Pyramid* (Upper Saddle River, NJ: Wharton School Publishing, 2005).

⁴⁵ Interview with Microsoft representative, December 2008.

Coca-Cola's business case for moving into developing communities is obvious. The company thus has an interest in promoting its products and using its personnel in humanitarian operations. Other companies, such as Deutsche Post World Net, deploy personnel in emergency situations, training their employees under severe circumstances and putting their vehicles and management processes to the test. Employees, although specifically allocated to Crises Response Teams for a limited period of time, can transfer their acquired knowledge to regular business activities. The same holds true for the vehicles and procedures. Logistics companies can derive great benefit from demonstrating best practices in extreme conditions and applying them to regular business proceedings. Moreover, employees become highly motivated because they are working for a good cause, thus increasing employee morale.⁴⁶

Furthermore, the close working relationship with public and civil society actors has additional economic benefits. Improved relationships with public actors, such as United Nations organizations and governments, increase the likelihood that some companies will be considered in public procurement. Public organizations that are familiar with the strengths of certain companies and can look back on successful partnerships might also reflect on selecting the same partner for future projects. As a positive side effect, repeated interactions with NGOs can lead to a dismantling of negative stereotypes and a better understanding of the context under which an actor operates. As a consequence, corporations may be less likely to become the target of NGO campaigns. However, companies that get involved in dangerous situations might also run the risk of drawing the public spotlight and attracting additional criticism.

Reasons for Corporate (Non) Involvement in Disaster Relief Operations

Although there are good and profitable reasons for corporations to engage in humanitarian aid and disaster relief operations, there are also issues that, from a corporate point of view, still make it hard for them to take appropriate measures. In this section, some of these reasons will be introduced.

Lack of Coherent Engagement Framework

There are plenty of organizational deficits that make it difficult for corporations to make suitable contributions to humanitarian assistance. If no clear structures or contact points, etc. are established and because at times, states and international organizations are very bureaucratic, the resulting transaction costs make it no longer interesting for corporations to be engaged.

Lack of Specialized Disaster Relief Knowledge

Companies who have never engaged in humanitarian assistance must overcome various obstacles before an engagement can be considered. For example, employees need specialized training in varying disaster relief circumstances and require practical skills like first aid, psychological preparedness or intercultural competencies.

⁴⁶ Descriptions are taken from interview with Deutsche Post World Net representative, June 2008.

Cultural Divide between Public/Civil Society and Private Companies

Public agencies, NGOs and private companies obviously have slightly different foci and motivations for their work. For example, public agencies and NGOs tend to be more need driven while companies can be supply-driven in their view of humanitarian assistance. These variances, in addition to different work mentalities, can make partnerships between different types of organizations difficult. Despite the increase in partnerships, corporations still occasionally encounter strong scepticism from state and civil society organizations about potential collaboration. These actors often assume that corporate actors have a hidden agenda and no long-term commitment but rather a marketing approach. In particular, civil society organizations are afraid that corporations may pull out if engagements become too costly or too politically sensitive. State actors, especially those from development agencies, still very much call into question the true commitment of corporate actors. From their point of view, partnership activities between traditional actors and business can hardly be considered cooperation among equals because they do not share the same share burden of responsibility. Bridging these divides requires time and effort and is a necessary step before successful collaboration can occur.

Product and Service Specificity

Some companies simply do not have goods and services appropriate and required for disaster relief efforts. Even if desirable, not every company has core competencies to offer that are desperately needed in the aftermath of natural disasters. In particular, companies from the food, logistics, infrastructure, IT and pharmaceutical industries are better suited than other companies that have to restrict their engagement to cash donations and to personnel volunteering.

Donor Policies on Non-Commercial Business Engagement in Disaster Relief

Businesses actors increasingly consider contributing to disaster relief efforts but it still remains a niche phenomenon, especially when it comes to non-commercial business engagement in cooperation with the public sector. Business actors do not regard this particular field of humanitarian assistance a typical area for business engagement.⁴⁷ They mainly approach civil society organizations to channel their monetary contributions. This is due to the fact that state actors have not yet set up appealing incentive mechanisms to encourage additional business engagement. A number of reasons, including the lack of a coherent engagement framework, a cultural divide between public and private actors, as well as different policy approaches (need versus supply driven) as outlined in the previous section, account for the slow development of public-private cooperation in disaster relief compared to other forms of public-private cooperation.

⁴⁷ For a general overview of corporate contributions to development, see Michael Hopkins, *Corporate Social Responsibility and International Development: Is Business the Solution?* (London; Sterling, VA: Earthscan, 2007).

Keeping in mind that these factors constitute the main reasons preventing private actors from engaging with public actors in disaster relief efforts, it is also important to take a look at the other side—the donors. Do public policies and approaches to humanitarian assistance and corporate engagement corporations allow for meaningful philanthropic business engagement in disaster relief efforts?

To illustrate the differences across the Atlantic, German, British and EU approaches to non-commercial business engagement are compared with the U.S. approach. In general, the U.S. approach is less hesitant, more open and therefore slightly more advanced on business engagement. Public actors in Germany and the UK are more sceptical and have rarely been approached by private companies. They barely see the need for extra corporate engagement, because of a lack of functional benefits from business contributions in disaster relief operation.

Germany

In Germany, neither the Foreign Office nor the Federal Ministry for Economic Cooperation and Development have yet devised a comprehensive strategy towards corporate engagement in disaster response efforts.⁴⁸ In the aftermath of the 2004 tsunami and its consequences, four public-private partnerships were set up by Germany in Indonesia in infrastructure, micro-finance and education. These partnerships came into being due to good personal contacts and were not part of a systematic endeavor.⁴⁹ Apart from these first four examples, which were coordinated by the Department for Emergency Preparedness,⁵⁰ no business involvement in emergency assistance has been recorded.⁵¹ The office for emergency assistance has been approached several times, but mostly about commercial types of business engagement. In the case of a hypothetical pro bono business offer, it would have to meet the same criteria as any other project proposals.⁵²

United Kingdom

In Great Britain there is no official policy on the involvement of business actors in non-commercial disaster relief.⁵³ However, there are a number of standing arrangements with business actors, such as heavy lift air transport or private protection in conflict areas.⁵⁴ In these

⁴⁸ The Foreign Office supervises a council (Koordinierungsausschuss Humanitäre Hilfe) that coordinates humanitarian aid in cooperation with NGOs. www.auswaertiges-am.de/diplo/de/Aussenpolitik/Themen/HumanitaereHilfe/Uebersicht.html. For an overview of the current German approach to humanitarian assistance: http://www.weltpolitik.net/Sachgebiete/Deutsche_Aussenpolitik/Grundlagen/Grundlagen/kolerus.html.

⁴⁹ The Federal Ministry of Economic Cooperation and Development makes use of integrated public-private partnerships and those that are handled by a public-private partnership facility. <http://www.bmz.de/de/themen/wirtschaft/privatwirtschaft/ppp/index.html?PHPSESSID=9485974c7dd02ed672da3a89e32ff174>.

⁵⁰ <http://www.gtz.de/de/themen/uebergreifende-themen/nothilfe/1817.htm>.

⁵¹ <http://www.gtz.de/de/leistungsangebote/2422.htm>.

⁵² Interview with GTZ representative, September 16, 2008.

⁵³ For an overview of DFID Humanitarian Policy: [http://www.reliefweb.int/rw/lib.nsf/db900sid/HMYT-6QHPP2/\\$file/dfid-humanitarian-policy-jun2006.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/HMYT-6QHPP2/$file/dfid-humanitarian-policy-jun2006.pdf?openelement); DFID guidelines for donations in the case of Disasters and Emergencies Overseas: <http://www.dfid.gov.uk/emergencies/default.asp>.

⁵⁴ Telephone interview with DFID representative, November 4, 2008.

instances, business actors engage with the intention of making a direct profit. A partnership approach is only followed in connection with multilateral organizations and NGOs. In the case of a business inquiry in the field of traditional humanitarian assistance, the Department for International Development would follow a pragmatic approach, deciding on a case by case basis whether the offered products or services would be of any help in a given situation.⁵⁵ These examples are rare and no policy has been established. In general, no systemic business involvement approach in disaster relief has been introduced.

United States of America

USAID introduced the Global Development Alliance in 2001.⁵⁶ As part of its business model for public-private partnership, the alliance focuses on leveraging private sector resources in traditional fields such as infrastructure and environmental protection, and also in natural disasters and complex emergencies.⁵⁷ USAID recognized quite early that partnering with the private sector leverages new and significant resources that can increase the impact of its operations. In the beginning, cooperation with companies occurred separately from USAID's core programs. Since then, private sector involvement has gradually become integral, although it is still far from being considered a mainstream approach.⁵⁸ Currently, the alliance is attempting to devise a systemic approach following the experiences in the 2004 tsunami, the 2005 South Asia earthquake and the 2008 China earthquake. In all of these events, the alliance collaborated with dozens of private partners to raise money, and make use of the core competencies (various goods and services) of private companies. Interestingly enough, USAID has set up mechanisms and has experience in many different phases of natural disasters, such as preparedness, acute response, recovery, reconstruction, etc.

European Commission and European Union

The EU has so far remained hesitant about the role of business in disaster relief efforts. The EU office in charge of humanitarian aid, DG ECHO, only engages with actors who pursue a non-profit aim. As a result, the EU has cooperated only with civil society organizations and international organizations such as the United Nations. However, DG ECHO stated recently in a strategy paper that it will continue its reflection on the role of the private sector in humanitarian aid, hinting that it does not rule out business participation in humanitarian aid completely.⁵⁹ In addition to victim support response to sudden-onset natural disasters (by applying the fast track primary emergency procedure within 24–48 hours, established in 2001),⁶⁰ ECHO has so far concentrated its efforts on disaster preparedness. Moreover, the EU

⁵⁵ DFID offers a number of funding schemes for not-for-profit organizations and the private sector. <http://www.dfid.gov.uk/funding/>.

⁵⁶ Interview with USAID representative. http://www.usaid.gov/our_work/global_partnerships/gda/.

⁵⁷ Internal USAID Working paper 2008.

⁵⁸ Telephone interview with USAID representative, November 2008.

⁵⁹ Brussels, 5.12.2007, SEC(2007) 1664, Commission Staff Working Document, Directorate-General for Humanitarian Aid—“ECHO, Operational Strategy 2008.”

⁶⁰ EU Commission Humanitarian Aid Office (ECHO), *ECHO 2001, Annual Report, A new instrument for speedy intervention in ‘sudden onset’ crises*: http://ec.europa.eu/echo/files/media/publications/annual-review_2001_en.pdf.

has examined its actors engaged in disaster relief efforts. A study by ECHO outlines the different approaches taken so far. ECHO's core mandate, as well as DG RELEX (European Commission's External Relations Department) and DG Development efforts, concludes that the "overall picture can be described as piecemeal, ad-hoc, and partly overlapping."⁶¹

Moreover, the EU is highly interested in improving and scaling up cooperation with its main humanitarian partners, the non-government organizations. They decided to assist civil society organizations by strengthening their response management capacity and accountability mechanisms. In a number of official documents the EU stresses that a number of EU projects are carried out either by non-governmental organization or specialized United Nations agencies, such as UNICEF, OCHA, WHO and WFP and local NGOs and authorities, with no particular mention of business as a potential strength in disaster relief efforts.⁶² Many of these organizations work with the private sector themselves, and can assist both in the delivery of aid and in the EU's efforts to strengthen their main partners response capacity. However, only time will tell if the EU changes its position on the role of the private sector.

Future Potential for Non-Commercial Business Engagement in Disaster Relief

In general, corporations on both sides of the Atlantic do not regard themselves as the key actors to address hardship and mitigate suffering in disaster relief operations. However, there are a number of situations where companies can make significant contributions, particularly in times of reduced official development assistance rates in OECD countries. The most recently published numbers of the OECD in early December 2008 show that the total official development assistance of all OECD countries is decreasing. Looking at the 2007 figures, only a few countries, such as the EU and Germany, have slightly increased their official development assistance (ODA).

The statements made by government representatives at the "Follow up International Conference on Financing for Development" in Doha, Qatar in 2008 echo severe scepticism about whether the current financial crises have had more of an effect on development aid than expected. Keeping in mind that all preceding financial crises had strong negative repercussions on OECD countries' willingness to keep the same assistance levels in the short-term or make new commitments in the mid and long-term, it is too early to tell if the current crises will have greater or lesser effects than previous ones on aid flows.⁶³

Despite decreasing aid flows and continuous criticism of transnational companies in general, companies are considered 'natural' candidates to contribute to humanitarian assistance. Critical issues that will determine the future engagement of corporations in disaster relief

⁶¹ EU Commission Humanitarian Aid Office (ECHO), *Disaster Preparedness and Prevention (DPP): State of Play and Strategic Orientation for EC Policy*: http://ec.europa.eu/echo/files/policies/dipecho/dpp_paper.pdf.

⁶² EU Commission Humanitarian Aid Office (ECHO), EU Humanitarian Aid: Frequently asked questions <http://www.eubusiness.com/Development/echo-eu/>.

⁶³ The outcome documents include a strong call to meet existing commitments; however observers remain very suspicious whether OECD countries follow up their words with deeds. <http://daccessdds.un.org/doc/UNDOC/GEN/N08/630/55/PDF/N0863055.pdf?OpenElement>.

Table 2. Official Development Assistance of Select Donors

In \$ billions	1996-97	2004	2005	2006	2007
Germany	6.729	7.534	10.082	10.435	12.291
UK	3.316	7.905	10.772	12.459	9.849
US	8.128	19.705	27.935	23.532	21.787
European Commission	5.358	8.704	9.390	10.245	11.774
Total DAC	52.028	79.432	107.078	104.370	103.491

(Source: Statistical Annex of the 2008 OECD Development Co-operation Report)

efforts will be discussed here before several recommendations, both general and specific, are put forward to foster business engagement in disaster relief efforts.

Linking Philanthropy and Corporate Social Responsibility

On the whole, companies still primarily consider themselves as profit-making entities. They do not want to be regarded as ‘political’ actors who may carry the burden and risk of public actors and burden their business activities with social and environmental responsibilities. Companies instead prefer a “pick and choose” strategy with regard to their social responsibility efforts. They prefer to decide on their own when they think it is suitable or in their interest to participate in philanthropic or corporate social responsibility activities. Following classic corporate social responsibility approaches, such as Archie Carroll’s pyramid of social responsibility, ethical and philanthropic considerations are the least important of all companies’ needs.⁶⁴

Traditionally, if economic and legal responsibilities are met, companies will think about what is right, just and fair or whether they can act as good corporate citizens. Analysis of corporate contributions to disaster response situations, however, has shown that this classic differentiation has changed. In situations after natural disasters, companies have realized that economic, ethical and philanthropic responsibilities overlap. Although the major part of this study has focused on non-commercial aspects of business engagement, it would be naïve to analyze business activities without looking at possible direct and indirect links to corporate economic interests in the mid- to long-term. Whereas previously companies mainly restricted their business engagement in humanitarian assistance to monetary donations or to release employees from work, more recently they also made use of their core competencies, and made goods and services available.

This differentiation goes back to the classic distinction between how money is made (core competencies) and how money is spent (traditional philanthropy). In the past, corporate contributions to humanitarian aid, such as donations, have rested on an ethical argument. As a side effect the public image of a company is raised, thereby increasing intangible assets of a company (e.g. a company would be regarded as an attractive employer) and as such spending money on these endeavors made good business sense. Now, the overall situation has changed somewhat: although some companies still separate philanthropic and core business activities,

⁶⁴ Archie Carroll, “A Three-dimensional Conceptual Model of Corporate Performance,” *Academy of Management Review*, 4(4) (1979), pp. 497–505; Archie Carroll, “The Pyramid of Corporate Social Responsibility: Toward the Moral Management of Organizational Stakeholders,” *Business Horizons*, July-August 1991.

the dividing line is blurring and economic aspects have gained prominence in traditionally philanthropic endeavors. Companies still want primarily to help, but if possible, also to increase their intangible assets, such as brand reputation; allow their employees to gain new skills by working in difficult environments; and establish or lay the basis for new sales and market opportunities.

The three company case studies introduced here involve companies that have not only engaged in philanthropy but have increasingly offered their core competencies, such as logistical infrastructure, beverages or software, and so have blurred the lines between straight philanthropic engagement and economic interests.

Beyond Corporate Donations: Application of Core Competencies

Because not all companies have products and services needed in disaster response situations, the number of companies that can employ their core competencies are few, and most companies' involvement in disaster relief efforts is limited to cash donations. Interviews with donors and civil society organizations have shown that companies so far have only rarely offered their core competencies to humanitarian aid operations, and if they did so they had commercial intents. In these instances the companies usually had a product portfolio that met traditional humanitarian assistance demands, such as portable shelters or water treatment plants.

The Coca-Cola, Deutsche Post World Net and Microsoft examples offer evidence that business can make valuable contributions to humanitarian aid operations. So far, companies have (in a non-commercial fashion) either cooperated with civil society operations or UN programs and agencies, but not with national donors, such as the UK, Germany or the U.S. These examples have been mostly supply-driven, focusing on the products and services available in a company, tailored to the particular needs of the particular disaster situation.

Business Engagement and the Humanitarian Principles

It remains controversial whether business engagement in humanitarian assistance can meet fundamental humanitarian principles, as there is always an implicit business incentive. The presence of a business objective alone would violate the humanitarian principle of independence, which stresses "the autonomy of humanitarian objectives from political, economic, military or other objectives."⁶⁵ However, business contributions to humanitarian aid can meet most humanitarian principles, if they are properly carried out and monitored by the partners of a project. Working in cooperation with the UN or civil society organizations that have a strong understanding of and commitment to the humanitarian principles should guarantee that the basic requirements of humanity, neutrality and impartiality are at least practically met.

In light of an increase in natural disasters and decreasing official development assistance, it is questionable whether the voluntary, free-of-charge offers of companies can and should be turned down on the grounds that there may be a hidden business agenda.⁶⁶ If business contri-

⁶⁵ See "The European Consensus on Humanitarian Aid (ECHA)", 2.1/ 14.

⁶⁶ GPPi/Center for Transatlantic Relations, "Learning from the Field: Fostering Effective Transatlantic Action on Disaster Relief and Preparedness," Conference Report, First Transatlantic Dialogue on Humanitarian Action, June 2–3, 2008, Berlin.

butions are adequately monitored, they can constitute a useful supplement to public and civil society strategies and actions. At first glance, corporate cash donations are less problematic than volunteering offers or other products and services of companies, yet a closer look reveals that companies might offer solution packages that are more sophisticated and to some degree more efficiently organized than those carried out by non-profit organizations. In general, it has to be kept in mind that while the end does not justify any means, the victims of a natural disaster are entitled to every type of adequate help.

In the three natural disasters covered here, the core humanitarian principles—with the partial exception of independence—were adhered to. Companies did not deliberately violate the principle of humanity, and remained impartial in absolute terms. However, a closer look reveals that business engagement was partially dependent on a home region and local presence effect. In those regions close to home (e.g. Microsoft's and Coca-Cola's NCBE's engagement in Hurricane Katrina) and those that occur in regions where a corporation's own business activities figure prominently (e.g. all three companies' NCBE in Myanmar and China), companies made disproportionate decisions not whether to engage but to what degree they should get engaged, in a manner very similar to a country's political deliberations. In other words, while the actual aid given on the ground was principled, the decisions about how much to give and was clearly unbalanced and thus not impartial.

Donor and Civil Society Concerns

As discussed above, donors and civil society organizations have, at times, claimed that companies are at times not willing to commit to long-term arrangements, instead deciding on a case-by-case basis whether and to what degree they become involved in a disaster relief operation. Depending on the region and country where the disaster takes place, and on the business rationale, companies, like states,⁶⁷ may be more or less willing to engage.

Business is traditionally criticized for not being sufficiently prepared to engage in humanitarian aid operations. It is argued that humanitarian operations are different from regular business operations in that they call for additional skills and specialized training. Emergency situations in the aftermath of a natural disaster require special skills, such as psychological preparedness and knowledge about the humanitarian aid realm.

Non-profit actors are concerned that business actors may not adequately draw on local actors and resources. Public donors and civil society organizations criticize business actors for not being interested in sustainable and scalable solutions. Very often business actors do not think about replicating applied approaches. Owing to a prevalent business rationale, corporations are accused of not being interested in enabling local actors to cope with the next humanitarian crises, or in local capacity building.

⁶⁷ The OECD statistics show that member states set different emphases in different countries according to their political priorities, for example the U.S. has focused its humanitarian aid on Iraq, Nigeria and Cameroon, whereas the UK focused on Nigeria, India and Afghanistan. Source: http://www.oecd.org/document/9/0,3343,en_2649_34485_1893129_1_1_1,00.html.

The case studies (particularly Deutsche Post World Net's Disaster Response Teams that are specially trained and prepared; and Microsoft's provision of IT networks that are installed in close cooperation with civil society organizations) prove that the general criticism that corporations are not interested in sustainable approaches can be partly negated. Coca-Cola has started shifting its approach, not only providing bottled water but lately also engaging in water supply and public sanitation programs. It does have to be kept in mind that these selected positive cases cannot be generalized, and that in different phases of a natural disaster different contributions are needed. At times ad hoc, unsustainable help might be the most appropriate instrument.

Effectiveness and Accountability

It is difficult to disentangle the potential costs and benefits for either type of non-commercial business engagement, not the least because corporations only make transparent the value of cash donations and hardly make any detailed comments on estimations about the disposition of personnel and infrastructure, preferring to stress the ethics of acting as corporate citizens. Companies put out press releases in which they describe their practical actions, but they rarely measure them. They rarely set specific targets for their philanthropic engagement in disaster relief operations and they are very hesitant to make any statement on their performance, whether positive or negative. As a result, they cannot be held accountable for any negative developments. With this lack of transparency corporations run the risk of attracting public criticism. All three case study companies have made their contributions public in a quite transparent manner. However, none of them reported on the degree of impact that their non-commercial business engagement had on the ground.

Complex Emergencies: Business, Natural Disaster and Conflict

Overall, natural disasters seem to have nothing in common with conflict zones. However, quite often a country or region turns into a conflict zone after a natural disaster.⁶⁸ In the aftermath of a natural disaster, different types of goods and services are required than in conflict zones. Companies that are familiar with engagement in zones of conflict might be very well-prepared and experienced in providing advice in disaster relief operations. During or after a natural disaster in a conflict zone, it is very complicated for companies to do business, i.e. stimulate growth and development, and to remain neutral and impartial.⁶⁹ In the past, businesses have rarely actively engaged in disaster relief efforts when a natural disaster has occurred in a conflict zone as they did not want to be regarded as taking sides with either party to the conflict. However, companies in conflict zones are increasing governance contributions, beyond their regular commercial activities⁷⁰ such as contributing to political order by fighting corruption or enhancing transparency. Businesses also engage in establishing environmental standards, community development or equal distribution of economic goods.

⁶⁸ P. Nel and M. Righarts, "Natural Disaster and the Risk of Violent Civil Conflict," *International Studies Quarterly* 52(1) (2008), pp. 159-185.

⁶⁹ http://www.oecd.org/document/18/0,2340,en_2649_3236398_35401554_1_1_1_1,00.html.

⁷⁰ Ibid.

Although all three case study companies did not directly engage in conflict areas, the politically sensitive situations in Myanmar and China showed that business actors can be regarded as impartial, because their efforts originate from the companies main headquarters or because they cooperate with both parties in the conflict.

On the whole, donors and civil society organizations alike are concerned that the supply-driven, efficiency-based approach by business could dominate the needs-based approach of traditional humanitarian actors. If businesses do not take into account that the situation on the ground determines what is needed in terms of humanitarian assistance, their non-profit counterparts will remain sceptical about whether business contributions can be a predictable and valuable add-on or instead considered a volatile, unsteady, ad hoc contribution to humanitarian assistance.

Conclusions and Policy Recommendations

As evidenced from the analysis of donor and civil society organizations engagements with businesses, it takes substantial time, effort, and patience to nurture and care for these new types of cooperation in humanitarian assistance.

When a partnership is established, it takes additional time and effort to manage and ensure it meets the obligations agreed on in the partnership agreement. For these reasons substantial preparations should be made before a natural disaster takes place. Only with a solid common understanding about what can be done, and the establishment of thorough and elaborate arrangements before a disaster occurs can mutually beneficial working relationships between all parties be guaranteed.

Based on this premise, there are two sets of recommendations: The first set of recommendations involves a general engagement framework that lays out the responsibility of corporations and describes the possibilities and limitations of non-commercial business engagement in disaster relief operations. The second set of recommendations looks at more detailed measures that should ensure smooth cooperation between donors, civil society organizations and businesses when a natural disaster occurs. Together, they should allow for more efficient and effective humanitarian assistance in the aftermath of natural disasters.

Common Frameworks

Establish a Standing Multi-Stakeholder Committee on Humanitarian Assistance

Procedures have to be set up that facilitate the effective and efficient channelling of corporate funds, goods and services to the benefit of the people in need in the aftermath of a natural disaster. Based on the finding that most non-profit and profit actors do not know each other and are simply overworked in times of natural disasters, a stakeholder committee and a contact point should be set up. This committee should consist of all relevant parties (business representatives, civil society representatives, donor representatives, plus other experts). In regular working meetings, workshops, etc., best practice and lessons learnt about past natural disasters

will be exchanged, discussing, among other things, the pros and cons of business involvement. The debate on business involvement should not be restricted to monetary donations, but should also focus on core competencies of companies, including goods and services needed in the aftermath of natural disasters. Once such a committee was established it could oversee and support the other recommendations here.

Create a Business-Donor Consensus on Humanitarian Assistance

A common framework for non-commercial business engagement in disaster relief operations should be devised to define common objectives and outline suitable business interpretations of fundamental humanitarian principles. Because there is a thin line between commercial and non-commercial business engagement, it has to be clear from the outset to all involved parties what are the main guiding principles for corporate engagement, and how “good humanitarian donorship” is defined for corporations in situations of natural disasters. At best, donors, business and civil society organizations should meet on an annual basis to discuss pertinent issues before natural disasters take place. After a screening of potential corporate partners, donors should invite them to an open brainstorming exercise with the goal of reaching a general consensus on modes of engagement.

Ensure Policy Coherence in Natural Disaster Response

Public actors, such as international organizations and governments, should seek to build synergies among their various institutions involved in the area of disaster relief, in line with the LRRD (linking relief, rehabilitation and development) approach. Business engagement in disaster response constitutes a cross-cutting issue that includes many different public actors with varying expertise on the inclusion of corporate actors. Public actors, such as the EU, should therefore mainstream disaster preparedness in their development programs in order to make disaster response more effective and close the gap between humanitarian assistance, development aid and corporate engagement. Humanitarian assistance and natural disasters could be established as a separate policy area covered in the EU Report on Policy Coherence for Development. This inclusion would be an excellent instrument to review progress achieved, to promote debate on the inclusion of business engagement in disaster relief, and to establish a meaningful division of labor between public and private actors.

Detailed Measures

Business Contributions at Different Phases of Preparedness and Response

For each phase of a natural disaster (preparedness/acute response/ recovery/ reconstruction) a list of potential corporate contributions should be compiled. In times of emergency all parties should have a basic knowledge about appropriate contributions and possible types of cooperation in each phase of disaster preparedness and response. Sometimes monetary donations are more appropriate than delegation of corporate staff. In other situations particular products

and services might be more appropriate than monetary support. A stock-taking and mapping exercise of potential corporate contributions would be helpful in evaluating which companies might be of added value in a given emergency situation.

A directory of potential business, civil society and donor partners could be set up through a contact point which could facilitate the matching of actors to provide expertise, monetary funds, products and services. A collaborative approach would enhance the overall effectiveness of the implementation of humanitarian assistance on the ground.

Application-Oriented Training of Corporations in Humanitarian Assistance

Business actors should become more acquainted with the demands of implementing humanitarian assistance, so that they are aware of particular challenges in the aftermath of natural disasters, and of the difference between humanitarian assistance and regular business transactions. Actors who have participated in partnerships involving corporate actors state that it takes time to set up disaster relief procedures and intensive effort to keep a system running. Collaborative training of traditional humanitarian aid actors and business actors could reduce transaction costs during collaborative disaster relief operations, thus improve the effectiveness of a project. In general, a better understanding of the different logics of action (humanitarian vs. business rationales) could improve needs assessments before an operation as well as the humanitarian efforts on the ground.

Evaluation of Donor-Business Partnerships

Whether collaborative donor-business (civil society) operations in disaster relief have been successful and to what degree different stakeholder groups have been involved in the implementation process need to be examined. The establishment of a total quality management approach would enable all actors to discern under which circumstances partnership provided good outcomes. To this end, analogous to the OECD Paris Declaration⁷¹ on aid effectiveness, a practical action-orientated roadmap to improve the quality of aid and its impact on development should be set up. As the examples have shown, the inclusion of corporations is not only input-driven but must also comply with basic requirements of aid effectiveness, relevance, effectiveness, efficiency, development-sensitive effects and sustainability. In addition, partnerships with business should aim to meet the criteria of coherence, complementarity and coordination.⁷²

All involved actors must overcome common stereotypes and clichés about each other in order to be able to tap the full potential of non-commercial business engagement in humanitarian assistance. Even being aware that corporations require a business case to be involved, there are multifaceted possibilities of devising win-win situations. So far, misunderstandings of organizational culture, based on a lack of knowledge or singular negative experience, have precluded the possibility of successful partnerships with mutual benefits. It also needs to be stressed that in most circumstances, apart from cash donations and matching funds, the num-

⁷¹ Ibid.

⁷² http://www.bmz.de/de/zentrales_downloadarchiv/erfolg_und_kontrolle/evaluierungskriterien.pdf.

ber and type of potential business partners in disaster response is very limited due to the specific requirements on the ground. Companies in the field of transportation, communication, medicine, construction, etc. are more suited than others because they offer important disaster relief products and services. As shown in the empirical illustrations, donor-business and business-civil society partnerships offer enormous win-win potential. Clear guidelines set up before a natural disaster takes place will guarantee that no involved actor takes unilateral advantage of the other.

Traditional government and civil society actors in development and humanitarian assistance should be aware that there will always be two unequal drivers for companies to engage in development and humanitarian assistance: a potential business case in the near or far future; and general ethical considerations that will eventually be reflected in the corporate strategy. Appropriate accountability measures should guarantee that ethical considerations dominate or at least balance the business case. For these reasons, the EU and other public donors should acknowledge that those actors with the greatest capacity to act have the greatest ability and should be encouraged to do so.⁷³ The EU and other public actors as well as civil society organizations should therefore actively welcome and promote the engagement of business actors in order to tap their full potential in disaster relief operations to the benefit of the people in need.

Chapter 17

European Commission and U.S. Approaches to Business Engagement in Disaster Relief and Preparedness

A Case Study on Non-Commercial Engagement in Preparedness Efforts

Rolando Tomasini

Donor agencies increasingly emphasize disaster preparedness programs. Both the U.S. and the EU have specific offices within ECHO and USAID focused on the issue. Despite the increasing focus on disaster preparedness and some acknowledgement that the private sector can play a role in these efforts, little in the way of actual business-donor engagement has occurred in this area, particularly when it comes to non-commercial business engagement. As a result, this case study focuses on non-commercial business engagement in disaster preparedness by examining cases where a business partnered with an implementing agency. These case studies highlight where and in what ways businesses can provide pro-bono assistance that enhances the agencies' capacity to respond to disasters, as well as some of the potential issues related to this type of engagement.

Initiatives from the private sector to engage in preparedness efforts on non-commercial terms are significantly less popular than initiatives for response efforts (or commercial initiatives for disaster preparedness). Some explanations for this difference are that companies are more reactive to sudden onset events that affect their stakeholders with tangible impact. Until the event has taken place and the company has been able to justify the direct impact it had on its workforce, market, and reputation it is difficult to build the business case for a low probability high impact event. Take for example an earthquake that destroys the communities where employees and customers live. A company may not anticipate as a high priority the different ways in which it can help that community to go through the consequences of the earthquake until after one has occurred.

Another reason to be considered is that preparedness is often misunderstood and underestimated. Cyclical disaster areas being the exception, disasters tend to be ignored or poorly integrated in society resulting in people not understanding the need for preparing for them. For example, companies may ask themselves: Would it really affect us? Can we even do anything about it? Even if they manage to address these questions they may not know how to reduce vulnerability (i.e. what can I do to be better prepared?), or who to rely on (i.e. who is responsible for helping us? Who do we trust for help? Who do we work with if we want to help?). Finding answers to all these questions requires managerial attention and resources, that if well

coordinated can lead to a preparedness plan. Unfortunately for most companies, this type of managerial attention comes only after a major event has affected them.

Finally, the benefits of preparedness and prevention are harder to quantify and communicate to stakeholders that drive donations and other non-commercial initiatives. To speak in financial terms, the return on investment of preparedness is harder to calculate than it is for responses where the needs are immediate and the quality and quantity of the response can be evaluated in the short term.

Similarly, initiatives from the private sector for preparedness on non-commercial terms are significantly less popular than commercial ones. Some reasons to explain this difference are that the need to prepare can be seen as a public duty rather than a civil duty (i.e. governments should be responsible rather than individuals or companies). The conclusions at the end of this study explore how governments can help to promote non-commercial initiatives from the business sector for preparedness.

Another reason is that vulnerability reduction is considered by some a business opportunity. Some companies, especially those providing services and products for the reduction of vulnerability, deal directly with governments or individuals on a commercial basis. Examples of these companies include transport providers specialized in government services, producers of first aid medical items, producers of non-food items essential for post-disaster relief (i.e. mosquito nets, water sanitation tablets, etc). Other companies have adapted their activities to reduce vulnerability as part of the sustainable development initiatives. Among these companies, a growing list of social entrepreneurs has emerged over the last few years to address the preparedness needs of the humanitarian sector.

However, a few examples exist from companies that for the most part are already engaged in relief efforts and have built into their programs activities to address preparedness. This study presents how the business case is built, and its challenges, for pro-bono engagement in disaster preparedness. Then, it provides examples from the logistics and pharmaceutical sector of non-commercial initiatives for disaster preparedness. It discusses how those examples contribute to the key elements of preparedness, and it highlights the risks that companies face through the process of setting up their programs.

Building the Business Case for Private Pro-bono Engagement in Preparedness

The business case is easier to build when it is linked to the core business of the company. This means taking into account how a disaster can impact the way business is carried out internally and externally. Internally, the business case is linked to how it affects employees, infrastructure, and processes. For example, a hurricane may destroy the warehouses, victimize family members of a percentage of employees and/or destroy the main roads of the company's distribution network. Externally, the business case is linked to business continuity, market impact, and reputation. For example, ruptures in the supply chain of essential items that a company needs to produce its main products, as well as ruptures in the company's supply chain of main products. Also consider that the affected population, as a result of the disaster, will consume less of the company's products and services, and develop a certain loyalty to those brands that show solidarity with their distress.

Another challenge for the business case is the lack of baseline data to assess the benefits of being better prepared. Lessons from the humanitarian and public sectors show that better prepared responses have considerable reductions in costs and significant improvements in speed. While these are difficult to calculate, assessments can be done to build the business case for engaging in preparedness efforts. This should be particularly feasible for companies with a track record of response engagement since they can compare operations with and without prior preparedness activities. The case studies discussed in the next section will show how a higher impact can be created for all parties involved by preparing ahead of time.

Case Studies

GlaxoSmithKline Drugs Donation Program¹

GlaxoSmithKline, a leading manufacturer of pharmaceuticals, believes that the pharmaceutical industry has a unique and clear purpose in responding to humanitarian need because it has the medicines that are critical to save lives and support recovery following a disaster.

For this reason, the company has created a humanitarian product donation program and is one of the founding members of the Partnership for Quality Medical Donations, an alliance of pharmaceutical companies and humanitarian agencies that encourages best practice in the donation and delivery of medicines.

“Our humanitarian product donation program donated medicines worth £27 million [\$49 million] in 2005 to support relief efforts in almost 100 countries,” says Claire Hitchcock, director, Europe and international community partnerships for GlaxoSmithKline. The program is managed by the firm’s Global Community Partnerships, which is also responsible for health and education programs to support underserved communities. In 2005, its total investment in community projects (including global community partnerships and humanitarian relief efforts) was £380 million, equivalent to 5.6 percent of the company’s pre-tax profits.

Private Partner Perspective: Top Management Endorsement

The Humanitarian Product Donation Program has support from the corporate executive team and is backed by an agreed-on policy for donations. The policy outlines the key principles of GlaxoSmithKline’s approach:

- Involve local general managers (e.g., they must approve any donated product entering their area of responsibility);
- Require that the World Health Organization guidelines on donations be followed;²
- Recognize the company’s role in communities that do not have access to medical supplies.

¹ Excerpt from: R. Tomasini, O. Stapleton, and L. Van Wassenhove, *Corporate Responses to Humanitarian Disasters*. The Conference Board, 2007.

² For more information please refer to the following link for the full text of the guidelines: <http://www.reliefweb.int/rw/lib.nsf/db900SID/LHON-66LM6Y?OpenDocument>.

It also provides the Global Community Partnerships team with a mandate to respond to disasters and emergencies. Thus, the GlaxoSmithKline response procedure is coordinated from the top down, involving relevant parts of the business when appropriate.

The program's aim is to donate medicines to charities not only after a disaster has occurred, but also ahead of time so that charities have stocks of medicines in their warehouses, enabling them to develop strategic plans for disaster relief and respond more promptly to emergencies.

Humanitarian Perspective

GlaxoSmithKline runs the program in partnership with five selected nonprofit organizations and relief charities: AmeriCares, Direct Relief, InterChurch Medical Assistance, MAP International, and Project HOPE. These organizations are allowed to choose medicines from GlaxoSmithKline's inventory on a yearly basis to establish a form of pre-positioned disaster response in the regions where they are present.

The company has worked with its five partners for more than 10 years, during which time a high degree of trust and understanding has been achieved. Originally, these organizations were selected on the basis of five strict criteria: First, their expertise and capability in healthcare and in working in impoverished communities; second, for having clear processes in place for tracking and monitoring product donations; third, for their ability to evaluate the impact of a disaster; fourth, for having a good knowledge of the area in which they work; and finally, for their trust. Following a disaster, the company relies on its partners in the field to work with its director of Europe and international community partnerships to provide a rapid and accurate assessment of the situation and what is required.

Usually, the firm knows within hours what medicines it will contribute (e.g., after the Asian tsunami, medicines were released from AmeriCares in less than 48 hours).

Interaction with Partners

For the interaction with the partners, a priority for GlaxoSmithKline is to build a transparent and accountable donation process. The product donation process is managed like the firm's procurement process and has seven basic but irreplaceable steps that partner organizations must adhere to when requesting medical donations:

- Partners are offered medicines from the company inventory (or sometimes GlaxoSmithKline manufactures to order) on an annual basis.
- The order is sent to the company offices in the United States for processing and dispatch.
- It is then dispatched to the partners' regional warehouses, which are equipped with storage, monitoring, and tracking systems.
- When medicines are required, the partners inform the firm where they are being sent and in what quantities, etc.

- The company contacts the general manager of the country where the medicines are being sent.
- The general manager must approve the donations (and the process must be documented) to avoid any conflict with the firm's commercial business.
- The donations are shipped; and the company receives a shipping report showing their destination.

In this way, the donation process has the same level of transparency and accountability as commercial transactions. This ensures that donations are tracked, reach their intended destination, and are dispensed appropriately.

In addition, GlaxoSmithKline's five partners provide the company with quarterly reports outlining where and how the donations have been used. With this level of cooperation from its partners, many of the concerns about the use and destination of the donated pharmaceuticals are removed, thus improving the speed and efficiency of the process.

GlaxoSmithKline has also developed clearly defined internal processes for responding to disasters. The company requires the most senior executive in the affected region to take the lead. Within 24 to 48 hours of a disaster, a teleconference is organized by an internal group to review what is needed. These teleconferences can take place on a daily basis if required. Group members may vary but will always include the regional head of business in the disaster area, a representative from communications, and, when employees are affected, a representative from human resources. The purpose of this group is to ensure efficient communication about the response effort and to make recommendations and proposals for the provision of appropriate aid.

The company's approach avoids supplying a region with medicine that is not needed. For this reason, the level of donations is carefully monitored. Medicines are sent in small amounts as needed rather than accruing stockpiles that may go to waste. Partners on the ground have the expertise to estimate the amounts of medicines required.

Impact of the Product Donation Program

GlaxoSmithKline's donated products are often some of the first to reach a disaster area. For example, two million doses of antibiotics were shipped within the first week following the Asian tsunami, ensuring that physicians had access to high-quality medicines and helping prevent life-threatening infections that occur in unstable conditions.

The donation program is also a source of employee pride, and following a disaster, the company always informs its employees via intranet of how it has responded. It also uses the intranet to keep them up to date on continuing activities.

Part of the impact of the program includes sharing best practices with other companies. The firm shares its considerable knowledge and expertise in disaster response with other members of the pharmaceutical industry through its participation in the Partnership for Quality Medical

Donations with 13 NGOs and 14 other pharmaceutical and medical equipment manufacturers involved in the donation and delivery of medicines to the developing world.

The Committee on Disaster Response, one of the partnership's standing committees, aims to better coordinate donations across the industry through increased communication. After a disaster, members of this committee are in contact via a teleconference, which enables them to pool information in order to map a global response.

For example, the committee helped partners quickly deploy resources that remained from their response to the Asian tsunami to help victims of the 2006 earthquake in Indonesia. To better coordinate the task and avoid any duplication in donations, one member of the committee took the lead in the donation process.

When appropriate, committee members are also able to provide clear, broad-based information about what the industry as a whole has achieved in the wake of a disaster to partners and other affiliated organizations, such as the Pharmaceutical Research and Manufacturers of America.

In many respects, GlaxoSmithKline's Drugs Donation Program represents international good practice. It is a transparent and accountable program with robust procurement and reporting processes. It supplies its partner organizations on an ongoing basis, not just after disaster hits, thus achieving greater speed and predictability. It works with partners on the ground, who provide needs assessments. It has well developed communication processes and shares information with other relevant partners.

Agility Humanitarian and Emergency Logistics Program (HELP) Program³

Agility is a \$6.3 billion publicly traded company with three key business groups—Global Integrated Logistics, Defense & Government Services, and Investments. Its commercial division—Agility Global Integrated Logistics, provides integrated logistics solutions to customers spanning a range of industries that include technology and retail to defense and government, chemicals and oil and gas. Agility Defense & Government Services is their public sector arm that offers comprehensive logistics solutions to various government entities and non-governmental organizations worldwide. Agility Investments utilizes the local insights from Agility's global network to invest in specialized opportunities in emerging markets and comprises of three main business divisions covering Real Estate, Private Equity, and Trade Facilitation. In 2007, Agility reported a 26 percent increase in top line growth with operating profits standing at \$652.466 million for the year.

As part of their Corporate Social Responsibility Program, Agility designed the Humanitarian and Emergency Logistics Program, to bring their expertise in expeditionary logistics in challenging environments to where it is most needed—disaster preparedness and response. It was designed following the company's pro-bono involvement in the relief efforts for the Lebanese Crisis of 2006, and an explicit message from the CEO Tarek Sultan, prior to the cri-

³ Interviews with Agility senior management and R. Tomasini, M. Hanson, L. Van Wessenhove, "Agility: A Global Logistics Company and a Local Humanitarian Partner." INSEAD Case Study. 2009.

sis, about Agility committing to become a responsible corporate citizen in the countries in which it operates. This program is one of the many ways in which Agility contributes to emergency preparedness by setting up and communicating in advance the conditions and scope of how they can help in the event of a disaster. In itself, it is a way to liaise with humanitarians between disasters to let them know what they can expect ahead of time.

The program's Special Operating Procedures activate responses for disaster affecting over 500,000 people in countries where Agility already has offices and where the security situation cannot be worse than UN code three. They will partner with organizations that spend over 90% on program, and under 10% on administrative costs. The organization has to be one with whom Agility has a previous relationship with. For deployment, Agility has designed a list of equipment that people needed to take (including communications equipment, over the counter medicines, safety gear, life support equipment, etc.) They also developed waivers for volunteers to sign before heading to the field. Human resources issues are very challenging in the international environment, but Agility has worked to develop common standards to help employees manage expectations in field level work. The program is supported by training for the staff which includes first aid, humanitarian landscape, humanitarian ethics, etc. The training requirements were developed in concert with humanitarian organizations and the training material was prepared by humanitarians and commercial professionals that work in the humanitarian space.

Initiating the Program: Humanitarian Perspective

Agility operates in countries and areas where the humanitarian community is present and active (emerging markets). In fact, Agility holds several commercial contracts with major humanitarian actors, such as different UN agencies. The combinations mean that Agility not only understands the humanitarian sector and its needs, but also that it can provide local knowledge and support through its presence and staff where an emergency may require it. At the same time, Agility has fairly close relations with the Red Cross and Red Crescent Societies.

Requests to get involved in humanitarian operations are led by employees who are aware of the needs and the potential value added a contribution from Agility would provide and raise the opportunities to their upper management's attention. An example was the Lebanese crisis of 2006, in which the Israeli Air Force bombed critical infrastructure in response to the capture of two Israeli soldiers by Hezbollah.

As soon as the crisis broke out, a flood of emails came to the Head of Corporate Social Responsibility's desk, from employees eager to assist in responding to the crisis. Many had friends, relatives, or acquaintances in the area. They wanted to help, and given the CEO's recent corporate social responsibility mission statement, they wanted to know what the company was going to do. For Agility's employees in the region, the crisis hit very close to home. They expected that Agility would want to support the humanitarian relief effort. Agility had approximately 120 employees in Lebanon. At least seven had lost their homes during the attacks. Some clients had lost entire warehouses or stopped working altogether. These inquiries helped fuel the decision to 'get involved.'

Interaction with Partners

Agility leverages its relationship with humanitarian agencies, including the Red Cross and the Red Crescent movement, the UN and local NGOs in the countries it is present, to express in advance their goodwill and define the scope of their pro-bono engagement. For example in the case of Lebanon, a group of Agility staff were immediately mobilized to the Lebanese-Syrian border making themselves available to the request of their humanitarian partners (primarily the Red Crescent Societies). Agility has also deployed staff to Indonesia for a planned training exercise with the World Food Program; sent logisticians to teach a humanitarian logistics curriculum in India; and has worked with agencies to provide donated logistics services for ongoing programs in Iraq and other locations.

As in all the cases, humanitarian agencies in Lebanon were in the lead defining their operational needs: warehousing and transportation. They expressed their needs to the Agility team who subsequently defined how they could contribute for free to those needs with their skilled staff, knowledge of the local market, and regional presence.

For the Lebanese crisis, the interaction with the humanitarian sector was a partnership from the get go. Agility executives had already met with officials from the Kuwaiti Red Crescent to share their intentions about helping with relief efforts on a pro-bono basis. This has become standard operating procedure with the program. Agility openly communicates its activation criteria to the humanitarians and seeks to be in constant dialogue with them in countries where they are present to anticipate any potential collaboration.

In Lebanon, the corporate social responsibility team was made up of staff with ample experience and contacts in the humanitarian sector including team leader and current Vice-President of Enterprise Communications and Corporate Social Responsibility Mariam Al Foudery, and the Humanitarian and Emergency Logistics Program Senior Manager Frank Clary.

Initial concerns about working together were mostly based around the deteriorating security conditions in Lebanon. Agility relied on their security experts and constant dialogue with the Red Cross and Red Crescent Societies, as well as the UN to assess the situation. Agility's staff in Lebanon helped, as well providing updates for those waiting on the Lebanese-Syrian border.

Commercial vs. Pro-bono Engagement

As mentioned earlier, Agility also holds commercial contracts with several humanitarian agencies and has been present on commercial terms in many of the areas where humanitarians operate.

To avoid any confusion between the pro-bono and commercial engagement, Agility has developed several rules that prevent confusion. For example, corporate social responsibility is separated from the business groups and reports to the "strategy" side of the organization through the Chief Strategy Officer. Employees involved in a philanthropic disaster response operation are isolated as much as possible from doing commercial work, they become temporarily deployed to the "volunteer" effort for a period of time. The humanitarian Program Manager will never be running a commercial and humanitarian operation in the same affected

area. Reporting of commercial and pro-bono activities is kept separate at all times. If the humanitarian team gets a commercial inquiry, it goes on to Business Development without any involvement from the team in the details of contract awards at all, except to the extent that of providing Agility colleagues with information on the corporate social responsibility program.

Impact

In 2008, Agility's corporate social responsibility team led 120 projects in 45 countries reaching 280,000 people on the ground, with 15 percent of Agility's global workforce volunteering. Some examples:

- Global volunteer month (May): 30 countries implementing community projects open to all employees.
- Myanmar: first cross-company (TNT and UPS under the coordination of the World Economic Forum) deployment with the UN and NGOs ever. Agility providing valuable logistics expertise, information on the ground, and services to humanitarian community.
- China earthquake: local employees mobilized \$50,000 for Chinese Red Cross in under a week. Planning on doing longer-term rehabilitation projects as well once the immediate emergency phase is over.
- Iraq: totally rebuilt and refurbished a school for 400 students near Um Qasr.
- Trained Agility volunteers and teams in Singapore, Thailand, Indonesia, Germany and Switzerland to improve its capability & readiness to deploy volunteers into the field for disaster relief operations.

The benefits for Agility can be listed under different perspectives: people, operations, and reputation/brand. From a people perspective, corporate social responsibility in general helps to forge the company culture. At a time when Agility is trying to get people to "live the brand" through personal service, it helps to show tangible examples of their values in action. It promotes leadership in the company—because anyone can take the opportunity to lead and "own" a community project. Everyone from a receptionist in Australia to a Senior Vice President in Houston can be acting as the local corporate social responsibility coordinator. It creates pride, and motivates people.

From an operational perspective, it fosters teamwork and new internal relationships, as people from different business groups and localities work together to make a meaningful difference. It teaches people to move quickly, act effectively, and think collaboratively—disaster response logistics in particular is very operationally demanding, and the people that get involved are better positioned to serve their own customers in commercial operations after that.

From a reputation/brand perspective, it builds a global brand and gives them an opportunity to do it "right"—corporate social responsibility is considered a positive association. It is also an

opportunity to work closely with the world's logistics leaders in this space—DHL, UPS, and TNT.

Agility evaluates its operations in a formal and informal sense. Formally, partners are requested to sign off on operations completion to ensure scope requirements have been satisfied. Operations and projects are evaluated internally to determine if they were successful given the ground rules or memorandums of understanding between Agility and its partners. Employees are requested to provide feedback and deployers may be asked to prepare case studies so lessons learned can be disseminated. Informally, Agility continues to develop the program through querying partners on the efficacy of the program and issues that may have arisen during the projects. The evaluative process has proven effective by improving how Agility recruits its volunteers, sets expectations with humanitarian organizations, manages scope issues and improves communication. Each project results in opportunities to improve the overall Humanitarian and Emergency Logistics Program. For example, “telling the story” has improved as a result of operations in Myanmar. Operations personnel may focus on cargo volumes handled or moved, but this information has limited value for engaging employees in volunteerism. So Agility adjusted its communications strategy to ensure that information from the field will present a different picture of the employee volunteer and include more experiential data (what are the living conditions, how is the team performing, does the team member value the work, is there an indication of the work being valued, etc.).

Agility's experiences with this program highlight the need for pre-planning and the building of partnerships in preparation for disaster response. By having the core aspects of their partnerships in place prior to a response (specifically understanding scope of responsibility and contribution on both sides) Agility and its partners are able to ensure that their response activities are efficient and effective and that any lessons learned can be gathered and applied in the future. This case also shows the importance of preparing, in advance, employees for working on CSR initiatives and creating work streams and measures that ensure these activities are separate from the commercial and thus in line with humanitarian principles.

TNT: Transferring Knowledge for South Sudan⁴

Humanitarian Perspective

In anticipation of the signing of a peace agreement in South Sudan, the United Nations Joint Logistics Center was deployed in 2004 to coordinate the logistics efforts of the humanitarian community. South Sudan, Africa's longest standing battlefield, had been completely destroyed over the previous 20 years due to the fighting.

Throughout the war, several millions of people had left South Sudan. A portion of them had sought refuge in the neighboring countries and would be expected to return to South Sudan. Another portion had settled in the outskirts of the northern capital, Khartoum, in camps for internally displaced people. Uncertainty reigned during the planning stage in regards to how

⁴ This mini case is inspired by: R. Tomasini, and L. Van Wassenhove, “Moving the World—Transport Optimisation for South Sudan.” INSEAD Case Study No. 5363.

many people would actually return to South Sudan following the signing of the peace agreement. It was also uncertain when they would go, where they would settle, what they would take along, and what they would need upon arrival to establish their new life. The only thing that was certain was that a response would require the support of all the humanitarian agencies, a lot of coordination, and substantial ramp-up of help. Despite all the uncertainties, it was clear that the magnitude and the deficiencies of the area would drive up the cost and amount to a very expensive operation in a country that already demanded one of the highest levels of spending in the humanitarian system.

Conscious of the funding constraints the humanitarian agencies began to prepare to support the returnees upon signing of the peace agreement. To assess the logistic needs of the areas, the logistics center led a visit to South Sudan with staff from World Food Program and UNICEF. The visit was aimed to assess the roads, airfields, waterways, and warehousing capacity of South Sudan. The ultimate goals were to assess how much investment would be needed to launch an assistance program for all the people returning to the area after the peace agreement.

Private Sector Perspective

TNT is a world-leading provider of express delivery services and logistics that employs over 75,000 people in 200 countries. It operates 26,000 road vehicles and 47 jet freighter aircraft while managing a network of 2,300 depots. Since 2002, TNT has been an active partner of the World Food Program, the world's largest humanitarian aid agency.

Since 2002, TNT has committed its knowledge, skills, and resources to support the World Food Program in its life saving effort. TNT has invested €38 million in the partnership in the form of hands-on support in emergencies, knowledge transfer projects to help the World Food Program to be more efficient and effective, and advocacy and fundraising activities. On top of this, TNT employees have raised an additional €9 million for the World Food Program's School Feeding Projects.⁵

The logistics centre works closely together with the World Food Program and the two organizations are closely linked on logistics issues for disaster relief. Former UN Joint Logistics Centre Chief Adrian Van der Knaap contacted TNT to express his concern and solicit their advice. He explained that the main concern for South Sudan was the high cost of transportation and that they needed to find a way to reduce it with minimal investment. At the time of his request, road access to South Sudan was very poor with most roads unpaved, some in very poor conditions, and large sections completely blocked during the long and very active rainy season. Access by water was limited to the Nile River, which was difficult to navigate with strong currents. The levels also varied significantly during the rainy and dry seasons, and even in places where access was possible, the infrastructure to receive barges was very poor. Train tracks were not an option as they had been interrupted during the conflict. Therefore the only viable option for accessing South Sudan was by air. Airstrips were often rudimentary and sparse, and aircrafts had to bring sufficient fuel for their roundtrip as there was none available in the area. Consequently, the transportation costs were very high and unsustainable if the

⁵ <http://www.movingtheworld.org>.

humanitarian agencies had to scale up their operations as expected after the signing of the peace agreement.

On behalf of TNT, the former Joint Supply Chain Initiative Leader led the collaboration with two second TNT staff with specialized knowledge on modeling and transportation networks to help the humanitarian agencies assess the best options for distribution. The decision to provide pro-bono assistance came following several discussions with the centre about the need to lower transportation costs in South Sudan and the different options to do so. TNT leaned on their experience solving similar questions for their commercial clients to identify if and how they could help the UN meet their goal and to define internally the project and profile of the people that would be engaged in the collaboration.

TNT seconded two of their staff to form a team for this mission. They were asked to review all the logistics information for South Sudan and to develop a computer based tool that would calculate the cost of transportation to different points in South Sudan given the infrastructure and a number of constraints.

Interaction with Partners

The TNT consultants carried out their mission through a series of three visits to Sudan and Kenya where they could meet face to face with the different relevant actors to gather information, validate data, check their assumptions, design and test their model.

During the first visit they met with actors from the different humanitarian agencies to gather data and understand the context in which decisions were made. In their second visit they validated the data they had gathered the first time and made requests to the agencies to fill in gaps of information that they had noticed. In their third visit they finalized their assumptions, and presented the beta version of a tool they had designed for feedback. The beta version would undergo numerous revisions before being finalized, all of which was done by integrating the feedback from the different humanitarian agencies that provided input, including the United Nations Joint Logistics Center, UNICEF, and the World Food Program.

Impact

The final output was a tool that helps humanitarian agencies to visualize the different options in South Sudan's distribution network, and calculate their cost implications prior to the roll out of a response operation. While it is difficult to assess the direct impact the tool has on the response it is clear from the discussion that it has a positive and significant impact on the planning and preparedness process. The tool had an added benefit in that it helped to calculate the impact investments would have in the distribution network. For example, if a bridge was repaired or the quality of a road was improved the tool would consider these changes and calculate the impact on the overall cost. These calculations proved to be useful in deciding where to invest to have the highest impact on the overall cost when reconstruction efforts were underway (i.e., repairing bridge number one will only bring about a cost or time reduction of ten percent versus repair of bridge number two which will bring a reduction of twelve per-

cent). The end result was that the humanitarian actors had a free tool designed by leading practitioners from the private sector to improve their ability to respond. The principles of this tool have been adapted by both parties to support planning and responses in sudden onset disasters and to determine priorities for reconstruction. However, the tool is only a quantitative instrument in a sector where decisions consider qualitative factors with great attention.

Key Elements of Preparedness⁶

Preparedness, from an organizational perspective, is a function of five key elements: finance, logistics, human resources, knowledge management, and community relations.⁷ The three case studies discussed earlier consider each one of these carefully when determining how value will be created for the humanitarian partner.

For example, in finance Agility, TNT and GlaxoSmithKline identified the cost implications of their programs and communicated publicly the extent of their financial engagement. Similarly, they allocated the funds internally and developed a clear process to mobilize them when the needs arise. This also includes having in place a system that engages employees and customers who can participate financially through fundraising initiatives. Having a clear plan that details when funds will be needed, who authorizes them, how they will be sourced, how they will be tracked and reported is essential to prepare for a disaster response. This not only reduces delays, but also reduces the likelihood of any confusions or misunderstandings concerning the use of funds. Part of being well prepared is also anticipating how to explain how the funds were used.

For logistics, all companies defined ahead of time their terms of engagement defining what they will do for free and to what extent. GlaxoSmithKline makes it clear to their partners how to solicit drugs and how they will be delivered. Agility also defines what kinds of services they can provide and for how long. TNT defined the length of their engagement for their mission in South Sudan and the number of trips they would make to fulfill their task. The combination of these helps the humanitarians assess the ramifications of accepting the aid and how much additional work it can create. The worst case scenario is to have donations without logistical support that create a heavy burden to the humanitarian organizations receiving it.

In terms of human resources, the companies examined here assessed the skills that they can contribute to a response and identified them internally to keep them on stand by. They put in place a process that allows those people to be released from their commercial responsibilities when they are needed. They have also established and communicated internally procedures to engage volunteers, for some tasks this includes training them. As for training, companies can also help to increase preparedness by transferring their skills sets to NGOs. There are several examples of companies that second their staff to humanitarian agencies or make their training available to humanitarian staff. For example, some of the leading strategy consultant groups (i.e., Boston Consulting Group, Booz & Co, Accenture, McKinsey) have been known to second their consultants to NGOs and the United Nations on specific humanitarian missions on

⁶ See R. Tomasini, L. Van Wassenhove, *Humanitarian Logistics* (London: Palgrave, 2009).

⁷ See B. Chomilier, R. Samii, L.N. Van Wassenhove, "The Central Role of Supply Chain Management at the IFRC," *Forced Migration Review* 18, pp. 15–18 (2003).

a pro-bono basis. These consultants have conducted feasibility studies for major projects in the humanitarian sector, have helped to reorganize departments, analyze internal costs and processes, assist in the implementation of new systems, etc. Like them, other companies like logistics industry leader TNT and French multinational Veolia, have opened their in-house training opportunities to staff from the humanitarian sector to acquire some of the skills and best practices from the private sector that could help to improve a response.

Preparedness is a long term commitment for all the parties involved. Knowledge management is there to highlight that, by capturing the lessons learned from one event, onto the next. This is particularly important for initiatives that have high staff turnover. The humanitarian sector is strongly affected by staff turnover, with people leaving organizations frequently or simply moving from one disaster to another. For the private sector staff turnover is less of an issue, however still relevant considering that in many cases the employees involved as volunteers are not the same from one pro-bono project to another. To address this issue, companies have created small teams that ensure the continuity of learning from one event to another and they have also put in place a process to capture the tacit knowledge of the volunteers with narratives, seminars, and the revision of procedures and regulations.

Community relations are another key element of preparedness that requires proactive investment. In its simplest form this means getting to know the humanitarian agencies that would be involved in a response in the areas that concern the company's operations. Building relationships in advance enables both parties to understand what the needs of each party are, how the other can contribute to those needs, anticipate any potential conflict of interests and risks before they arise, develop trust, and good personal contacts that are much needed in times of disasters when time is a scarce resource. This requires as much investment from the private sector as it does from humanitarians who must be receptive and ready to invest in building relations with the companies interesting in helping. For humanitarians, this is frequently an issue of limited resources (i.e. staff and time), though there is a rising trend among NGO and UN agencies to dedicate private sector liaison offices to handle and channel this type of request.

*Risks and Recommendations*⁸

The three cases discussed earlier provide examples of different types of engagements between the private and the humanitarian sector to improve their disaster response capacity and capabilities. The cases also show how partners deal with risks inherent in the engagement process.

The dominant risk is a "lack of mutual understanding" between the two sectors. Each sector is driven by different sets of objectives, actors, and speed. The lack of profit incentive in the humanitarian sector raises a set of coordination issues foreign to the private sector model that demark the difference between the two. To better understand each other, the examples discussed earlier highlight the importance of dialogue through the engagement process and secondments in both directions. None of the organizations mentioned expected to develop a part-

⁸ Tomasini and Van Wassenhove, 2009, op. cit.

nership overnight and placed significant value in the process of getting to know each other. Dialogue, rather than negotiations, allowed each party to suspend their pre-conceived ideas and judgments to enter into their partners' world and find common grounds and language. Much of this mutual understanding was achieved through secondments and joint trainings. These secondments allowed staff to assume the role of staff in their partner organization to better understand the processes, actors and pressures that play a role in the decision-making. Post-secondment dialogue helped to highlight the differences, capture the best practices from each organization, and adapt accordingly.

The second prevailing risk is "expectations" in terms of contribution and attribution. Lacking a good understanding of their partners at times made it hard for both parties to understand their role and their impact in the collaboration. In terms of contribution, in some cases the humanitarian agencies overestimated the capacity of their private partners to contribute resources to their cause. Similarly, the private sector overestimated the direct impact of their contribution to the causes of their humanitarian partners. Subsequently, there is a risk that each party publicly attributes themselves an impact higher than reality. To address this risk, partners agree on common key performance indicators ahead of time to have a common understanding on how they contribute to each others' cause. They also agree in advance to communicate together their achievements, and the style of the message. This avoids situations where companies may come off to the press looking like they save the world on their own, or situations where the press may underplay the support of the private sector to the humanitarian agencies.

Third is the "degree of commitment" in times of need. This risk, as perceived by the NGOs, is pertinent to the response of lesser known crises where the private partners may not benefit from media exposure. It also deals with crises in regions that may not be of strategic business interest to the private partner, yet of high priority to the NGOs. The GlaxoSmithKline example addresses this risk by making explicit ahead of time the quantity and type of donations that will be committed annually, and allows the NGOs partners to activate the program so that it is completely needs-driven. Similarly, Agility makes explicit their criteria for engagement, for instance what kind of disaster they will attend to, and the type of contribution they can provide.

Each of these risks discussed above can be addressed by the companies and humanitarian organizations in the partnering process. Public donors can support partnerships between companies and humanitarian organizations through different programs and initiatives (see next section). Governments can for example play a role by funding the secondment of staff from one sector to another. This practice is already in place by some donors that recognize the importance of transferring best practices through personnel exchanges and in situ projects. They result in a better level of understanding and improved communication.

In terms of expectations, donors have a long history of discussing this topic with humanitarian agencies (implementing partners). Donors can provide their experience to the dialogue between the private companies and the humanitarians, and help either party financially or logistically to meet the expectations of their partner wherever their means may be limited to achieve the desired outcome.

However, donors should not influence the destination of funds and aid from the private sector. Instead they should highlight the prevailing needs of areas of the world private sector support could be made available. If a company chooses to address them, public donors can stimulate that process by providing diplomatic support in the recipient countries to facilitate the donation process, and assist with additional local knowledge.

Conclusions

To date there been little in the way of donor-business engagement in disaster preparedness and while there are clearly some risks associated with these types of initiatives, as outlined above, they are easily mitigated. Further, given the positive impact business engagement can have, as seen in the examples, this is an area of engagement that merits further examination by donors. There are many areas in which companies can contribute to preparedness that do not have a direct link to profitability, hence non-commercial engagement should be promoted as a priority by both donor and recipient nations' governments.

Support by Public Donors

As discussed earlier there are different ways in which donors can help to promote preparedness initiatives from the private sector on a non-commercial basis. Among them we suggest the following for discussion:

Risk reduction programs: Public donors may start by building an awareness of the risks and inviting companies to take actions in the reduction of these risks and helping them understand that risk is shared among all parties. Similar initiatives have proven successful in the area of environmental management for which governments have invested resources to help companies to adapt their practices to lower their impact, and in some cases, improve the environment. For disaster preparedness this may start with initiatives as simple as asking companies to conduct their own risk analysis, jointly analyze the drivers of these risks, and set priorities for their reduction. In some cases this may mean using less of one material, or improving telecommunications, or simply complying with mandatory building and fire department codes.

Participatory programs: Through dialogue with the private sector, governments can communicate their own perception of risks and explain how they are equipped to react to it. They can invite companies to contribute to shortcomings or to enhance available resources with their knowledge and capacity. Some companies may simply participate with funds, while others may volunteer their staff and or their assets as the previously discussed examples show. By communicating an analysis of this type, it should be easier for the private sector to understand how and where they can add value. The key point in either case is establishing an open dialogue that bridges both sectors. Collaboration may require adaptation as the needs of the public sector and the resources from the private sector may not have a natural fit at first. Both parties need to be open for discussion and negotiation to define well, and in advance, the terms of engagement.

Matching grants: Are ways in which donors can attract products and services that they need to respond by augmenting their impact through parallel funding. This would be particularly

relevant for specific needs that need to be addressed in great numbers. Matching grants have a multiplier effect by giving the incentive of raising the impact of donations. In most cases this is applied to cash donations. Governments can also act as the brokers between foundations that do the matching, and the companies donating.

Tax incentives: Governments can also set up tax incentives for companies that can show that they are engaging in preparedness efforts on a non-commercial basis. These tax incentives would need to be attached to specific preparedness priorities pre-defined by the governments to ensure that efforts from the private sector contribute directly to the highest needs.

Overall, these suggestions need to be adapted to the different types of disasters. Some of them may be easier to adapt for areas threatened by cyclical disasters as it is easier to predict their occurrence. Finally, preparedness should not only been framed as a means to respond, but as a mean to increase resilience, a common goal shared by governments, businesses, and society for continuity.

Part V: Civil-Military Relations in Disaster Response

Chapter 18

Complex Emergencies: Disasters, Civil-Military Relations, and Transatlantic Cooperation

Jean-Luc Marret

This chapter examines approaches taken by the European Commission (EC) and the U.S. Government regarding civil-military relations in the area of disaster relief and preparedness. It analyzes EC and U.S. policies and strategies, as well as operational activities in the field. Military engagement in humanitarian assistance is often controversial. Yet more effective civil-military relations can mean better division of labor and more fruitful cooperation. The result could be greater efficiency in humanitarian assistance and disaster management.

This chapter identifies challenges and opportunities for the U.S. and the EC—two major donors providing disaster relief—when it comes to enhancing field cooperation, developing joint mechanisms, or conducting joint training and exercises. Since civil-military relations involve multiple actors, the study also explores ways and conditions to make military involvement more acceptable for the humanitarian community. It relies on empirical data collected through case studies.¹

The chapter focuses on humanitarian assistance and crisis management (from disaster preparedness to disaster management), but leaves aside civil-military tools, such as CIMIC (civil-military cooperation), that are used during periods of military stabilization. This distinction is not always easy to make. Militaries traditionally consider CIMIC as a full part of their contribution to humanitarian issues, whereas the humanitarian community is often skeptical or openly critical toward what may be called “militarized humanitarianism.”

A comparative approach to EC and U.S. Government efforts in this area is challenging, due to the different nature of the two transatlantic partners. The arrival of the Obama administration in the United States constitutes an additional challenge, since the new administration is likely to change approaches taken by the George W. Bush administration to humanitarian action and civil security. For these reasons, the chapter offers an overview comparison of these very important humanitarian actors, but does not claim to provide an ambitious comparative framework.

This chapter is organized in three parts. The first part deals with the historical and conceptual debate concerning civil-military relations in humanitarian assistance during a disaster situ-

¹ This chapter is the result of many interviews carried out by a study group on civil-military relations, and utilizes many American and European documents issued from official sources or from humanitarian organizations. Two in-depth workshops on civil-military relations in disaster situations were held at GPPI-CTR Transatlantic conferences in Berlin and Washington D.C in 2008, which offered opportunities to test different assumptions and proposals with international military and humanitarian experts.

ation. The second part discusses positive developments and challenges in the field of civil-military relations as developed by the U.S. and the European Union (EU) and EU member states. A balanced appraisal is given: there have been both success stories and inadequate responses. One of the chapter's basic conclusions is that the question no longer should be framed around the circumstances in which these major humanitarian actors should intervene militarily, but rather how they can intervene in the best way possible—with sufficient regard to civil-military relations and operational planning processes. The third part recommends ways the EC and the U.S. could improve their cooperation with each other and with the humanitarian community.

The Nature of the Problem

Increasingly, military, humanitarian and other civilian actors find themselves working together in responding to disasters (natural or man-made) and complex emergencies. These situations pose challenges for all parties concerned. Traditional humanitarian actors are asked to work in physically challenging environments and areas plagued by violence. In these settings, humanitarian relief workers may need the assistance of military actors for transportation or security. Yet for over a century humanitarian actors have strongly guarded their neutrality, eschewing government and military contacts that might infringe upon their special status.²

A basic difficulty in analyzing civil-military relations is the extreme variety of such relations. The military, concerned with security on the ground, may view civil-military problems as a means to enforce the safety of its personnel.

NGOs traditionally make a distinction between the “military” and the “civil” (which, from the NGO perspective, means “non-military”). This approach has been informed by historical precedents and legal (or moral) reasoning: international humanitarian laws make a clear-cut distinction between combatants and non-combatants to protect the latter from coercion. Humanitarian actors, in the broad sense, have produced a multitude of codes of conduct and guidelines that are intended to define the humanitarian field carefully. People and officials alike in areas of strife may accept humanitarian agencies because they are seen as providing impartial help to suffering civilians. Yet many humanitarians work to relieve suffering amid complex emergencies and unconventional crises, and need support from the military to do their job.

At what point in the spectrum of support does assistance by the military become interference? Should NGOs use military transport? What about the provision of armed guards (“armed humanitarianism”)? Iraq has become a watershed moment for the humanitarian community.³ Does having military security undermine the humanitarian mission?

This problem may create ambiguities. The UN *Civil-Military Coordination Officer Field Handbook* prescribes, as a general rule, that humanitarian convoys will not use armed or mili-

² For example, the International Red Cross and Red Crescent Movement proclaim its principles of “humanity, impartiality, neutrality, independence, voluntary service, unity, and universality.” International Red Cross and Red Crescent Movement, *Fundamental Principles*, available at <http://www.redcross.int/en/default.asp>.

³ P. Cullen, “Armed humanitarianism,” *ISN Security Watch*, March 5, 2008.

tary escorts. But it also states that exceptions to the general rule may be considered “as a last resort,” after requirements of sovereignty, need, safety and sustainability have been met.⁴

The limited framework of this study does not make it possible to provide an exhaustive analysis of the humanitarian codes of conduct and guidelines. But they often bring out recurring humanitarian problems⁵ (issues of neutrality and impartiality; humanitarian access to vulnerable populations; perceptions of humanitarian action; the goal of a need-based assistance free of discrimination; civil-military distinctions in humanitarian action; the operational independence of humanitarian action; the security of humanitarian personnel; respect for international legal instruments; respect for culture and customs; the consent of parties to conflict, etc).⁶ Civil-military relations appear less problematic in natural disaster situations; the presence of the military and its logistical power are both better accepted and perceived as neutral since they are not engaged in the conflict.

Challenges to Civil-Military Relations

The problems of civil-military relations observed within the framework of this study are rendered complex by various additional factors. One complication stems from the fact that civil-military cooperation requires mixing two different logics with regard to doctrines, plans and circumstances, namely humanitarian assistance and civil security.

Humanitarian assistance is defined as material or logistical assistance provided for humanitarian purposes, typically in response to humanitarian crises. The primary objective of humanitarian aid is to save lives, alleviate suffering, and maintain human dignity. It should therefore be distinguished from development aid, which seeks to address the underlying socioeconomic factors which may have led to a crisis or emergency.

Civil security is defined as an effort by all levels of public and private actors to protect a territory from hazards, internal and external, natural and man-made. It is striking to note the similarities of policies, programs and capacities between the European Commission and the U.S. Government, despite considerable differences in domestic political situations.⁷

The two fields share many common elements, particularly in the organizational area. Operational actors intervene in both cases (FEMA, firefighters, NGOs), etc. The problems of preparedness, logistical support, recovery, and disaster assessment are also often common. Yet in the end each endeavor is driven by different operational logic and doctrine. Efforts to improve transatlantic cooperation in disaster management must take this heterogeneity into account.

⁴ United Nations, *Civil-Military Coordination Officer Field Handbook*, v. E 1.0, March 10, 2008.

⁵ See for instance: UNOCHA documents, InterAction Guidelines on Civil-Military Relations (*Linda Poteat*): InterAction Guidelines on Civil-Military Relations, August 2007 (http://www.interaction.org/files.cgi/5896_InterAction_US_Mil_CivMil_Guidelines_July_07_flat.pdf); Oxfam, “OI Policy Compendium Note on the Provision of Aid by Military Forces”, September 2007 (http://www.oxfam.org/en/files/oi_hum_policy_aid_military.pdf), etc.

⁶ UNOCHA in collaboration with IASC, “Civil-military relationship in complex emergencies,” June 28, 2004.

⁷ P. Keilbach, “Internationalizing Civil Security: Comparing Coordination Efforts across the Atlantic” *Paper presented at the annual meeting of the ISA’s 50th Annual Convention, “Exploring the Past, Anticipating the Future,”* New York Marriott Marquis, New York, NY, Feb 15, 2009, http://www.allacademic.com/meta/p314267_index.html.

Disasters, Complex Emergencies and Crisis

Another complication stems from the different types of emergencies involved. Because these often require action by the European Union or the United States, the study group has analyzed natural disasters such as tsunamis, earthquakes or floods, and manmade disasters such as Chernobyl or complex emergencies. It should be noted that these various forms of crisis are sometimes interdependent. A situation of drought can polarize a conflict or a complex emergency situation. A natural disaster can produce a major technological disaster ("Natech disaster"), etc. Civil-military relations are determined in part by the characteristics of the crises they intend to treat, their magnitude, their cross-border characteristics or their duration. The study group chose the following case examples for its analysis:

- Hurricane Katrina, an American example of a natural disaster with socio-economic and human consequences, makes it possible to assess American operational difficulties in the field. The participation of resources both foreign (in particular European) and civil (local NGOs for example) were also examined. It should be noted that it was beyond the mandate of our team to focus on the increase in post-Katrina doctrinal and operational responses and to bring in the comparative European elements.
- The tsunami that struck Southeast Asia is an example of a multinational disaster involving large-scale responses which were themselves multinational and which also involved civil-military relations, especially with regard to American military logistical power.
- Congo-Kivu is examined because of the weight of a certain type of civil-military relations: namely, the question of "armed humanitarianism;" a weak American presence—which has implications for the EU response; and a complex emergency situation. Moreover the team also looked at regional forms of violence against women ("femicide") and gender-based violence as an instrument of war.

The Balkans were also examined because of the dimensions of the post-conflict situation; issues related to current civil-military relations; and questions of ethnicity, which could be highly pertinent to other cases of regional disaster management.

The Track Record—Comparing Transatlantic Approaches to Civil-Military Cooperation

For means of transatlantic comparisons, this study distinguishes levels that are strategic (doctrines, general principles and values, discourse), institutional (organizations, decision-making process), and operational. These levels are obviously interdependent. Any reinforcement of transatlantic cooperation regarding the civil-military management of disasters must take this interdependency into account.

Strategic Level

There is a perception among observers and officials that there are two different "paradigms," doctrines and, in a way, agendas, on the two sides of the Atlantic on disaster response,

humanitarian assistance, and civil-military relations. These differences could limit the possibility of cooperation. The United States, under the Bush administration, showed a tendency of politicization, or even “militarization,” of humanitarian aid. The arrival of the Obama administration could redefine American doctrine and organization, which could potentially favor greater transatlantic compatibility.

U.S. Politicization

It seems that tensions have always existed between *raison d’Etat* and morality in U.S. Government humanitarian initiatives. In a significant number of instances, humanitarian aid, including support disbursed through OFDA, is overtly associated with U.S. military intervention. In these situations (Somalia, Bosnia, Kosovo as peacekeeping operations; Afghanistan and Iraq as post-9/11 operations), U.S. humanitarian aid has been mobilized to respond to the humanitarian consequences of conflicts where the United States itself was involved. This trend has been accelerated in U.S. military interventions since 9/11.⁸ USAID, for instance, seems to have been operating recently within a conceptual framework dominated by security concepts. USAID has also often encouraged broad-based economic growth by facilitating micro and small-scale enterprise development (both urban and rural) for a broad range of people, while strengthening related financial markets and increasing access to credit and urban infrastructure.

The New U.S. Administration: Changes and Innovation—Toward More Compatibility with the EU?

The arrival of the Obama administration is an important moment for the overall engagement of the United States, in so far as several public statements have called for an organizational, budgetary and doctrinal redefinition of humanitarian aid. This points to a new approach to civilian-military relations. Several recent works by experts and commissions have underlined the need to adopt a more strategic and less militaristic approach to overseas engagements.⁹

If such an evolution still remains imprecise, the consequences for transatlantic relations with regard to humanitarian aid or civilian security/disaster management and civil-military relations could potentially be very significant. Possibilities include the creation of a National Strategy for Global Development or the reorganization of specialized American administrations (for example reinforcement of USAID or its successor agency). Among the key questions in all reforms supporting an expanded civilian capacity, the attitude of the Department of Defense and the military is evidently fundamental (its Office of Humanitarian Assistance, Disaster Relief, and Mine Action, part of the Defense Security Cooperation Agency, provides and transports non-lethal excess property to countries in need, and implements foreign disaster relief and local preparedness). Similarly, the possible capacity of USAID to obtain the support of Congress is a significant factor, particularly regarding budgetary support. It is probable that

⁸ R. Kevlihan, “National security and humanitarianism: An Analysis of the Operations of USAID’s Office of Foreign Disaster Assistance from 1929 to 2002,” *APSA*, 2004 Annual meeting, Chicago, p. 1–14.

⁹ C. Cohen and N. Unger, *Surveying the civilian reform landscape*, The Stanley Foundation and the Center for a New American Security, 2008; Center for the U.S. Global engagement, 2008; F. Barton and N. Unger, *Civil-Military Relations, Fostering Development, and Expanding Civilian Capacity*, Brookings-CSIS report, April 2009.

part of federal public funds used within the framework of American programs of economic revival will have an impact on emergency preparedness, disaster mitigation and recovery, even on humanitarian aid, in a narrow sense. It is striking to note, to date, the slowness of nominations for humanitarian positions in the administration, which is in sharp contrast to its performance in the diplomatic and economic areas. As of July 2009 USAID still did not have an administrator.¹⁰ The Obama administration appears to regard humanitarian assistance as a tool of public diplomacy. When he was a U.S. Senator from Delaware, Vice-President Joe Biden publicly stated that “in humanitarian terms, there simply is no other institution in the world that could have delivered the assets and capabilities of the US military... In political terms, this represented an example of supremely effective—and cost-effective—public diplomacy. It demonstrated a simple, yet all-too-often overlooked point: good deeds breed good will.”¹¹ This might point towards less independence for OFDA.

The EU and Humanitarian Aid—Crisis Management as Depoliticization?

Humanitarian assistance and crisis management have made the EU’s reputation.¹² This is mainly because they are less politicized than other fields, like European defense for example, in particular in the eyes of the member states. Member states were and still are more likely to delegate competencies to the European Commission in “apolitical” policy areas—for which humanitarian aid is a prime example, especially in situation of natural disaster.¹³

The *2005 European Consensus on Development* or the *2007 EU Consensus on Humanitarian Aid* also emphasize EU commitment to respect human rights, fundamental freedoms, peace, democracy, gender equality, the rule of law, solidarity and justice, and pays special attention to the needs of Africa and the Least Developed Countries. The European Commission takes account of the “Guidelines on the use of military and civil defense assets in disaster relief,” updated in November 2006 (“The Oslo guidelines”), and the “Guidelines on the use of Military and Civil Defense Assets (MCDA)” to support UN humanitarian activities in complex emergencies. DG ECHO was a member of the Review Committee that drafted the MCDA guidelines. A recent adopted communication stated that the EU should adhere to and promote the MCDA guidelines and reaffirm that its capacities must be deployed in a way compatible with the work of humanitarian organizations.¹⁴

¹⁰ www.alertnet.org/db/blogs/50892/2009/03/29-154114.htm.

¹¹ U.S. Senate Committee on Foreign Relations, “Tsunami response: Lesson learned”, February 10, 2005.

¹² See S. Davidshofer, “EU crisis management: the modalities and political implications of a reappropriation,” paper prepared for ISA 48th annual convention, Feb. 28–March 3, 2007.

¹³ H. Versluys, “Explaining Patterns of Delegation in EU Humanitarian Policy,” *Perspectives*, 28, 2007, p. 63.

¹⁴ See European Commission, communication “Towards a European consensus on humanitarian aid,” July 13 2007, COM (2007) 317.

Institutional Level

The U.S.

Over the last two years, there have been a number of organizational changes in the structure of U.S. Foreign Assistance. For instance, the creation of the post of Director of Foreign Assistance within USAID in November 2007 led to operational, budgetary and decision making consequences.¹⁵ Furthermore, humanitarian networks—empowered by these changes—have called for more autonomy from the Defense and State Departments in the process of developing aid, especially in the area of specialized “disaster” budgets. While several federal funds, such as the Millennium Challenge Account or the AID coordinator budget, still remain out of the director’s scope,¹⁶ it remains to be seen what changes the Obama administration will introduce to this area.

On the subject of preparedness, using the lessons from the Hurricanes of 2005, the federal Government released the National Response Framework (NRF) in January 2008. FEMA and the Red Cross agreed that FEMA should be the primary agency for mass care in the NRF, largely because it necessitated the management of federal agencies’ resources to provide mass care needs, which the Red Cross cannot do.¹⁷ This shift has operational consequences that create a paradoxical situation (see Saalman & Verneuil): FEMA does not have a sufficient number of specialized staff for coordinating the activities of voluntary organizations, unlike those of the National Voluntary Organizations Active in Disasters (NVOAD),¹⁸ an umbrella of private non-governmental, non-profit (and mostly faith-based) organizations.¹⁹

Numerous after-action reports, especially post-Katrina,²⁰ have demonstrated that many agencies and operational levels believe poor communication to be a major failure of policy-makers. Communication difficulties can have major consequences for interoperability and efficiency. The U.S. Congress has recognized the need for a broad strategy on this matter and has directed the Department of Homeland Security to develop what is claimed to be the first *National Emergency Communication Plan* (NECP), to facilitate the ability of emergency response providers and relevant officials to continue to communicate in the event of natural disasters. These plans focus on technology, coordination, governance, planning, usage, training and exercises at all levels.²¹

¹⁵ CRS Report RL33491, Restructuring U.S. Foreign Aid: The Role of the Director of Foreign Assistance; see also: <http://www.state.gov/r/pa/prs/ps/2006/59398.htm> and remarks by Secretary Rice at <http://www.state.gov/secretary/rm/2006/59408.htm>.

¹⁶ CRS report for Congress, “Restructuring U.S. Foreign aid: the role of the director of foreign assistance in transformational development”, updated January 2, 2007.

¹⁷ GAO, “National disaster response: FEMA should take action to improve capacity and coordination between Government and voluntary sectors,” GAO-08-369.

¹⁸ www.nvoad.org.

¹⁹ GAO, “National disaster response: FEMA should take action to improve capacity and coordination between Government and voluntary sectors,” Feb. 2008, *passim*.

²⁰ For instance, the Federal Response to Hurricane Katrina: Lessons learned, February 2006; The final report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, February 2006.

²¹ HSD, “National emergency Communication Plan,” July 2008.

The EU

The EU has made efforts to clarify its administration for humanitarian aid, but the system remains complex: five general directorates are involved in humanitarian and development assistance. This could be viewed as characteristic or symptomatic of the history of the European integration process.

The EU is presently reinforcing its disaster response capacity within and outside member states' territories. The European Parliament and the European Council of December 2007 invited both the Council and the Commission to make the best use of the Community Civil Protection Mechanism.²² This was done at the same time when the European Consensus on Humanitarian Aid, a framework for improved EU humanitarian aid, was signed. The Community Mechanism for Civil Protection has a number of tools intended to facilitate both adequate preparedness as well as effective response to disasters at a community level. The Monitoring and Information Centre (MIC) is the operational heart of the Mechanism. It is operated by DG Environment for the European Commission and accessible all the time. It gives countries access to a platform collecting all civil protection means available among participating states. The Common Emergency and Information System (CECIS)²³ is a reliable web-based alert and notification application created with the intention of facilitating emergency communication among participating states. Civil protection modules are made of national resources from one or more member states on a voluntary basis.

Since the southeast Asia tsunami of 2004, disaster relief has become a civil-military topic in the EU. It is normally a civilian topic which pertains to EU members, but which can also involve the European Commission via instruments like the Stability Instrument or DG ECHO. The possibility of having military assistance for disaster relief at the request of the MIC was recently developed. In consultation with the Commission, the EU Military Staff (EUMS) is responsible for pre-identifying capabilities and generic force packages.²⁴ A Crisis Steering Group has been established, consisting of the EU Presidency, Commission, Council Secretariat and concerned member states.²⁵ Following an informal meeting at Hampton Court in the U.K., an interest in the reinforcement of EU capabilities has developed. In May 2006, Javier Solana proposed that a crisis management board should be created in the Council Secretariat, to clarify tasks, roles and responsibilities, to ensure the implementation of both civil-civil and civil-military co-ordination, and at all levels of EU crisis management.²⁶ The new Helsinki Headline Goal 2010 was agreed upon in June 2004. It stated that the European Union should "*be able by 2010 to respond with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty of the European Union.*"²⁷

²² <http://ec.europa.eu/environment/civil/prote/mechanism.htm>.

²³ http://ec.europa.eu/environment/funding/pdf/specifications_en08051.pdf.

²⁴ H.-G. Ehrhart and G. Quille, "Civil-Military Co-Operation and Co-Ordination in the EU and in Selected Member States," Policy Department External Policies 2007.

²⁵ See Council of the EU, EU emergency and crisis co-ordination arrangements, doc. 15106/05, 29 November 2005, and CCA EX06, October 31, 2006.

²⁶ Council of the European Union, EU military C2 concept, doc. 11096/03, p. 20.

²⁷ Gustav Lindstrom, "The Headline Goal." EU Institute for Security Studies, 2006.

The agreement included the establishment of a Civil-Military Cell (CivMil Cell) within EUMS to support the coordination of civil and military operations. The Cell has its origins in the European Security Strategy of 2003, presented as a distinct European approach in the context of U.S. involvement in Iraq. Nevertheless, the development of the CivMil Cell was constrained because of the tension between the EU, NATO, and the U.S. on the independent development of security institutions of the EU. The CivMil Cell's objective is to quickly set up an Operations Center to serve as an integrated civil-military headquarters. However, the possible coordination of the Cell with humanitarian and civilian organizations has been a concern in the humanitarian world. As part of EUMS, it remains on the military side of the ESDP.²⁸ However it reports both to CIVCOM (Committee for Civilian Aspects of Crisis Management) and to the EU Military Committee (EUMC) and consists of half civilian and half military personnel. It also includes representation of the Commission to indicate the importance for the humanitarian space.²⁹ The Cell was established in January 2007, but so far a joint civil/military mission at the EU level has not taken place yet, except in some kind for the EU Security Sector Reform mission in DRC (EUSEC).

On the European side, it seems that the utilization of the inter-institutional framework devised at Maastricht and inter-pillar coordination are essential. DRC has been a test case for European Union crisis management involving no less than four operations: Operation Artemis in 2003, the European Force (EUFOR) in 2006, EUSEC since 2005 and the European Union Police Mission (EUPOL) from 2005-2007.³⁰ These operations have seen the use of all valid means for supporting the transition of the DRC, including civilian and military crisis-management, humanitarian assistance and long-term development policies.³¹

As has been shown, the United States and the European Union face different challenges: how to reorient humanitarian aid on the American side; and how to simplify the actions of the EU between short and long term vision (ESDP missions vs. Commission for the long term). How may future civil-military relations be integrated in such a way that there can be no misunderstanding about the impartial, neutral character of the humanitarian component?

Operational Level

The U.S.: A More Integrated Approach

When it comes to operational plans, the U.S. has adopted a much more integrated approach than the European Union, even if EU member states may have visions and means for specific civil-military coordination. The Office of Military Affairs (OMA), placed within the USAID

²⁸ Radek Khol, "Civilian-military coordination in EU crisis management." Fundacion Cidob. 6th International Seminar on Security and Defence in the Mediterranean. Human Security. Civilian-military cooperation in humanitarian missions (2008). cidob.org/en/.../download/8282/84792/file/19_khol_eng.pdf.

²⁹ H.-G.Ehrhart and G. Quille, "Civil- Military Co- Operation and Co- Ordination in the EU and in Selected Member States", Policy Department External Policies 2007.

³⁰ The current EUPOL mission, in operation from July 1, 2007, builds further on the EUPOL mission limited to Kinshasa from February 2005 to June 2007.

³¹ M.Martinelli, "Helping Transition: The EU Police Mission in the Democratic Republic of Congo (EUPOL Kinshasa) in the Framework of EU policies in the Great Lakes," *European Foreign Affairs Review*, Volume 11, 2006.

DCHA, was established in 2005 as an operational link to enhance USAID's coordination of humanitarian assistance with the U.S. military. Senior USAID staffers are assigned to the five geographic Combatant Commands and help assess development needs. The OMA is also a contact point between NGOs and the military, and, in theory, allows them to benefit from each of their operational experiences.³²

On a lower level, each *Combatant Command* has humanitarian tools. For example, the U.S. Southern Command constantly manages a series of humanitarian and disaster response programs—from the construction of emergency operation centers, shelters, wells and schools to the provision of medical, surgical, dental, and veterinary services. One such program is the *Medical Readiness Training Exercises (MEDRETEs)*. In a MEDRETE, a small team of military medical professionals are deployed for two weeks to underdeveloped areas to obtain valuable real-world training while also providing medical and veterinary services to citizens in need of treatment. U.S. medical personnel benefit by providing medical care in a challenging and often unique environment; local medical professionals develop closer relationships with U.S. medical personnel; and the local population receives quality medical care.³³

Because of its philosophy, the EU maintains much less integrated civil-military relations of this kind. One of the reasons being that DG ECHO, unlike USAID, is not responsible for crisis management. On the contrary, DG ECHO was built to be perfectly independent, taking into account the priorities and the values of NGOs.

Challenges for Closer Civil-Military Cooperation

In the field, civil-military relations in the field on both the European and American sides face a range of traditional difficulties. The development of guidelines for activities on the ground has certainly been a step forward. Some of the most pressing remaining challenges include the following:

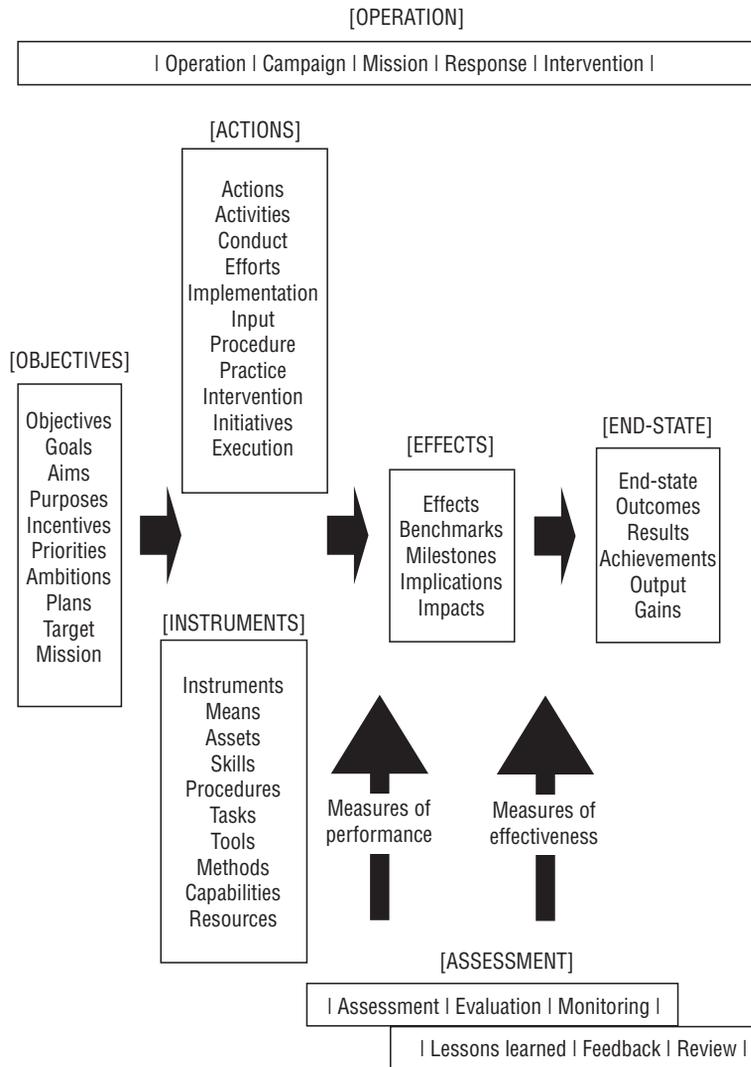
Conflicting Organizational Identities

While many attempts have been made to improve civil-military relations, particularly in the context of multinational and interagency operations, field studies still show that cooperation too often remains inadequate or too specific. The first challenge has to do with the limited knowledge of the other side's organizational identities. This can present root obstacles to civil-military relations. One thus finds reoccurring difficulties in humanitarian aid, even when progress has been achieved. Negative perceptions prevail on both sides: The military complain about the extreme fragmentation of the humanitarian environment; on the civilian/NGOs side, a frustration is often expressed that while the military frequently turn to them to get information, they are often reluctant to return the favor. Divergent working procedures between the two actors can be detrimental to the effectiveness of actions on the ground.

³² CRS, "International crises and disasters: U.S. humanitarian assistance, budget trends, and issues for Congress," Report RL33769, January 29, 2008.

³³ www.southcom.mil/AppsSC/pages/humanitarianAssistance.php.

Figure 1. Overview of Variations in Operational Terminologies



Source: K.M.Haugevik and B. de Carvalho, "Civil-Military Cooperation in Multinational and Interagency Operations", NUPI, Security in practice n.2, 2007, p.12

Lack of Common Language

Divergent operational terminologies represent another challenge. Any international or multi-agency humanitarian mission will have experienced that difficulty. There are broad differences in the use of languages, not only between military and civilians, but also between civil actors themselves. Figure 1 gives a general overview of some variations in these operational terminologies.

A standardization of these terminologies is not a realistic solution to this challenge. The primary reason is that terminology describes practices, and practices are at the center of the values of an organization. It is thus difficult to imagine the military using doctrinal or operational concepts worked out by humanitarian workers, and vice versa. A more useful and concrete step in this context, therefore, is to increase the various actors' knowledge of each other's use of operational terminologies.³⁴ This could happen for example through joint training.

Diverging Needs Assessments

In view of the difficulties and stakes described above, it is not surprising to note that to date there are no standardized mechanisms or methods for the collection or the analysis of humanitarian needs. Each actor uses his own guidelines and there are few examples of joint evaluations of need. However, the advantages of such joint needs assessments are numerous and include for example bringing together complementary points of view, joining mutual resources, and forming multidisciplinary teams.³⁵

The United States and the European Union, but also other important actors of humanitarian assistance such as the United Nations,³⁶ have their own teams which can be sent very rapidly to disaster areas:

USAID sends DARTs (Disaster Assessment and Relief Teams), multidisciplinary and experimental teams which set up on the ground procedures of analysis for the specific needs and networks for co-operation with NGOs, IOs, the authorities, local armed forces, and services of civil security.³⁷

The European Union has several mechanisms in this area. DG ECHO uses "Global Needs Assessments," a whole-scale system of evaluation of risks. It also uses also experts posted on the ground. The EU Rapid Reaction Mechanisms³⁸ and the MIC also include various means of collecting and analyzing information on situations and needs.

NGOs typically have tools and special methods to evaluate needs *in situ*. These tools can be developed more or less depending on the size of the NGO. Competition among NGOs for donor funding often leads to a reluctance among NGOs to share information.

To enhance information exchange between civilian and military actors, several initiatives recently have been developed. The *Office of the Secretary of Defense, Networks and Information Integration* (OSD NII), for example, has been working on the question of a collaborative information environment since 2005. While it is not possible to go further into the technological

³⁴ K.M.Haugevik and B. de Carvalho, *op.cit.*, p. 10.

³⁵ Cf. F. Grunewald and alii, "L'humanitaire et son interaction avec les acteurs militaires", *EPMES* 109–115, Jan 24, 2008, p. 26.

³⁶ <http://ochaonline.un.org/Coordination/FieldCoordinationSupportSection/UNDACSystem/Concept/tabid/1419/language/en-US/Default.aspx>.

³⁷ http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/resources/pdf/fog_v3.pdf.

³⁸ http://europa.eu/eur-lex/pri/en/oj/dat/2001/l_057/l_05720010227en00050009.pdf.

aspects,³⁹ the question of information sharing is at the center of civil-military relations and challenges.

The Way Forward: Policy Recommendations

Some obstacles to closer civil-military cooperation are likely to persist, whereas others can be addressed. To achieve progress, concrete proposals involving the transatlantic partners should address the following issues:

- resolving normative problems of civil-military cooperation;
- improving operational (and joint) approaches;
- minimizing conflicts or incompatibilities with humanitarian principles;
- strengthening adherence to international standards on civil-military relations.

The study group proposes the following focus areas for enhancing transatlantic cooperation regarding civil-military relations in humanitarian assistance. It should be noted that a number of initiatives addressing these issues are already under way in Europe and in the United States.

Strategic Level

Towards a Common Agenda, Solidarity and Burden Sharing?

The military makes its strongest contribution to humanitarian action by providing logistics services and security. NGOs, however, will continue to fear the “instrumentalization” of humanitarian assistance by the military. The European Commission and the U.S. Government now have an important opportunity to reshape their approaches to civil-military cooperation in disaster response and preparedness and to work more closely together in this field.

Despite potential reservations from individual member states of the European Union, the EU and the U.S. could use the current political momentum to increase their cooperation in this area and explore the question of transatlantic burden sharing in expenditures for preparedness, logistical capacities, and humanitarian assistance, in a period of international economic recession.

The Military and the Oslo Guidelines: A Normative Framework?

Many actors, in particular NGOs and international organizations, call on both transatlantic partners to adopt the so-called Oslo guidelines to frame the activities of the military in situations of disaster management or humanitarian assistance. The European Commission subscribes to these guidelines through the European Consensus on Humanitarian Aid. It is not clear, however, whether U.S. or European militaries back these guidelines.

³⁹ See for instance: L. Wents, *Information and Communication Technologies for Civil-Military Coordination in Disaster Relief and Stabilization and Reconstruction*, CTNSP, National Defense University, June 2006.

It is necessary here to distinguish between the internal and external deployment of military capabilities. In local disasters such as Hurricane Katrina, the deployment of military forces poses a minimum of problems in terms of safety and security. Interventions outside U.S. or EU territory face different conditions. All of the examples studied here (Kosovo, Southeast Asia tsunami, DRC), as well as others (Pakistan earthquake, etc), show that local non-state armed groups act quickly on the territory they control. This can extend to controlling the distribution of aid. It is thus very rare for the military to find disaster situations perfectly clear, inoffensive, and without potential safety and security problems. If the role of the military were in fact reduced to a tool of “last resort,”⁴⁰ the military would no longer be able to benefit from the public relations benefits of humanitarian activities. This not only has an impact on military strategy, focusing increasingly on winning the “hearts and minds” of affected populations, but also on military budgets.

Institutional Level

While many EU-U.S. dialogue techniques exist in various areas, in the field of disaster management they remain a work in progress. The same applies to EU-NATO relations on this question. How can these major actors coordinate their responses to ensure effective interoperability, especially with regard to the emergence of a European disaster relief force? Or how may they interact better with NGOs or non-military actors in all of their diversity?

One option would be to create a bilateral decision-making body focusing on transatlantic relations and civil-military cooperation. Such a body could for example be modeled on the EU-U.S. Senior Level Group created as part of the 1995 New Transatlantic Agenda, or on the more recently created Transatlantic Economic Council. Even if only minimally institutionalized, such a specialized forum would have several advantages, including creating possibilities to include representatives of NGOs and other volunteer organizations.

The EU and the U.S. have already taken steps in that direction. They regularly exchange technical and verbal notes that confirm their intention to implement initiatives outlined in U.S.-EU technical dialogues; they are also increasing their cooperation in crisis management and conflict prevention, particularly in the civilian realm. A work plan was approved by the Council of the EU and by the U.S. Government in December 2007. Exchanges at a high level took place for example under the Political and Security Committee Ambassador and representative of the Slovenian EU presidency, and the Coordinator for Reconstruction and Stabilization in the U.S. State Department.⁴¹ More recently, in March 2008, the EU and the U.S. met in Brussels to exchange note verbales confirming their intention to implement the initiatives outlined in their technical dialogue and increased cooperation in crisis management (and conflict prevention).⁴²

Similar interactions could enhance the effectiveness of transatlantic and civil-military cooperation, especially if they focused on developing:

⁴⁰ Oslo guidelines, Rev. 1.1., November 2007, 5, p. 4.

⁴¹ http://useu.usmission.gov/Dossiers/Natural_disasters/mar1808_USEU_CrisisManagement.

⁴² <http://useu.usmission.gov/Dossiers/Democracy/default.asp>.

- a comparative analysis of methods and procedures in term of mitigation, preparedness, response and recovery;
- elements of operational coordination;
- exchanges of good practice and lessons learned;
- research on cost sharing and economies of scale, etc.

Operational Level

Toward Transatlantic Disaster Exercises?

Joint training exercises have a number of advantages: they reinforce preparedness; establish best practices; and allow people to get to know various partners. For these reasons, such training activities may also reinforce transatlantic relations between civil, military, and humanitarian partners.

The United States has an organized hierarchy of different exercises which does not seem to exist as such in Europe, and by doctrine, is regularly using exercises in the framework of multi-lateral or regional military cooperation. For instance, the Black Sea Initiative “Albatross 2006/07 Table Top Exercise” took place in Batumi, Georgia on February 12–15, 2007. A series of BSI Exercises were organized and conducted within the framework of the U.S. Army Corps of Engineers’ Civil-Military Emergency Preparedness (CMEP) Program.

The EU regularly organizes exercises for improving its emergency and crisis coordination. The coordination arrangements exercises (CCAEX06, -07, -08), approved in June 2006, are conducted by the Presidency, with the support of the Council Secretariat and the Commission, with the aim of verifying the ability of the arrangements and to test the capability of the EU bodies to support members’ response efforts. In September 2008, the exercise was based on a fictitious twin storm affecting a large number of member states and causing damage to public and private infrastructures, disruptions and power cuts.

Chosen events need to interest and mobilize the U.S., the EU, volunteer organizations and NGOs. It is probable that a huge forest fire would only interest some of the EU members (presumably the Mediterranean ones) and California, but not the northern European countries or the U.S. east coast. Tsunamis or hurricanes seem mostly to concern non-European areas, or overseas European territories. Therefore, an exercise should focus on a probable threat and event that could potentially occur both in the European mainland and in the U.S. For these reasons, floods and earthquake exercises have a strong popular interest.

From an inter-organizational point of view, “Viking ‘08” (November 3–14, 2008), involving NATO and EU forces,⁴³ or the “Strong Angel” exercises could be a source of inspiration. They are a series of civil-military demonstrations that show methods for civilians and military agencies around the world to enhance cooperation in the field. The teams include medical, military,

⁴³ See Chapter 21 by Roy Williams.

Box 1.

Strong Angel is the name of a series of civil-military demonstrations that show how civilian and military authorities can work effectively in response to disaster. The Strong Angel demonstration series focuses on experimentation in the use of cutting-edge techniques and technologies to facilitate improved information flow and cooperation across the civil-military boundary in post-disaster and post-conflict field environments. Members of the Strong Angel team include medical, military, humanitarian, and technology experts. These team members are drawn from many walks of life: public and private sectors, civilian and military, domestic and international, including engineers, UN staff, humanitarian NGO workers, academic researchers, journalists, policy makers, and active duty military officers.

The first Strong Angel (SA-I) was held near Puu Pa'a on the Big Island of Hawaii in June 2000 to address problems seen in the international response to the Kosovo refugee migration.

The second Strong Angel (SA-II) was also held on a remote lava bed in Hawaii and pursued problems identified by members of the first Strong Angel team who were later deployed to post-9/11 conflicts in Afghanistan and Iraq. SA-II eventually incorporated 83 tasks designed to propose answers to problems seen in civil-military integration during those conflict deployments, including such topics as trans-boundary communications, civil-military transportation coordination, sustainable power provisioning, machine-based translation services, and extensive cultural awareness.

The third in the Strong Angel series, SA-III was designed to address problems seen in multiple natural and man-made disasters where Strong Angel members have deployed since 2004. Those events include the South Asian Tsunami in December 2004, Hurricane Katrina in August 2005, Hurricane Rita in September 2005, and the Pakistan earthquake in October 2005. SA-III was held in San Diego, California from 20–26 August 2006.

VIKING 08 was a multinational and multifunctional exercise in the Spirit of NATO's Partnership for Peace. The exercise was executed November 3–14, 2008. This exercise was the fifth in the VIKING Exercise series, which started in 1999. In VIKING 08 the scenario was based on a peacekeeping operation. With both military and civil parties involved, questions of gender and diversity formed an important part of the exercise. The exercise was built on a fictitious scenario involving several countries in deep crises. A substantial NATO Joint Task Force was intervening in one country, while a European Union Battle group was giving assistance in a neighboring country. Both forces were operating under UN Security Council resolutions and co-coordinating with one UN Mission covering both countries. The UN was present on the ground with a mission headquarters, several regional headquarters and agencies co-operating with international aid organizations and non-governmental organizations.

humanitarian, and technology experts who represent various perspectives (public and private sectors, civilian and military, domestic and international).⁴⁴

The process of creating and staging an exercise is challenging and must meet the requirements of the actors. Transatlantic exercises, for that reason, seem to be both sensitive and complex to organize, but politically and operationally very valuable. First, a natural disaster transatlantic exercise scenario could involve a common domestic problem. Expenditures for exercises involving the domestic security problems may be easier to justify. At the same time, humanitarian missions overseas pose specific problems for which training (transatlantic in particular) is necessary. Therefore, a focus on a natural disaster triggering a technological disaster (a “nat-tech” disaster) could be a suitable choice for joint training exercises.

Joint Courses

Another critical opportunity for enhancing transatlantic and civil-military cooperation in disaster response lies in joint training and formation. Formation programs, including civil or military schools, local, national and public or private initiatives, offer many possibilities for enhancing mutual knowledge and furthering the exchange of good practices between civil and military actors. To further this kind of exchange, European and American firefighters, civil security personnel and NGO members should be regularly dispatched on a formalized basis to take part in each other’s formation activities.

Moreover, common courses could be created. To achieve this, it would be necessary to resolve some preliminary logistical problems such as insurance and agreements concerning level equivalence, but these obstacles seem surmountable.

On-Line Exchanges of Information

Several initiatives are currently underway to create specialized online fora for exchanging information between civilian and military actors from both sides of the Atlantic. A CSIS study, for example, recommended that the U.S. Government create a dedicated forum for global humanitarian research and analysis.⁴⁵ Several initiatives already cover more operational aspects. The UN’s Reliefweb (www.reliefWeb), for example, is widely regarded as a leading on-line gateway to humanitarian emergencies and disasters. Another initiative currently under development is the web portal www.ResourceNexus.org. It intends to facilitate the exchange of timely, educational and practical information that will enhance the ability of civilian and military entities to more productively liaise when responding to natural disasters. A web-based knowledge portal for disaster management could also be coordinated by the UN-SPIDER program (Space Information for Disaster management and Emergency Response).⁴⁶ A dedicated transatlantic web portal could in addition describe the operational structures, methods and practices of civilian and military actors on both sides of the Atlantic, and in particular pro-

⁴⁴ www.advancedprep.com/documents/Strong%20Angel%20Preliminary%20Report.pdf/.

⁴⁵ K. Von Hippel and alii, CSIS, “Responding to catastrophe,” March 2008.

⁴⁶ www.dlr.de/en/DesktopDefault.aspx/tabid-1/86_read-12747/.

mote joint approaches on training, exercises and various initiatives from the strategic level to the operational level.

Conclusion

The reinforcement of transatlantic “coordination” of civil-military relations is not simple:

- First, humanitarian assistance is an important activity that is morally and politically motivated. Thus, political agendas can be either useful or counter-productive.
- Second, the actors concerned have different interests, practices and operational languages. How should stronger cooperation between the EU and the U.S. be considered when challenges to cooperation remain strong within their own bureaucracies and operational networks?⁴⁷ Moreover, enhanced cooperation in the civil-military realm encounters strong opposition from many actors, especially operational actors.
- Third, EU member states have different views with regard to civil-military cooperation in disaster relief, and to date the European Commission’s authority in this realm is limited. This could change, however, as the Commission has its own political agenda on reinforcing the Union’s disaster response capacity,⁴⁸ aiming at a gradual build-up of a more integrated approaches, as well as designing responses to specific disasters, alert and coordination mechanisms. Community programs such as the European Forest Fire Information System (EFFIS), the European Flood Alert System or *Meteoalarm*⁴⁹ are important steps in this direction.
- Finally, both the European Commission and the U.S. Government have an interest in the economic impact of the research and development that they finance, such as the Galileo program on the European side. This interest could also hinder a strengthening of transatlantic cooperation.

In order to strengthen transatlantic cooperation in the field of civil-military relations in disaster response, steps need to be taken by top-level administrative actors and by field/operational actors in both the United States and the European Union:

- Top-level support within the European Commission and the U.S. Government for enhancing the transatlantic relationship in civil-military relations is a precondition for achieving progress.
- The field and operational levels, in turn, are critical for implementing change, not least because civil-military relations also depend on interpersonal relations. As mentioned above, joint transatlantic civil-military courses, training and disaster management exercises could play an important role in improving these relationships.

⁴⁷ A. Boin and M. Rhinard, “Managing Transboundary Crises: What Role for the European Union?” *International Studies Review*, 2008, 10, 1–26.

⁴⁸ Communication from the Commission to the European Parliament and the Council on reinforcing the European Union’s disaster response capacity (COM(2008) 130 Final), 5.3.2008.

⁴⁹ Commission Staff Working document, “Towards Better Protecting Citizens Against Disaster Risks: Strengthening Early Warning Systems in Europe,” SEC (2007) 1721.

Paradoxically, the current relative weakness of the European Commission in civil-military relations and disaster response could be used as an opportunity to reinforce transatlantic cooperation in this area. As the European Commission, following the Barnier report,⁵⁰ seeks to reinforce Europe's civil response capacity, it could benefit from a rapprochement with the United States. This would involve establishing the MIC as a real operational center for protection interventions, reinforcing European humanitarian aid, and creating a European disaster response training network based on existing courses and networks such as NOHA.⁵¹ Reorienting these activities to ensure they take into account American experiences and link with U.S. counterparts would make it possible to promote the European Commission's authority in this area and strengthen Europe-wide coordination, while placing the Commission at the center of transatlantic relations.

⁵⁰ ec.europa.eu/commission_barroso/president/pdf/rapport_barnier_20060508_fr.pdf.

⁵¹ The NOHA is an EU intensive program on humanitarian action, contemporary humanitarian issues and challenges.

Chapter 19

Civil–Military Relations in Kivu, Democratic Republic of Congo: A Case Study on Crisis Management in Complex Emergencies

Gudrun Van Pottelbergh

The humanitarian crisis in Kivu in the Democratic Republic of Congo deteriorated again in the second half of 2008. In reaction, the international community agreed to send additional peacekeepers to stabilize the region. Supporters of the Congolese peace process agree that a military reaction alone will however not be sufficient. A stable future of the region requires a combined civil and military approach. This will also necessitate the continuous support of the international community for the Congolese peace process.

The European Union and the United States are the two main players in terms of providing disaster management and thus also in the Democratic Republic of Congo. The European Union in particular has set-up several crisis management operations in the country. For the purpose of an efficient and combined effort in disaster relief, this study will investigate how different or similar these two players are in terms of crisis management mechanisms.

The chapter concludes that the development of new crisis management mechanisms and the requirements for a sustainable solution in Kivu create an opportunity for all stakeholders described. Through establishing a high-level dialogue, the European Union and the United States could come up with a joint strategic and long-term approach covering all of their instruments in place to support the security reform in Kivu. It is especially in this niche of civilian and military cooperation within crisis management operations that may lay a key to finally bring peace and stability in the East of the Democratic Republic of Congo.

The European Union and the United States are the two main players in terms of providing disaster management. For the purpose of an efficient and combined effort in disaster relief and preparedness, it is relevant to investigate how different or similar these two players are. Based on these results, strategies can be defined to result in an improved coordination in a broader transatlantic framework. In terms of disaster relief, the demands for increased civil-military coordination is reflected both on an operational and strategic level due to developments in the last fifteen years. Moreover, civil-military relations require to be addressed within crisis management.

This chapter focuses on the relations between international military and civilian actors in the response to humanitarian crises from the perspective of the European Union and the United States. We will use the complex emergency situation in the Kivu provinces in the Democratic Republic of Congo as a case study to analyze the research question.

A dual approach will be used. A top-down approach will discuss the crisis management systems in place and a bottom-up approach will go deeper into the requirements of the field. By combining these two approaches, we will be able to analyze the convergences and differences between the European Union and the United States, and between the strategic and operational level. As a result, we will answer two questions. First, are the crisis management mechanisms of the European Union and the United States adapted to the requirements of the field? Second, do the European Union and the United States crisis management mechanisms contribute to concrete improvements on the ground? This will allow for making a suggestion on improved transatlantic cooperation.

The reader will first be provided with introductory knowledge on the specific context of the case-study and the strategic interest of the European Union and the United States in the region. The top-down approach will consequently explain the development of crisis management mechanisms in the European Union and the United States and the relation between their civilian and military structures, before giving a general overview of the involvement of both players in the Democratic Republic of Congo. Consequently, the bottom-up approach will explain the challenges for civil-military coordination on the ground in the Kivu provinces and the support of the European Union and the United States in addressing the situation. Based on these two parts, some differences and convergences can be observed.

It is an unfortunate coincidence that at the moment of writing renewed violence is occurring in the Kivu provinces in the eastern part of the Democratic Republic of Congo (DRC). This region has almost continuously been dragged into conflict since the mid 1990s. We will not delve into the entire dynamics of the conflict, as it would take us beyond the parameters of this paper. A few events should already indicate the complexity of the situation. Primarily, the Kivu provinces received the main burden of the refugee influx, largely majority Hutu, after the genocide in neighboring Rwanda in 1994. Two years later, an attack by so-called ‘Banyamulenge’ in South-Kivu initiated the first Congo War (1996–1997). Fighting ended with Rwanda-backed Laurent Kabila overthrowing Joseph-Désiré Mobutu in May 1997. However, in August 1998 Kabila’s former supporters turned against him in the second Congo war (1998–2002), also known as Africa’s world war. The Global and Inclusive Agreement was finally signed in 2002 in Pretoria and a transition process kicked off with the government of national unity coming into place in 2003.

Under the peace agreement the former rebel forces agreed to integrate themselves in the national army, the ‘Forces Armées de la République Démocratique du Congo’ (FARDC). This process was called *brassage*. Yet, the establishment of this unified army proved to be a challenge. In January 2004, new military commanders, representing the various former belligerent groups, were nominated across the country, but the specific appointment in Bukavu led to tensions. In this turmoil, General Laurent Nkunda refused to go to Kinshasa to take up his post in the newly integrated army. In May 2004, the ‘Congres National pour la Défense du Peuple’ (CNDP) under the leadership of Nkunda occupied Bukavu. The United Nations Mission in the Democratic Republic of Congo (MONUC), the peacekeeping mission present in the country since 2000, negotiated his withdrawal in June 2004.

In 2006, national elections were held under international auspices and resulted in the election of Joseph Kabila, son of Laurent, as president of DRC. The political representation of the Tutsi population further declined. In response, Nkunda presented himself as the protector of the Tutsi and he opposed to the *brassage*. A compromise with the government in Kinshasa was reached in December 2006: in the *mixage* newly integrated units would only be locally deployed in a first phase. For a short while, former opponents CNDP and FARDC operated side-by-side against the second main rebel movement in the Kivus: the ‘Democratic Forces for the Liberation of Rwanda’ (FDLR).¹ The *mixage* failed however in August 2007 and renewed hostilities broke out, accompanied by severe violence against civilians, rape, looting, killings, and recruitment of child soldiers. It was under pressure of the international community that an agreement was reached in January 2008. The Goma Accords included amnesty for the rebels, also for Nkunda.

Once more, since August 2008 a burst of violence has taken hold of the Kivu provinces. Fighting between CNDP and the FARDC has forced local people to flee their homes yet again. In ‘his war for liberation,’ Nkunda expanded his zone of control and occupied several cities, while the FARDC seems unable to provide a prompt and adequate response. At the end of 2008, Nkunda was arrested and joint Rwandan-Congolese operations occurred against the CNDP. MONUC will be strengthened. But peace remains illusive. As we will see in this chapter, recent developments clearly demonstrate the complexity to provide relief. The unstable difficult situation in which humanitarian workers operate in cannot be overlooked. The topic of civil-military relations remains central.

Actors

The interest of the EU in the African continent is motivated by of economics and development, as shown in the EU Strategy for Africa of 2005. Since development is dependent on peace and security in the European view, conflict prevention and crisis management are key activities in Africa. Stability in Africa is also crucial in many ways to the security of Europe.² This trend emerged in the 1990s when isolated development policies did not obtain the expected results. At the same time, an increase in conflicts was observed. In the framework of strengthening the external policy of the EU, a Special Representative to the Great Lakes region was appointed in 1996 to assure political leverage. However, the EU is much less of a unified force in terms of foreign and security policy than it is in trade and development relations. The involvement of the EU in DRC is mainly driven by the United Kingdom, France, and Belgium. Divergences in views remain a key obstacle.³

The Directorate-General for Humanitarian Aid (ECHO) is part of the European Commission. ECHO directly funds NGOs or international organizations to implement specific projects. The humanitarian assistance provided by ECHO as a donor plus the contribution of the European member states account for 55% of the global humanitarian assistance. In 2007,

¹ The FDLR is a Hutu movement opposing the current regime in Rwanda.

² Marta Martinelli, “Helping Transition: The EU Police Mission in the Democratic Republic of Congo (EUPOL Kinshasa) in the Framework of EU policies in the Great Lakes,” *European Foreign Affairs Review*, Vol. 11, no. 3 (Fall 2006), pp. 379–399.

³ Dieter Mahncke, Alicia Ambos, and Christopher Reynolds in Peter Lang, ed., *European Foreign Policy. From Rhetoric to Reality?* (Brussels, Council of Europe, 2006).

ECHO maintained a budget of roughly €768 million in 2007. In 2008, ECHO spent €44 million in the DRC. In response to the recent fighting, the European Commission provided an additional €4 million in emergency funding. Priorities are protection, food aid, health services, livelihood support, access to safe drinking water and transport infrastructure. ECHO also runs a humanitarian air service to transport humanitarian personnel and goods.⁴

The U.S. policy towards Sub-Saharan Africa hinges mainly on energy interests. A clear picture can be obtained by looking at the importance of Angola, as sixth largest supplier of crude oil to the United States.⁵ Further, 9/11 gave rise to a concern over failed states. Together with Sudan, Liberia and Somalia, the U.S. considers DRC as a state that will “*without progress, will have a negative impact on regional stability and national security.*”⁶ In comparison with Iraq and Afghanistan, the involvement remains limited though. The so-called Powell doctrine claims that African diplomats and military forces should take the lead in responding to African crises and conflicts. In this view, U.S. intervention should be seen as a last resort.⁷ While the U.S. supports the peace process in DRC, it leaves the lead to other players in the international community, namely the European Union and South Africa.⁸ Finally, also disease, global cooperation and stopping and preventing genocide can occasionally convince the U.S. administration to get involved in Africa. Traumatic experiences as Somalia in 1993 and Rwanda in 1994 seriously affected the power of these ‘soft’ interests to trigger U.S. involvement in Africa.

The Office of Foreign Disaster Assistance (OFDA) is part of the U.S. Agency for International Development (USAID). In 2007, OFDA managed a budget of \$573 million, of which \$29 million went to DRC. Only two complex emergencies, Iraq and Sudan receive more funding from OFDA. In total, the U.S. government provided over \$123 million for emergency programs in the DRC in 2008. These donations were used for agriculture and food security, health, Internally Displaced Persons assistance, nutrition, protection, and water, sanitation, and hygiene. USAID has recently deployed a Disaster Assistance Response Team (DART) to support the relief efforts in the current situation.⁹

Top-Down Approach

Changes in the geopolitical landscape after the end of the Cold War led to a new perspective on crisis management. Peace and security could no longer be achieved by military means. Civilian aspects as development, human rights, humanitarian assistance, received their place in the overall picture, which resulted in connecting these aspects institutionally in international organizations. When confronted with complex emergencies, the United Nations (UN) came

⁴ Available at http://ec.europa.eu/echo/index_en.htm.

⁵ Available at <http://www.eia.doe.gov/emeu/cabs/Angola/Oil.html>.

⁶ Fiscal Year 2008 Budget Request. Department of State, USAID and Foreign Operations (International Affairs). Summary and Highlights.

⁷ Anthony Lake and Todd Whitman, *More Than Humanitarianism: A Strategic US Approach toward Africa* (New York: Council on Foreign Relations, 2006).

⁸ Gilbert Khadiagala, *Security Dynamics in Africa's Great Lakes Region (Project of the International Peace Academy)*, (U.S. Lynne Rienner, 2006).

⁹ Available at http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/publications/annual_reports/pdf/AR2007.pdf

up with packaging its different civil and military elements into ‘integrated missions’. The Comprehensive Approach of the North Atlantic Treaty Organization (NATO) is based on the same concept. The EU and the U.S. have recognized the evolution towards an inclusive approach to crisis management. This can be demonstrated by looking into the development of (new) civil and military crisis management mechanisms by the two actors and their coordination. As a result, we will find out how this perspective on crisis management influences civil-military relations on a strategic level. The chapter concludes by referring to crisis management by the EU and the U.S. in Sub-Saharan Africa.

Crisis Management in the European Union

During the process of European integration throughout the 1990s, a new dimension was given to crisis management. This development took place in the context of strengthening the second pillar¹⁰ of the EU, the ‘Common Foreign and Security Policy’ (CFSP). The Treaty of Amsterdam of 1997 integrated the so-called Petersberg tasks in the framework of the EU. These were formerly a prerogative of the West-European Union (WEU) and consist of humanitarian and rescue tasks, a peacekeeping agenda and issues of combat forces in crisis management, including peacemaking.¹¹ The St. Malo declaration of 1998 stated “*that the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises*”. Developing its own capacity to intervene in crises would decrease the EU dependency on the U.S. in this matter.¹² The ‘Declaration of the European Council on Strengthening the Common European Policy on Security and Defense’ (ESDP) was agreed in Cologne in June 1999.

Military Crisis Management

The accent of EU crisis management was primarily placed on the military component in the context of the Kosovo crisis.¹³ On the Council meeting in December 1999, the Helsinki Headline Goal was agreed upon. This agreement stated that by 2003, 50–60,000 troops should be able to deploy in 60 days—sometimes referred to as the European Rapid Reaction Force. In accordance, new institutions were created. The Political and Security Committee (PSC) has the political control and strategic direction of crisis management operations. The EU Military Committee (EUMC), established in 2001, is the highest military body in the Council gathering the General Staff of member states and providing advice and recommendations to the PSC. The EU Military Staff (EUMS) performs early warning, situation assessment and strategic planning for missions and tasks in the framework of ESDP. However since command and

¹⁰ The European Union is divided into three pillars, according to the Treaty of Maastricht of 1992: the first pillar is the European Community; the second pillar is the Common Foreign and Security Policy; and the third pillar is the Police and Judicial Co-operation in Criminal Matters.

¹¹ Agnieszka Nowak, ed., *Civilian Crisis Management. The EU Way* (Paris: Institute for Security Studies June, 2006,) Number 90.

¹² Pieter Cornelis Feith, *Strategic Decisions for a Peace Operations in Africa*, in Ernst Sucharipa ed. *Peace Operations in Africa, (Vienna 34th IPA Vienna Seminar. Diplomatic Academy’s Favorita Papers, 2004)*, p. 61.

¹³ Nowak, op. cit.

control functions remain under NATO or under the headquarters of a so-called Framework Nation, EU's military capacities are limited.¹⁴

Civilian Crisis Management

In addition, the ESDP entailed more coordination on the use of non-military crisis management tools among the member states. The 'Helsinki Action Plan for non-military crisis management of the EU' led to a mechanism at the European Council Secretariat to strengthen the use of national, collective and NGO resources, to avoid duplication and to ensure coherence. The basis of the civil crisis management concept was laid down in the Feira European Council in June 2000. It was stated that civilian crisis management capabilities would be focused in four priority areas and could be used in EU-led autonomous missions or in operations conducted by other international organizations, such as the UN or the Organization for Security and Cooperation in Europe (OSCE). These areas are:

1. Police for advisory, assistance and training tasks or for substituting to local police forces.
2. Strengthening the rule of law leading to properly functioning judicial and penitentiary systems.
3. Civil administration missions in the context of crisis-management operations.
4. Civil protection, for which a Community Civilian Protection Mechanism was established.

In order to assure inter-pillar coherence, a Committee for Civilian aspects of Crisis Management (CIVCOM) was established in 2002, and supports the PSC.¹⁵

Civil-Military Coordination

The European Union acknowledges the need for civil-military coordination in the first place because of its organizing pillar framework. CMCO (Civil-Military Coordination) is the term used for inter- and intra-pillar coordination of all EU actors involved in the planning and implementation of EU crisis management response. Coordination between military and humanitarian partners is always a challenge due to a number of reasons such as different cultures or lack of understanding of mandates and organization. A few additional difficulties exist with CMCO. First, coordination cannot be imposed based upon the Crisis Management Concept. As a result, the actual coordination in the field falls under the responsibility of partner NGOs. Second, since ECHO was not involved in the crisis management set-up, coordination between humanitarian, other civil and military partners requires a strong coordinator in the field.¹⁶ This role is ideally filled in by the EU Special Representative. Finally, the most chal-

¹⁴ Hans-Georg Ehrhart, *Civil-Military Co-operation and Co-ordination in the EU and in Selected Member States* (Brussels, European Parliament Directorate General External Policies of the Union. Policy Department External Policies, 2007).

¹⁵ Ibid.

¹⁶ Ehrhart, op. cit.

lenging aspect may be the difference among member states concerning their national interpretation of civil-military relations. Dissimilarities alike do not facilitate a common model for civil-military coordination within the EU.¹⁷

In addition to internal EU coordination, civil-military cooperation (CIMIC) deals with external relations with civilians as part of a military operation.¹⁸ In EU terminology, CIMIC is part of the overall CMCO approach. CIMIC is a normal military task whose procedures and mechanisms are established at the Operational Headquarters and is thus in the end politically oriented. Two permanent structures in the EU deal with CIMIC. First, the EUMS develops and executes CIMIC tasks at the political and strategic level. Second the CIMIC Conference is a forum for harmonization and standardization of CIMIC among EU military and civil actors, member states, force contributing nations, host nations and civil organizations and authorities. The main challenge for CIMIC is that civil-military operations usually start only after the beginning of civil efforts. As a result, liaison is needed with already existing structures.¹⁹

Crisis Management Operations

Both civilian and military crisis management mechanisms were sufficiently operational in 2002 to start preparing for the first ESDP operation: the EU Police Mission in Bosnia and Herzegovina (EUPM) in 2003. The main lesson learned was the interdependency between the four civilian priority areas and between the civil and military tools. Changes were made accordingly in 2004.

First, a new Helsinki Headline Goal 2010 was agreed upon in June 2004. The European Union should “*be able by 2010 to respond with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty of the European Union.*”²⁰ The agreement included the set-up of a Civil-Military Cell (CivMil Cell) within the EUMS to support the coordination of civil and military operations. The Cell finds its origin in the European Security Strategy of 2003, presented as a distinct European approach in the context of the US involvement in Iraq. Nevertheless, the development of the CivMil Cell was constrained because of the tension between the EU, NATO and the U.S. on the independent development of security institutions of the EU. The CivMil Cell has the objective of quickly setting up an Operations Centre to serve as an integrated civil-military headquarters. However, the possible coordination of the Cell with humanitarian and civilian organizations was a concern in the humanitarian world. As part of the EUMS, it remains naturally on the military side of the ESDP.²¹ However it reports both to CIVCOM and to EUMC and consists of half civilian and half military personnel. It also includes representation of the Commission to indicate the importance contributed to humanitarian space.²² The Cell was established in January

¹⁷ Radek Khol, “Civil-Military Coordination in EU Crisis Management,” in Nowak, op. cit.

¹⁸ Adopted by the EUMC on 18 March 2002.

¹⁹ Ehrhart, op. cit.

²⁰ Gustav Lindstrom, *The Headline Goal* (Paris: The Institute for Security Studies, 2006).

²¹ Khol, op. cit.

²² Ehrhart, op. cit.

2007, but so far a joint civil/military mission at the EU level has not yet taken place, except in a limited form for the EU Security Sector Reform mission in DRC (EUSEC).

A second development in 2004 was the agreement on the Civilian Headline Goal 2008 to improve the capacities laid down at the Feira European Council. This document called for a more integrated and coherent approach and better cooperation with the military and with other ESDP actions and longer-term programs of the European Commission. Enhanced civilian support to Security Sector Reform (SSR) and Disarmament, Demobilization and Reintegration (DDR) tasks was also included. A key issue in the Headline Goal was the development of a rapidly deployable capacity within civilian crisis management. Civilian Response Teams could be deployed within five days on request of the Secretary General/High Representative Javier Solana, but also the PSC or the Council. Drawing from a pool of experts, these missions serve as a bridge for further development of a mission.²³ Such teams could consist of border policing, administration of justice, management of public administration services, civil protection, logistics and operations support.²⁴

The majority of EU crisis management operations were civilian, such as policing, justice and SSR. In a lesser degree, it included military focused operations, such as Artemis. The Commission perceives military crisis management operations as a short-term and expensive instrument, only to be used when necessary and complementary.²⁵

Crisis Management in DRC

*“Perhaps nowhere more than in the DRC can we see the EU’s determined efforts to use the inter-institutional framework devised at Maastricht and the inter-pillar coordination required to make full use of the toolbox available to help transition in the DRC through civilian and military crisis-management instruments coupled with humanitarian assistance and longer-term development policies.”*²⁶ DRC has been a test case for several European Union crisis management operations in no less than four operations: Operation Artemis in 2003, the European Force (EUFOR) in 2006, EUSEC since 2005 and the European Union Police Mission (EUPOL) since 2005/2007.²⁷

Artemis: In May 2003, the UN called for an interim force to support the heavily burdened MONUC in Bunia in the Ituri province to provide safety until the UN mission could be strengthened. In the aftermath of the Iraq crisis, France agreed to serve as Framework Nation under the EU umbrella and under UN Security Resolution (UNSC) 1484. The overall picture of civil-military relations was good, partly thanks to an EU civil-military liaison officer with a firm humanitarian understanding. ECHO, in its function of donor, encouraged NGOs to liaise with the military. Only a few NGOs remained outside the coordination framework. Thanks to

²³ Gerard Quille, Giovanni Gasparini, Roberto Menotto, and Nicoletta Pirozzi, *Developing EU Civil-Military Coordination. The role of the New Civilian Military Cell* (Brussels, Joint Report by ISIS Europe and CeMiSS, 2006).

²⁴ Lindstrom, op. cit.

²⁵ Ehrhart, op. cit.

²⁶ Marta Martinelli, op. cit.

²⁷ The current EUPOL Mission, in operation from 1 July 2007, builds further on the EUPOL Mission which was just limited to Kinshasa from February 2005 to June 2007.

this pragmatic approach, humanitarian access was improved without endangering humanitarian principles.²⁸ Operation Artemis was the first fully autonomous EU led military operation outside Europe. It was seen as a ‘*move away from economic giant–military dwarf dichotomy*.’²⁹ Operation Artemis led to the recognition that using military instruments could be necessary, but balance between military and civilian assets was essential. Critics argue that Artemis may have had too few of a civilian dimension and be too limited in time to guarantee a long-term effect.³⁰ After its departure, MONUC encountered again difficulties in terms of attacks by rebels and civil–military coordination.³¹

Eufor DRC: EUFOR was a short mission in 2006 in support of MONUC in preparation of the elections and limited to Kinshasa. Civil–Military Coordination in EUFOR was strongly supported by the Special Representative of the EU in the Great Lakes, who was involved in the planning process. The mandate of EUFOR was very military focused and only some small CIMIC projects took place. In terms of CMCO, cooperation with the other two ESDP missions on the ground, EUSEC and EUPOL Kinshasa, could have been improved, since a lack of comprehensive planning was observed. On the ground information exchange and regular meetings took place. EUFOR and MONUC exchanged liaison offers.³²

Crisis Management in the United States

In contrast with the European Union, the United States can draw on a much longer experience in crisis management, both civilian as military. Adapting crisis management mechanisms to dealing with more complex threats does not start from zero and has to deal with existing institutions. Also the Global War against Terror influences the way the U.S. deals with civil–military coordination. We will first discuss some existing challenges for a coherent crisis management approach. Then we will look how the civilian and the military crisis management systems try to come closer, before we touch upon the involvement of the U.S. in Sub-Saharan Africa.

Challenges for Policy Coherence

Policy coherence is a challenging issue in the U.S. for two reasons. First, institutionally, the provision of humanitarian assistance by the U.S. is scattered over different offices and agencies. As mentioned earlier, the office providing humanitarian assistance is OFDA. Other offices within USAID are also involved. For example, the Office of Conflict Management and Mitigation seeks to integrate conflict mitigation and management into USAID’s programs, and the Office of Military Affairs works with the US Department of Defense on emergency response readiness, coordination of planning and development of joint training, education and exercises.³³

²⁸ Interview with Peter Holdsworth, an independent consultant.

²⁹ Mahncke et al, op. cit.

³⁰ Fernanda Faria, *Crisis Management in Sub-Saharan Africa. The Role of the European Union*. (Paris, European Union Institute for Security Studies, 2004), (Occasional Paper, no. 51).

³¹ Interview with Holdsworth.

³² Ehrhart, op. cit.

³³ *Annual Report for Fiscal Year 2007*. Office of U.S. Foreign Disaster Assistance. USAID, 2007.

Consequently, the Department of Defense (DOD) deals with humanitarian and civic assistance. The U.S. legislation (Title 10, US Code, Section 401(a)) states that

(1) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may carry out humanitarian and civic assistance activities in conjunction with authorized military operations of the armed forces in a country if the Secretary concerned determines that the activities will promote—

(A) the security interests of both the United States and the country in which the activities are to be carried out; and

(B) the specific operational readiness skills of the members of the armed forces who participate in the activities.

(2) Humanitarian and civic assistance activities carried out under this section shall complement, and may not duplicate, any other form of social or economic assistance which may be provided to the country concerned by any other department or agency of the United States. Such activities shall serve the basic economic and social needs of the people of the country concerned.

(3) Humanitarian and civic assistance may not be provided under this section (directly or indirectly) to any individual, group, or organization engaged in military or paramilitary activity.

(A) Humanitarian and civic assistance may not be provided under this section to any foreign country unless the Secretary of State specifically approves the provision of such assistance.”

Since these activities are aimed to support security interest, the term ‘humanitarian’ is confusing. The official policy of DOD remains that the host-nation civil authorities or agencies bear the primary responsibility for Foreign Humanitarian Assistance (FHA).³⁴ DOD also coordinates and directs the use of military assets for humanitarian assets together with OFDA.

A second challenge for policy coherence is financial. While being a main donor of international assistance in terms of dollars, this needs to be seen in its framework. The picture is somewhat different when a country’s development assistance is viewed as a percentage of its gross national product. The U.S. turns out to be the smallest contributor. The U.S. spends less than 1 percent of the federal budget of international assistance.³⁵ Funding shows a balance in favor of placing humanitarian assistance under military control, which leads to a reliance on military to conduct activities, such as policing, governance reform and infrastructure development, normally executed by civilians. DOD budget for humanitarian assistance has tripled since 2006.³⁶

³⁴ The term used to describe humanitarian assistance operations taking place outside the United States. U.S. Joint Publication 3-07: Joint Doctrine for Military Operations Other Than War, 16 June 1995.

³⁵ “Interaction” Factsheet on International Humanitarian and Development Assistance, 2005. Available at http://interaction.org/files.cgi/3696_Foreign_Assistance_one-pager.pdf.

³⁶ Randolph Kent and John Ratcliffe, *Responding to Catastrophes. U.S. Innovation in a Vulnerable World: A Report of the CSIS Post-Conflict Reconstruction Project* (Washington, D.C.: Center for Strategic and International Studies, 2008).

The increased percentage of Official Development Assistance controlled by DOD, compared to a declining percentage for USAID, can be explained by the amount for reconstruction activities for mainly Iraq and Afghanistan. DOD took over these activities from the State Department and USAID because it was easier to get funding this way. In order to give the correct picture, it needs to be taken into account that the bulk of U.S. foreign aid comes directly through private donations and does not channel through the U.S. government.³⁷

Civilian Crisis Management

Some initiatives to address the existing civil-military gap have been taken, but they are not part of an overall strategic policy. First, in 2005 President Bush presented a new National Security Presidential Directive (NSDP-44). This included the instruction to the Secretary of State to develop a civilian crisis management office to respond to complex emergencies. Coordination with the Department of Defense was envisaged, but without DOD being a main player. Nevertheless, the implementation of this initiative seemed difficult due to the underfunded and weak civilian capacity.³⁸

A second project to strengthen civilian capacity is the establishment of the Civilian Stabilization Initiative. It aims to lead to rapid civilian response capabilities for stabilization and reconstruction operations. These teams would be deployed together with the U.S. military, international partners or independently. Three sort of capacities are included: an Active Response Corps (specifically trained diplomats and interagency federal employees) to be deployed in 48 to 72 hours; a Standby Response Corps (federal employees); and a Civilian Reserve Corps (private sector, local government and civil society personnel).³⁹

A related interagency development is the ‘Building Global Partnership Act of 2007’ through which DOD would be able to spend up to \$750 million a year on training and weapons for militaries without being restrained by the Foreign Assistance Act. This Act of 1961 states that assistance could not go to countries that committed gross human rights violations, military coups, nuclear proliferation or facilitated human trafficking, child soldiers or religious intolerance. Also now, a certain limitation remains, since the Department of State together with DOD must approve all programs under this legislation to ensure that no country participates in such a project that is ineligible based upon other U.S. laws.⁴⁰

Military Crisis Management

The military in the U.S. is mainly designed for traditional applications of force. However, in the vacuum of civilian crisis management capacity as described above, the military is seen to be able to play a critical role in humanitarian response. The military objective logically remaining the priority, coordination between U.S. government agencies and with intergovernmental

³⁷ Interview with Colonel Christophe Mayer, U.S. Army.

³⁸ Kent and Ratcliffe, *op. cit.*

³⁹ Mark Malan, *U.S. Civil-Military Imbalance for Global Engagement. Lessons from the Operational Level in Africa*. Refugees International, July 2008.

⁴⁰ U.S. Government Accountability Office, *Section 1206 Security Assistance Program*, GAO-07-416R, 28 February 2007.

organizations (IGOs) and NGOs is seen as key to success. For example, NGOs can “*lessen the civil-military resources that a commander would otherwise have to devote to an operation.*”⁴¹ This coordination already starts at the planning phase, such as in the Joint Interagency Coordination Group (JIACG) that establishes the relation between military and civilian planners internally. IGOs and NGOs may already be present at this stage.

The recent Joint Publication 3-57 recognizes Civil-Military Operations (CMO)⁴² as ‘an inherent responsibility of command’ at strategic, operational and tactical level. Objectives of CMO include foreign humanitarian assistance and nation assistance (security assistance, foreign internal defense, etc). The branch of the U.S. Army responsible for civil-military coordination is Civil Affairs (CA) and is being integrated at all levels of command.⁴³ CA is mostly carried out by reservists since it is here that reside the necessary skills for effective civil-military coordination, such as public administration or emergency management. Though, the reservist composition of CA does sometimes create problems. Due to the flexibility on the ground, civil-military coordination depends much on personalities and specificities of the situation. The need for civil-military coordination is not always acknowledged by all senior officers.⁴⁴

The lack of civilian capacity to operate in high-risk environments has been recognized in the DOD Directive 3000.05 ‘Military Support for Stability, Security, Transition, and Reconstruction Operations’ dated 28 November 2005. This Directive states that stability operations will be given the same priority as traditional combat operations. In addition, when civilians are not able to establish or maintain order, the military will step in. Also, the Quadrennial Defense Review of 2006 states the relevance of humanitarian engagement for the military and DOD, in terms of conventional emergency assistance and humanitarian prevention.⁴⁵

Crisis Management in Sub-Saharan Africa

At this moment, the Department of Defense does not have a sponsored operation in DRC. It may suggest sending some staff officers of military observers in the future under the umbrella of MONUC. From this angle, the, State Department supports the use of Private Security Companies in DRC.⁴⁶

When looking at the Foreign Military Financing (FMF)⁴⁷ for the Fiscal Year 2009, only 0.08% goes to Sub-Saharan Africa. The focus on support to Africa lies more on training, such as the International Military Education Training (IMET) program that has a total budget of

⁴¹ US Joint Publication 3-08, “*Interagency, Intergovernmental Organization, and Nongovernmental Organization Coordination during Joint Operations*,” Vol. I, (17 March 2006), pp. II-25.

⁴² CMOs in the joint publication are defined as ‘activities of a commander that establish collaborative relationships among military forces, governmental and nongovernmental civilian organizations and authorities, and the civilian populace in a friendly, neutral, or hostile operational area in order to facilitate military operations are nested in support of the overall US objectives’.

⁴³ Joint Publication 3-08, 2006.

⁴⁴ Interview with Mayer.

⁴⁵ Kent and Ratcliffe, op. cit.

⁴⁶ Interview with Mayer.

⁴⁷ Foreign Military Funding is the U.S. government program for financing through grants or loans the acquisition of U.S. military articles, services, and trainings.

\$90 million for FY 2009. The budget of IMET in DRC in 2006 was \$306,000 and increased to \$500,000 in the request for 2008.⁴⁸ Another initiative is the Global Peace Operations Initiative (GPOI), focusing on African peacekeeping capacity building. Over 60,000 African peacekeepers received training under the GPOI. This initiative, however, does not focus on DRC.⁴⁹

The recently established new Unified Command African Command (AFRICOM) includes State Department officials and also aims to support activities of the Department of State and USAID. The inclusion of humanitarian/civilian orientated tasks creates concern in civilian organizations.

*“While many at the State Department and the United States Agency for International Development welcome the ability of DOD to leverage resources and to organize complex operations, there also is concern that the military may overestimate its capabilities as well as its diplomatic role in Africa, or pursue activities that are not a core part of its mandate.”*⁵⁰ Especially in Africa, concerns are that AFRICOM is a tool for access to natural resources in Africa. Another problem seems to arise from the limited funding to AFRICOM.

The most significant financial support to African peace and security by the U.S. is channeled through the UN peacekeeping budget. The US contributes around 22 percent of the regular budget of the UN, also encompassing the UN peacekeeping budget. However, the late payments of these contributions are seen as a lack of interest by the U.S. in the stability of many African countries. The U.S. is also not keen on including disarmament, human rights and other ancillary peace support programs in the regular peacekeeping budget.⁵¹ Since MONUC is an integrated mission, this entails many vital components of the peacekeeping mission, and consequently of a stable society, which is dependent on voluntary contributions.⁵²

The fact that the U.S. does not have a large military presence on the ground in DRC does not mean that the U.S. has no influence in the situation. A high profile case for the U.S., was the occupation of the position of Special Representative of the Secretary General (SRSG) for DRC and thus also head of MONUC by U.S. citizen William Lancy Swing from 2003 to 2007. In the recent developments, the U.S. warned the CNDP not to attack Goma. In the media, this statement was used as an example of the pressure the U.S. can have on the CNDP indirectly through Kigali which is suspected of backing the CNDP.⁵³

⁴⁸ International Affairs, 2008. International Affairs Function 150. Fiscal Year 2008 Budget Request. Department of State, USAID and Foreign Operations (International Affairs). Summary and Highlight.

⁴⁹ Lauren Ploch, *Africa Command: U.S. Strategic Interests and the Role of the U.S. Military in Africa* (Washington, D.C.: CRS Report for Congress, 7 December 2007). (Updated August 2008).

⁵⁰ Ibid.

⁵¹ Lake and Whitman, op. cit.

⁵² Gudrun Van Pottelbergh, *An Examination of the Coherence Debate on the Sustainability of Integrated Peacekeeping Missions: The Cases of UNTAC in Cambodia and MONUC in the DRC*. UN Peacekeeping Best Practices, 2006.

⁵³ “Goma hapklare brok voor Nkunda” *De Standaard*, October 30, 2008.

Bottom-up Approach

Civil-military relations are not defined by institutional and strategic perspectives only. They are also characterized by the demands of the actual situation on the ground. The situation in the eastern part of DRC proves to be a challenging area for civil-military relations due to several factors, such as the international actors, the security situation and the humanitarian situation. Based on these factors we will go deeper into the relations between international military actors and international humanitarian actors. Consequently the role of the EU and the U.S. in mainly security sector reform will be analyzed. Finally, we will also look into some of the arguments NGOs use to call for greater involvement by the international community in the region.

Civil-Military Coordination Challenges

International Actors

MONUC was installed in 1999 to facilitate the implementation of the Lusaka Accords, initially as an observer mission. The mandate of MONUC was strengthened over time and transformed into an integrated mission to better respond to the challenges of the peace process. MONUC is currently authorized under Chapter VII of the UN Charter. “*Its mandate authorizes it to use all means deemed necessary, within the limits of its capacities and in the areas of deployment of its armed units, to protect civilians under imminent threat of physical violence; and to contribute to the improvement of the security conditions.*”⁵⁴

Since MONUC is an integrated mission, its focus moves beyond traditional peacekeeping tasks. As a result, several actors inside the UN community deal with civil-military coordination:

- The mission of the **Office for the Coordination of Humanitarian Affairs (OCHA)** is to mobilize and coordinate effective and principles humanitarian action in partnership with national and international actors.
- The **Civil Affairs Section (CAS)**—previously Humanitarian Affairs Section) is part of MONUC and has as its objective to mobilize MONUC resources and direct them for the improvement of humanitarian conditions in the DRC.
- **MONUC CIMIC** has the task to enhance and support military operations by achieving sustained humanitarian relief through coordination, liaison, facilitation, information sharing and mutual support between the military component of MONUC, MONUC CAS, OCHA and the local authorities.⁵⁵

The Security Situation

Despite regular ceasefires and peace agreements (most recently in January 2007), hostilities continue in the Eastern part of DRC. Since 28 August 2008, fighting resumed involving the

⁵⁴ MONUC Website, <http://www.monuc.org/News.aspx?newsID=11529&menuOpened>About%20MONUC>, consulted on 20 November 2008.

⁵⁵ OCHA and MONUC. *Guidelines for Interaction between MONUC Military and Humanitarian Organizations*. 2006.

four local military actors: FARDC, CNDP, FDLR and the Mai-Mai militia.⁵⁶ The changing composition of sides adds to the complexity of the conflict.

The mandate of MONUC includes the support to the national government and the FARDC. Since MONUC is a peacekeeping mission and not a peace enforcement mission, it tries to remain as neutral as possible in the conflict. Unless there are real protection issues involved, as was the case in 2006 during the attack in Goma, MONUC will not directly intervene. But even if MONUC mission tries to limit its assistance to provision of logistics support to the FARDC for transportation of troops, to provision of training and of information, it is perceived as an actor in the conflict.⁵⁷

The Humanitarian Situation

The humanitarian situation in the Kivu provinces is deplorable due to decade-long conflict. The International Rescue Committee (IRC) estimates that since 1998, 5.4 million people have died.⁵⁸ The number of internally displaced persons in North Kivu goes up to 857,000, in South Kivu up to 348,000.⁵⁹ The recent renewed fighting once more deteriorated the humanitarian situation.⁶⁰

Providing humanitarian assistance is not only constrained by the size of the needs, but also by the security situation. Ongoing hostilities hamper humanitarian access and space. The largest challenge however is to be found in the disappointment of the population with the international community, in particular with MONUC, for not providing adequate protection to civilians. When the security situation deteriorates, the distinction between MONUC, UN agencies, humanitarian actors and NGOs becomes less clear. The resentment with MONUC is translated onto the entire international community, as happened in the attack of 2004 on Bukavu.⁶¹ Attacks on MONUC and Military Observers expanded to affect humanitarians in terms of car-jacking, stoning, roadblocks, looting and hostile public demonstrations. Outbursts of aggression became more and more violent. Trucks of the World Food Programme (WFP) and the local NGOs were stolen for troop transportation. Some delivery of relief was prevented due to hostile demonstrations. Medical stocks were looted in favor of the conflict parties. Consequently, humanitarian actors have no choice, but to decrease their operations outside Goma or even to evacuate their staff from the field, while fully realizing that the current humanitarian activities are insufficient considering the high need.⁶² Also, ECHO is concerned about the confusion between MONUC and the humanitarians and the resulting perception of humanitarians as a party to the conflict.⁶³

⁵⁶ The Mai Mai fighters operate in an uncoordinated way between the rebels and the government forces. There would be thousands of Mai-Mai often terrorizing the uncontrolled areas. They believe that the magic potions they use protect them against bullets.

⁵⁷ Interview with OCHA, DRC.

⁵⁸ International Rescue Committee, *Mortality in the Democratic Republic of Congo. An ongoing crisis*. IRC, 2008.

⁵⁹ OCHA, *Plan d'Action Humanitaire 2008*. Mid-year review.

⁶⁰ It has to be mentioned though that the situation in South-Kivu is much more development orientated, since the fighting occurred mainly in the North. This influences the dynamics in the provinces.

⁶¹ Interview with OCHA, DRC.

⁶² OCHA, *Humanitarian Situation Update, Violence in North and South Kivu*, 11 September 2008.

⁶³ Information from ECHO.

In situations of large humanitarian need, military assets can sometimes be a useful tool to assist in humanitarian assistance. This is especially the case for air transport, such as helicopters and large cargo planes.⁶⁴ The Logistics Cluster in DRC came to an agreement with Belgium to use a military C-130 to conduct ten flights between Goma and Kinshasa to transport relief goods. Upon arrival, the goods are distributed by NGOs.⁶⁵

International Humanitarian Civil-Military Coordination

The ‘Guidelines for Interaction between MONUC Military and Humanitarian Organizations in DRC’ were launched in December 2006 and were the result of collaboration between OCHA, humanitarian actors, MONUC military and substantive sections, including CAS and the Office of the Deputy Special Representative of the Secretary General (DSRSG). Based on a clear division of tasks, they identify the following areas for coordination: establish a secure environment; protection of civilians under imminent threat of violence; protection of human rights; security of humanitarian assistance and protection of humanitarian personnel, UN or non UN; voluntary return of refugees and internally displaced; and Disarmament, Demobilization, Repatriation, Reintegration or Resettlement. Based on the identified challenges, we can analyze the international civil-military coordination:

Establishing a Secure Environment

Information sharing is one of the three main tasks identified in the UN-Civil-Military Coordination (UN-CMCoord) Concept (together with task division and planning).⁶⁶ Security information is probably the most important part of information exchange. In South Kivu, regular meetings between international military and international humanitarian organizations take place. In the meetings of the Integrated Management Team both the heads of the UN agencies as the military brigade participate to share information concerning the security situation and threats. In the weekly OCHA information meetings the CIMIC officer takes part and exchanges information on the security situation. Two or three times a year a mission of the UN Department of Peacekeeping Operations (DPKO) comes to Bukavu to assess the relations. Outside these formal meetings, the importance of informal meetings should be stressed. Social activities allow for quick communication at a lower level. In the field, humanitarians are in contact with Military Observers to exchange security situation.⁶⁷

⁶⁴ The ‘Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies’ were developed in 2003 by the a broad representations of the international community. This documents provides guidance “on when these resources can be used, how they should be employed, and how UN agencies should interface, organize, and coordinate with international military forces with regard to the use of military and civil defence assets.” OCHA is responsible for maintaining these Guidelines.

⁶⁵ Logistics Cluster DRC, *Avion Belge pour la communauté humanitaire*. 12 November 2008. <http://www.logscluster.org/countries/cod/latest-updates/unjlcarticle.2008-11-12.2353999732>, Consulted 16 November 2008.

⁶⁶ OCHA, *United Nations Civil-Military Coordination Officer Field Handbook. Version E 1.0*. Geneva, OCHA, 2008.

⁶⁷ Interview with OCHA, DRC.

Protection of Civilians under Imminent Threat of Violence

The protection of civilians is a priority for the international community and requires coordination between a number of humanitarian, civilian and military organizations. While MONUC has received the responsibility to protect, it acknowledges that this is not only a military task. Inside MONUC civilian and military sections are cooperating to improve MONUC's protection role. Two initiatives confirm the importance of coordination in the protection issue. In Kinshasa, a Protection of the Civilians Committee was set up and is chaired by Deputy Special Representative of the Secretary General/Humanitarian Coordinator/Resident Coordinator (DRSRG/HC/RC) Ross Mountain and includes all heads of UN agencies, MONUC sectors, the MONUC Force Commander and Police Commissioner.⁶⁸ In March 2007, a Directive of the Force Commander gave exact guidance to the peacekeeping force on the responsibility to protect civilians. This resulted in a joint military and humanitarian protection concept.

From the humanitarian side, the Protection Cluster⁶⁹ indicates good practice of civil-military coordination. The chair of the cluster is UN High Commissioner of Refugees (UNHCR), while CAS operates as a co-chair of the cluster. Even if in the future an international NGO might take over the position as co-chair, the civil-military liaison will remain central in the cluster. Concretely, this resulted in a coordinated and joint planning—another main task according to the Basic UN-CMCoord Concept - in anticipation of the hostilities in North Kivu in August 2007. In this specific case, humanitarian priorities were inserted in the military planning of MONUC in order to minimize the impacts of operations on the population and to assist timely and coordinated in humanitarian response. High risk zones in terms of civil protection and humanitarian access were agreed upon by CAS, CIMIC, the Protection Cluster and other UN/NGO partners. This allowed better military prioritization. This cooperation is now being repeated in South Kivu.

Another outcome of the cooperation in the Protection Cluster is the operation and location of Mobile Operating Bases⁷⁰ and the deployment of MONUC troops to secure access for humanitarians in certain identified areas.⁷¹

Protection of Human Rights

This topic is a challenge for MONUC due to two factors. First, the abolishment of the existing culture of impunity depends on the fulfillment of SSR reform and an improved judicial system. Second, the national army forces remain one of the main perpetrators of human rights abuses. At the same time of supporting the FADRC, MONUC needs to pressure for more discipline. Calls are made for MONUC to openly denounce observed human rights vio-

⁶⁸ Information from MONUC.

⁶⁹ The set-up of a Cluster System is part of the Humanitarian Reform Process.

⁷⁰ Mobile Operating Bases (MOBs) are small scale operations aiming to (amongst other aims) pre-empt incidents, develop trust among the population, conduct CIMIC and WHAM activities, provide shelter for other UN agencies (Masgood Ahned, Commander South Kivu Brigade).

⁷¹ Information from MONUC.

lations.⁷² In the eyes of the local population, the fact that MONUC is not able to make drastic changes in the behavior of the FADRC, does not favor MONUC in the popularity stakes.

Security of Humanitarian Assistance and Protection of Humanitarian Personnel

Due to the tense security situation, the use of military escorts, normally a last resort according to the Military and Civil Defense Assets (MCDA) Guidelines of OCHA, has become a common practice for UN agencies. In OCHA's viewpoint, the cooperation with the military on the use of their escorts does not add to the current risk.⁷³ Nevertheless, ECHO tries to limit the use of military escorts since it feels it contributes to the current confusion between MONUC and humanitarians. When necessary to visit UN projects, it does not do so in ECHO vehicles. The distinction with FARDC is probably even more crucial. ECHO, for example has no systematic communication with the army, but does contact them in relation to evaluation missions or follow-up of projects.⁷⁴

The issue of distinction is especially relevant since humanitarian NGOs have to deal directly with rebel forces in order to acquire access to beneficiaries in the areas controlled by these forces. Realizing the need for humanitarian assistance, the rebel forces do welcome NGOs to provide health care in the jungle or to build schools. Providing assistance to the rebels is heavily criticized by the authorities. This relates to the discussion of 'Do No Harm' and the provision of aid to the Hutu refugees after the Rwandan genocide. OCHA, which is an autonomous entity in DRC, is often called upon to explain the need of humanitarian principles.⁷⁵

Voluntary Return of Refugees and Internally Displaced Persons

The voluntarily return of refugees is hampered by the security situation. The refugees living in the areas controlled by the rebel forces fear that MONUC might attack them. Realizing this trend, MONUC encourages participation of civil society and local government to take ownership in the process. Increasingly, it tries to bring a 'civilian face' to MONUC and improve the communication with the population.⁷⁶

Disarmament, Demobilization and Reintegration

Civil-military coordination is needed to mitigate possible consequences of the DDR process that is often accompanied by offensive operations.⁷⁷ In the Nairobi Communiqué between DRC and Rwanda of November 2007, it was agreed that the Congolese government would come up with a plan to disarm the FLDR by December 1. MONUC had to assist in the planning and the implementation of the process. The deadline of March 15, 2008, expired how-

⁷² Human Rights Watch, *Nouvelle Crise au Nord-Kivu*. Octobre 2007, Vol. 19, no. 17 (A).

⁷³ Interview with OCHA, DRC.

⁷⁴ Information from ECHO.

⁷⁵ Interview with OCHA, DRC.

⁷⁶ Information from MONUC.

⁷⁷ Cedric De Coning, *Peace Operations in Africa: The Next Decade*. Working Paper. Norwegian Institute of International Affairs, 2007, No. 721.

ever. CAS feared that the redeployment of MONUC-trained FARDC for military operations in the area would lead to new population movements and have humanitarian implications in March/April 2008. MONUC intervened to avoid large scale civilian movements.⁷⁸ However, due to renewed fighting, the DDR process is going in the opposite direction and new recruitment has started among the rebel forces.⁷⁹

EU and U.S. Crisis Management in DRC

From the humanitarian side, the European Union is physically present in DRC through the offices of ECHO. Both in Kinshasa as in the field, ECHO participates in humanitarian coordination meetings, such as the weekly Humanitarian Advocacy Group (HAG), chaired by the Humanitarian Coordinator, the Provincial Inter Agency Committee (CPIA) and relevant cluster meetings.⁸⁰

Rule of law is clearly absent in the society of eastern Congo. While SSR is an essential part of every peace building endeavor, it is especially so for a peaceful future of the DRC. Good civil-military cooperation in the area of SSR is essential for a positive outcome of the peace building process. SSR deals with a number of actors such as armed forces, police and paramilitary forces, intelligent services and judicial and penal institutions, but also armed opposition groups, militia and private security firms.⁸¹

For this reason the EU set up a crisis management mission under the ESDP: the EU mission to provide advice and assistance for security sector reform in DRC. EUSEC started operating in June 2005 in order to assist MONUC with this task. Initially, the set-up of EUSEC proved to be a political struggle since mainly only France and Belgium supported the establishment. Further, coordination on the ground, with other partners and MONUC was put to the test initially.⁸² Nevertheless, EUSEC is again a new step in the development of the European crisis management, since it is a first form of a joint civil-military operation. While it is a civilian mission, financed by the CFSP budget line, it relies on military expertise and is headed by the French General Jean-Paul Michel.⁸³ The mission consists of forty-six experts from different nationalities, based all over the country, including in Goma and Bukavu. EUSEC aims to build capacity for Congolese security authorities in the three domains: the army, police and justice. The main focus lies on the integration of former rebels into a restructured national army, closely linked to DDR. Specific projects include assistance in the administrative and financial regulation, such as payments of salaries. The objective is to separate the chain of payment from the chain of command. Another project is a biometric system for identifying each soldier, concluded in June 2008.⁸⁴ It is estimated that of the 164,000 members in the FADRC,

⁷⁸ Information from MONUC.

⁷⁹ Interview with OCHA, DRC.

⁸⁰ Information from ECHO.

⁸¹ Lindeman in Ernst Sucharipa (ed.), *Cooperation in peace operations: The United Nations and Europe. 33rd IPA Vienna Seminar*. Diplomatic Academy Vienna, Favorita papers, 2003.

⁸² Ehrhardt, op. cit.

⁸³ Khol, op. cit.

⁸⁴ EU security sector reform mission in the Democratic Republic of the Congo, Website, http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=909&lang=DE, Consulted 8 November 2008.

30,000 are ‘ghosts’.⁸⁵ Critics argue that a negative point is that EUSEC cannot use any development funds, although it is generally accepted that development is dependent on security.⁸⁶

In 2007, the EU decided to take the task of police reform out of EUSEC in order to attain better results. The idea was to enlarge the activities of EUPOL Kinshasa, operating from February 2005 to June 2007. The new EUPOL contains 39 international and nine local staff coming from nine EU member states and from Switzerland and Angola. It is tasked with the support of the reform of the National Police and its interactions with the judicial system. Currently enlarging its mission to the eastern part, EUPOL collaborates with EUSEC with regard to human rights and children in armed conflicts.⁸⁷ Liaison officers are maintained between DPKO and the EU.⁸⁸ But also this start of this mission went through a scramble for sufficient staff and some institutional difficulties which caused a delay in the actual deployment of EUPOL, eventually on 14 February 2008.

In contrast with Artemis, ECHO does not coordinate with EUPOL or EUSEC on the ground. These two EU initiatives are in contact though in Kinshasa, but mainly as a general information exchange on the activities.⁸⁹

The involvement of the U.S. in this sector remains limited. The State Department did foresee an increase in its financial support to security sector reform for 2009 (from \$7,817,000 to \$8,600,000) under its account of Foreign Operation.⁹⁰ For the Defense Department, critics say that the DOD does “*not fully recognize the urgent need of military reform which results in insufficient funding for an effective security sector reform.*”⁹¹ The Peacekeeping Operations account funds ‘for security assistance to help diminish and resolve conflict,... address counter-terrorism threats, and, in the aftermath of conflicts, reforms military establishments into professional military forces with respect to rule of law...’. Under this account, \$5.5 million was requested for SSR in DRC for 2009.⁹²

International NGOs on Crisis Management in DRC

Dilemmas for NGOs

So far we have not given much attention to the NGOs operating in Kivu. However, the ambiguity of civil-military relations is shown in an obvious way when we look at the NGOs operating in the Kivu provinces. NGOs are faced with an enormous humanitarian need while

⁸⁵ Malan, op. cit.

⁸⁶ Koen Vervaeke, *The EU's Africa Strategy: What are the Lessons of the Congo Mission?* in: Security & Defense Agenda Discussion Paper. Brussels, 2007.

⁸⁷ EUPOL RD Congo Website, http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=1303&lang=DE&mode=g, Consulted 8 November.

⁸⁸ Ehrhardt, op. cit.

⁸⁹ Information from ECHO.

⁹⁰ U.S. Department of State, *Congressional Budget Justification Foreign Operations. Fiscal Year 2009*. <http://www.usaid.gov/policy/budget/cbj2009/101368.pdf>. Consulted on 16 November 2008.

⁹¹ Malan, op. cit.

⁹² Malan, op. cit.

being seriously constrained in their work by the security situation. More military resources and an enforced mandate might help to improve the situation. This resulted in NGOs perceiving military action as the only way out at the moment. Calls are made or to reinforce MONUC, which was agreed by the UNSC on 19 November 2008. Local NGOs would however prefer the EU to send an EU Interim Force in the line of Operation Artemis. An intervention from the EU is seen as a temporary but speedier solution.⁹³

The largest expectation from a military action is to assure an adequate protection of the civilians against violence. Perpetrators, also coming from the national army are not punished, while survivors do not always dare to report incidents. The reestablishment of rule of law is therefore essential. In particular, NGOs want to address the common practice of gender-based sexual violence. In the words of John Holmes, Emergency Relief Coordinator/Under-Secretary General for Humanitarian Affairs: “*Sexual violence in Congo is the worst in the world... The sheer numbers, the wholesale brutality, the culture of impunity—it’s appalling.*” According to CARE, more than 3,500 cases of sexual violence in North Kivu have been reported. Since rape is not always reported, it can be expected to be much higher.⁹⁴

The current security situation hampers humanitarian activities in such a degree that programs need to be stopped out of concern for the security for the own staff. Staff from the International Rescue Committee (IRC) were involved in an attack while being evacuated. The attackers looted and terrorized the humanitarian personnel present. Nevertheless, NGOs chose to continue their activities. The local population is in such a desperate need that IRC sees it as a ‘humanitarian responsibility’ to continue and even scale up the programs. At the same time, the IRC is aware of the risk of working in the area. Hard decisions have to be made. The names of the attackers of the aforementioned incident are therefore not revealed since this would increase the risk IRC staff is running in the area.⁹⁵

The cooperation with the military is thus limited in order to safeguard the humanitarian principles. For NGOs, the use of military escorts is therefore also a dilemma. Most NGOs prefer not to use the escorts in order to avoid association with MONUC. In a recent press statement, Médecins Sans Frontières (MSF) restated the risk of using military escorts in terms of safeguarding humanitarian principles and the danger it brings for humanitarian activities.⁹⁶

Advocacy for a Coordinated Response

NGOs advocate publicly and continuously for a better response to the situation in Kivu. Especially organizations based in the U.S. call for the international community at large and the US Government in particular to scale up the response to the Kivu provinces. Such a response

⁹³ Letter of 44 Congolese NGOs in North Kivu to the United Nations Security Council and Other International Leaders. 19 November 2008. <http://www.eponews.net/?p=598>. Consulted 16 November 2008.

⁹⁴ CARE, *Tens of Thousands More Women and Girls at Risk of Rape and Attack in DRC, Warns CARE*. 6 November 2008. http://www.care.org/newsroom/articles/2008/11/20081106_drc_update.asp, Consulted 16 November 2008.

⁹⁵ International Rescue Committee (IRC), *Terrorised in Congo - From: The Guardian Weekly*. 3 November 2008. <http://www.theirc.org/news/terrorised-in-congo1103.html>. Consulted 16 November 2008.

⁹⁶ Médecins Sans Frontières (MSF), *Armed aid convoys are an inadequate bandage for DR Congo’s deep wounds*. MSF Press Statement. Press release, 6 November 2008.

should not be unilaterally military or civilian. In 2007 CARE said “*that the U.S. could speed up and solidify that process by using the full force of its diplomatic and foreign assistance resources.*” According to CARE, the U.S. should also get more involved in SSR to assure an adequately operating national army.⁹⁷

ENOUGH, a project of the Center for American Progress to end genocide and crimes against humanity, recently started a campaign to remove the FDLR from Eastern Congo. The project calls for greater involvement of the U.S. and to exert diplomatic pressure on Kinshasa to bring justice. The protection of human rights should be better ensured in the East of Congo. On 10 October 2008, the SRSG in DRC, Alan Doss replied to a press statement by the ENOUGH project that accused MONUC of taking sides for the CNDP. In his letter, the SRSG responded that the aim of MONUC is to create separation zones between the conflict parties. He replied that in order to guarantee humanitarian space, both parties should withdraw, and in his conclusion, he asked the ENOUGH project not to undermine MONUC work, but to focus on the Congolese people.⁹⁸

Common Points and Divergences

Drive for a Coherent Security Approach

While the end of the Cold War is generally seen as changing the global security perspective, the EU and the U.S. only adapted their institutions to the new security needs around the beginning of the new millennium. In comparison with other international organizations, this is late. The Secretary-General of the United Nations Boutros-Boutros Ghali stated already in his 1992 Agenda for Peace that “*a consensus of international political, economy and military assets could and should be deployed in order to promote peace and stability.*” This statement gave a new meaning to the idea of security. Though, it is only some years later that the EU and the U.S. reacted. The EU found itself in the middle of an integration process. Some advocates for a common EU defense policy would already have wished to see a stronger military capacity of the EU long before the Treaty of Amsterdam. It was only in the context of the Kosovo crisis, however, that a compromise was reached in Helsinki to develop this capacity. And only after the first ESDP experience in 2003 was a bridge between civil and military coordination emphasized. For the U.S., only the experience of 9/11 forced a shift away from traditional interpretations of security. Similar to the EU, only in recent years has interagency coordination been emphasized.

Development of Crisis Management Mechanisms

The conditions for crisis management systems in the EU and the U.S. are completely different. The EU had the advantage of starting from zero and developing institutions reflected by the needs of this new security environment. The institutions of the U.S. carry a long history

⁹⁷ CARE. *CARE Calls on the U.S. to Step Up Peace Efforts in Africa's Great Lakes Region*. 2007. http://www.care-in-africa.org/content/dynamicnewsitem.asp?News_ID=57. Consulted on 16 November 2008.

⁹⁸ MONUC, http://www.monuc.org/downloads/Letter_to_Mr._Norris_ENOUGH_10_October_2008.pdf.

and are defined by the conditions of the Cold War; hence they are focused on military priorities. The process of developing these mechanisms in the EU is therefore more flexible and responsive to lessons learned and changed priorities. Implementing new initiatives, such as more civilian oriented programs in the U.S., is challenged by existing financial and institutional constraints. Nevertheless, the U.S. policy is much more stable. ESDP is still under development and will remain an open-ended process. This will certainly impact the way the EU conducts crisis management. An additional difficulty for the EU is the composition by member states. Decisions in the EU are the results of a compromise, as the development of the CivMil Cell shows. Setting-up a new civil crisis management operation is repeatedly a struggle. This makes the further development of crisis management a challenge depending on member states cultures, the political will and interests of changing governments, and needs on the ground.

Civil–Military Balance

Inspired by conflict situations, crisis management perspectives in the EU and the U.S. were initially oriented toward military strength. In the U.S., the civil-military balance remains directed towards military crisis management. This will probably not change soon due to the existing institutional framework and due to the mainly military challenges the U.S. is facing. Priorities of the U.S. are to be found in conflict zones, such as Iraq and Afghanistan. Security threats in terms of terrorism remain the top U.S. priority. Civilian initiatives, such as capacity building, training and police reform, exist but to a far smaller degree. These civilian operations have become the bulk of the crisis management operations performed by the EU. The reasons for this orientation are several. First, due to its close cooperation with the UN, the EU chooses to support international peace efforts preferably in civilian forms. The EU realizes that its strength is the combination of tools it can offer, but mainly in the civilian sector. Second, any military operation conducted under the EU umbrella and mandated by a UN resolution is limited and specific. Operation Artemis was the first example and the current EUFOR Operation in Chad can possibly be added to this list. Third, in the current geopolitical setting, the EU remains limited in its military capacities due to an absence of a full permanent military headquarters and of a military doctrine. These are aspects where the U.S. has the advantage and can be relied upon.

Civil–Military Coordination

The EU started developing its civilian and military crisis management capacities separately, but came to realize quickly the advantage of coming to a comprehensive strategy. Slowly, the institutional process has followed. The establishment of the CivMil Cell is naturally seen as the answer for proper and functioning civil-military coordination. However, difficulties remain and a culture of coordination between military and humanitarian elements is not entirely present in the EU yet. While coordination in the EU seems to be two-way street, in the U.S. it tends to be more a one-way process. Due to an unequal civil-military balance, coordination is a challenge. While such attempts as the establishment of AFRICOM are underway, they tend to fail due to the perception of military primacy. This is also shown in the fact that the EU seems to be further along in the conceptual debate on CIMIC and CMCO.

The Place of Humanitarian Organizations in Crisis Management

ECHO is not part of the development of crisis management. In ECHO's view, integrating civil and military mechanisms can lead to encroachment of humanitarian space. This has advantages in terms of abiding by humanitarian principles. However it impedes joint planning. In the U.S., USAID is part of the planning process. As a result, humanitarian assistance in the U.S. is viewed much more as a political tool than in the EU. As shown by the experience in Operation Artemis, a good pragmatic coordination on the ground can neutralize the lack of coordination between humanitarians and the military on the strategic level. Coordination is however not obligatory in the EU and may fail depending on personalities and cultures. In the U.S., the role of independent, neutral and impartial humanitarians is much more taken by NGOs, as shown in the examples of DRC, and not so much by OFDA. This falls back on the larger role of the private sector in the U.S.

A Trend Toward More Rapid Civilian Capacity

Both the U.S. and the EU are establishing Rapid Reaction/Response Teams. In both scenarios, they mainly consist of civilian experts put together depending on the needs of the situation and, most importantly, deployable in the first couple of days. This indicates the importance both actors attach to the further strengthening of rapid response civilian capacity, mainly in natural disasters.

Involvement in DRC

The EU is more heavily involved in DRC than the U.S. The role of the U.S. is definitely not exhausted, but cannot be overlooked. Both the EU and the U.S. are committed to the politics and the peace process. Due to the UN budget, they cover a large part of the peacekeeping budget. However, none of them is present through in the way of a large contribution of peacekeeping troops in MONUC. Neither the U.S. nor any European country has delivered military contingents to MONUC. Several EU member states like Belgium, France, United Kingdom and a few others contribute by means of Military Observers. Nationals of France and Sweden are part of the MONUC police. Their support to SSR does not pass through the multilateral system, but are part of bilateral agreements. The EU is much more visibly present in DRC through its four crisis management operations. Moreover, these operations are set up in agreement with or under the UN mandate.

Conclusion

This research has allowed us to consider two questions related to EU and U.S. crisis management in Kivu, DRC. First, are EU and U.S. crisis management mechanism adapted to the requirements of the field? Second, do EU and U.S. crisis management make an actual difference?

The bottom-up approach provides us with several conclusions regarding the first question, i.e. are the crisis management mechanisms of the EU and the U.S. adapted to the requirements of the field, based on the experience in Kivu, DRC?

First, the place of humanitarian organizations differs from the strategic and the operational level. On an operational level, humanitarian organizations are one of the two partners of the dialogue in terms of civil-military coordination. At headquarters level, humanitarian organizations such as ECHO and U.S. NGOs stand outside the debate of developing crisis management mechanisms. USAID/OFDA might be included in this debate, but can more easily be seen as a part of the overall political objectives. ECHO is hesitant to be included in the debate because it wishes to remain as firmly as possible to the humanitarian principles. While this flexible approach can be beneficial, it is important that actual coordination between all partners does occur in the field though, especially in tensed security situations like Kivu. Ideally, there should be basic communication in terms of joint planning and setting up liaison structures before deployment.

Second, the understanding of civil-military relations on a strategic level is different from what is understood in the field in terms of civil-military coordination. In the latter, the dialogue between international humanitarian and international military is envisaged, e.g., MONUC and OCHA. On a strategic level, the dialogue is focused on civilian and military crisis management systems within the U.S. and the EU. This influences the subjects dealt with within this framework. The topics as described in the DRC Guidelines focus on operational dilemmas. Protection of civilians is a natural priority for MONUC and OCHA in the context of hostilities. CIMIC structures within a peacekeeping mission traditionally have little to do with military support to security sector development. The strategic level can therefore be complementary. Due to the different composition and the distance from the battleground, it can deal with topics like police reform, elections judicial reform and security sector reform. While this can be complementary, this difference in understanding needs should be better emphasized in order to prevent misunderstandings and to anticipate where bridges can be build.

Third, the EU mechanisms are still in development and have not been fully put to use. Additional efforts are needed to streamline EU crisis management system and enhance civil-military coordination. Since an actual EU joint civil-military crisis management operation has not been deployed so far, the CivMil Cell has not been fully operational. In addition, EUSEC and EUPOL are very new missions and it is difficult to view their results yet. Also, the U.S. process is unfinished and further initiatives in this domain may be forthcoming.

The top-down approach attempts to answer the second question, i.e. do EU and U.S. crisis management make an actual difference, based on the case study in Kivu, DRC?

First, the development of EU crisis management operations in cooperation with the UN has benefited DRC, in terms of both military and civilian crisis management structures. The inclusion of civilian elements, such as training, development and reform, both on the EU and the US side, will benefit the peace process in Kivu. In concrete terms, a positive outcome can be seen in the current missions of EUPOL and EUSEC. SSR has repeatedly been referred to as key for many recurrent problems in Kivu: continued violence, culture of impunity, human rights violations, child soldier recruitment, etc. The training initiatives developed by the US are beneficial, but would need to be increased in DRC.

Second, in recent years, it became generally accepted that civilian and military crisis management systems need increased cooperation. This has been translated into institutional initia-

tives, such as the creation of the CivMil Cell. The cooperation between civilian funding and military capacity in EUSEC will benefit SSR.

Third, the attention given recently in the EU and the U.S. to developing rapid response mechanisms, in terms of deploying civilian teams in a short time frame, can be useful for the repetitive collapses in the peace process. A rapid response to fallbacks might prevent such moments to deepen the crisis.

In short, we can state that a difference has been made by EU and U.S. crisis management mechanisms, but improved transatlantic cooperation is possible. When we combine both approaches, we can identify two gaps. First, institutions are adapted to the requirements of the field only if a proper bridge is made between the strategic and the operational level. It seems that these are ad-hoc, comprehensive mechanisms. Second, no mechanism exists that allows a continuous and high-level dialogue between the EU and the U.S. to adapt their crisis management and coordination mechanisms to each other. Such an initiative would enhance the efforts done by the international community to reach a sustainable solution in DRC though. In combining the mechanisms set up at the EU level with the initiatives undertaken in the U.S. to strengthen civilian crisis management capacity and apply them in an international framework, a difference can be made.

This chapter concludes that the development of new crisis management mechanisms and the requirements for a sustainable solution in Kivu create an opportunity for all stakeholders described. The EU and the U.S. could come up with a joint strategic and long-term approach covering all of their instruments in place to support the SSR-process in the Kivu provinces. It is especially this niche of civilian and military cooperation within crisis management operations that may finally offer the key to bringing peace and stability to eastern DRC.

Chapter 20

The Next Emergency in Kosovo: Political and Institutional Considerations for Civil-Military Cooperation

Edward P. Joseph

The Special Disaster Response Challenge in Kosovo

A comprehensive survey of Kosovo's internal security apparatus conducted with UNDP assistance in 2006 found that "Kosovo faces a number of potential emergencies including epidemics, and natural and man-made disasters."¹ Fear of the spread of avian flu in 2005 had spurred international and local officials to review the capacity of Kosovo's emergency response and health institutions. While some institutions appeared surprisingly well-prepared to respond than believed, most institutions demonstrated severe shortfalls in capacity to address disaster response. Communication and management problems, the report's authors noted, were endemic "within and across both Kosovo and international institutions." The report noted that Kosovo-specific problems such as the inability to communicate to parallel Serb institutions "could cause significant breaks in information and response capacity."²

Beyond health challenges like avian flu, Kosovo faces threats from communist-era industrial waste and decaying industrial infrastructure, particularly related to the Trepca complex facilities near Serb-controlled Mitrovica. Kosovo lies in the middle of an active earthquake zone with seismic fault lines running along the Adriatic littoral and the Vardar Valley (i.e. Skopje, site of a devastating earthquake in 1963.) The most recent substantial earthquake in Kosovo occurred six years ago in the Gnjilane region and measured 5.7 on the Richter scale. The UNDP report authors concluded that "Kosovo is poorly prepared to coordinate disaster response, regardless of the origin of the emergency."³

In the two years since the report was issued, Kosovo has passed through a still-difficult, existential transition. Kosovo is no longer a vestige of Serbia, nor a vassal of the international community, but rather a fledgling independent state, albeit supervised by a complex array of international actors. Kosovo's unique situation—its less-than-accepted independent status; the difficult relationship between the majority Albanian and minority Serb communities; and the incipient nature of its institutions—exacerbate the impact of any emergency that Kosovo might face. Unlike in other countries, the security ramifications of a disaster in Kosovo are omnipresent and complex. The UNDP authors noted that in the wake of an emergency, Kosovo is vulnerable to significant short-term mortality rates aggravated by "rioting in

¹ Anthony Welch, et al., *Kosovo Internal Security Sector Review*, ISSR, UNDP, 2006, p. 63.

² Ibid.

³ Ibid.

response to perception of incompetent response by authorities.”⁴ The report continued that a poor government response could, in the longer term, lead to a collapse of public trust in institutions and lead to social violence and political unrest. In turn, the prospects for inter-ethnic violence, including possible outside intervention would escalate dramatically.

This chapter examines the political and institutional challenges that complicate the response to a disaster in Kosovo. The next section examines the political context, and how it affects disaster response. Some scenarios that would trigger worst-case involvement by outside actors are mentioned. Part three looks at Kosovo’s indigenous capability to respond to disasters. Part four examines some lessons from the 1999 Kosovo refugee crisis, including lessons for civil-military relations. Part five offers recommendations.

The Political Context for an Emergency in Kosovo

By its very nature, a natural disaster or emergency anywhere presents challenges that are difficult to anticipate fully. In the case of Kosovo, practical and logistical considerations are aggravated by inherent political complexity. These political complications must be at the forefront of any attempt to understand and begin planning for contingencies.

Kosovo’s Disputed Independence

The first complicating factor is Kosovo’s disputed independence. On 17 February 2008 Kosovo declared independence. At this writing, 60 countries have recognized the Republic of Kosovo, including 22 of 27 EU members and the United States and Canada.

However, Serbia remains doggedly opposed to independence. On 8 October, 2008, the United Nations General Assembly approved a Serbian proposal to refer the Kosovo issue (the legality of its declaration of independence) to the International Court of Justice. The next day, two of Kosovo’s immediate neighbors, Macedonia and Montenegro, each recognized Kosovo. The following day, 10 October, Martti Ahtisaari, the former UN mediator for Kosovo, was awarded the Nobel Peace Prize. It was “the Ahtisaari Plan” which set out the basis for Kosovo’s supervised independence and is incorporated in Kosovo’s Constitution, adopted in June, as supreme law.⁵ For Serbs, Ahtisaari is now synonymous with Kosovo independence. The serial nature of these recent events is a reminder of how the Kosovo issue continues to whipsaw Kosovo and its neighbors, as well as the wider international community. Russia cited the Kosovo case as justification for its invasion of Georgia in August and Russian leaders continue to invoke vigorously the alleged Kosovo parallel.

The contentiousness over Kosovo’s status has spilled over into the internal administration of Kosovo—with serious ramifications for dealing with an emergency or natural disaster. Because of Russian opposition to Kosovo’s independence, the Council has been unable to pass a new resolution acknowledging any change in Kosovo’s status. Though the Ahtisaari Plan was for-

⁴ Ibid, p. 64.

⁵ See Article 143 of Kosovo Constitution which incorporates by reference the “Comprehensive Proposal,” otherwise known as “the Ahtisaari Plan.”

mally endorsed by Secretary-General Ban Ki-Moon and presented to the Security Council, the deadlock there has forced the UN to remain “status neutral.” Security Council Resolution 1244 continues to remain operative for Kosovo—and continues to set out the foundation for the operation of most international organizations which would be expected to become primary actors in the event of an emergency.

Yet, a new, complex reality has emerged in Kosovo that SCR 1244 does not fully address. The Ahtisaari Plan envisioned a drawdown of the supervisory UN Mission (United Nations Mission in Kosovo) or UNMIK in favor of increased control by Kosovo’s institutions—an outcome desired by both Albanian authorities and the UN as well. In June, Kosovo enacted a new Constitution, formalizing its new-found independent authority while allowing for a continued international civil and military presence. Article 126 sets out the broad objectives of a new indigenous security apparatus, the “Kosovo Security Force” (KSF.) Under NATO guidance, KSF succeeded the former “Kosovo Protection Corps” (KPC) in January, 2009, including assumption of KPC’s disaster response duties. Disaster response was by no means a minor competency for KPC; because of the extreme sensitivity of according then UN-administered Kosovo a combat capable army, KPC was afforded other, non-combat roles like responding to emergencies.

The supervisory concept set out by Ahtisaari launches a new, more prominent role for the EU: an International Civilian Representative (ICR) and a civilian European Security and Defense Policy (ESDP) Mission, known as EULEX. As accepted in Kosovo’s Constitution, the ICR is to have “final authority” over civilian aspects of the settlement, including crucially, those that pertain to the Serb minority. The ICR heads the International Civilian Office (ICO), an international agency substantially smaller than UNMIK. Dutch diplomat Pieter Feith is the ICR/EUSR. A US official serves as Feith’s Deputy ICR. To make matters more confusing, the ICR also serves as the EU Special Representative (EUSR) to Kosovo; however he provides only “political guidance” to EULEX, which answers directly to Brussels.

The ESDP/EULEX mission in Kosovo is an EU rule of law mission that assumes the burden shared by UNMIK and others for the development of the entire rule of law continuum from police to courts. Just as the new Republic of Kosovo has assumed more responsibility, so EULEX has taken fewer of the executive powers that the predecessor UN mission had. The EU mission sees its primary role as mentoring. EULEX comprises some 2,000 EU and other international civilian personnel—including from the US — including police, judges, prosecutors, correctional officers and customs police. Because of Serb opposition, so far the ICR has hardly been able to deploy in the Serb-controlled north. EULEX is deployed in the north, but officials say that its police are largely ignored. This means that crucial rule of law-related duties, including policing, (which could become central in the event of an emergency) remain shared to some uncertain degree with the United Nations.⁶

The stalemate in the Security Council, and the plethora of international organizations now operating in Kosovo—the UN, ESDP/EULEX, ICO/ICR/EUSR, OSCE — forced Secretary

⁶ Not only are some duties shared with the UN, so, too, is the underlying legal structure. In the Serb controlled north, EULEX must still apply the law set out under UN Administration, while in the Pristina-controlled south, EULEX is helping implement the new, post-Constitution legal system.

Ban to attempt a clarification. On 12 June, 2008, he wrote parallel letters to the Presidents of Serbia and Kosovo, respectively, which set out a “reconfiguration” of roles. Commentators claim that the letters have only further muddied the situation, leaving lines of authority and relative responsibilities in Kosovo blurred. Among other steps, the letter to Serbia’s President Tadic states that Kosovo’s police operating in Serb Areas (the Kosovo Police Service) shall continue to report to the UN-controlled international police authority (as opposed to the new, EULEX mission.) In a policy difference with the UN, the EU Council and US maintain that the ICO and EULEX mandates exist throughout the territory of Kosovo, that would obviate the need for continued heavy reliance on the UN role in policing. Nevertheless, international officials acknowledge that various international missions will maintain parallel presences for the near-term in the north.

That Ban letter also establishes a “technical coordination committee” to include Serbia, aimed at addressing a host of technical and cross-boundary issues. Presumably, this committee could also address critical issues related to disaster preparation—but only if Belgrade is willing. As of this writing, the technical coordination committee has not been established. Even worse, according to senior Serbian officials, Belgrade and Pristina do not even have unofficial “back-channel” contacts. And until Serbia and Kosovo begin talking, then conversations between Kosovo’s Serbs and their Albanian neighbors is also labored. Without dialogue between these two communities, planning for disaster response will face severe constraints.

The referral of Serbia’s protest to the International Court of Justice could open the door for wider informal, and potentially formal, contacts. Indeed, one of Serbia’s arguments for referring the case to the ICJ was precisely that it would permit the contentious question of status to be “put to the side”, permitting dialogue on practical matters. Because the ICJ referral is so recent, however, it is known if in fact contact between Pristina and Belgrade will emerge, and if so, whether disaster preparation will be on the agenda. Officials in Kosovo say that recently local Albanians and Serbs have begun talking informally again. The court in the Serb-controlled part of Mitrovica has re-opened. Ideally, the atmosphere will continue to improve, expanding the quality and frequency of dialogue. But that outcome is by no means certain.

What is certain is that even in the event of a thaw, the international community will have to play a central role in dealing with any emergency affecting Kosovo—and not only because Kosovo’s fledgling institutions lack the wherewithal to deal with matters themselves. Political resistance to acknowledging the existence of the Kosovo state mean that not only NATO, but the UN and the incipient EU-led missions, as well as the OSCE will have vital, leading roles, if not in administering assistance, then in containing the political consequences of a disaster. This automatically places a premium on trans-Atlantic cooperation, given the central role of the US in NATO, the continuing presence of the UN in a supporting police capacity, and an emerging yet not fully realized European Union policing and rule of law role, in which the US also plays a supporting role.

Depending on the degree of displacement and deprivation, UNHCR, IOM, and WFP—three major players during the massive Kosovo refugee crisis in 1999 would again become primary actors. NGOs, as they did in 1999, would again be relied upon to perform vital roles as implementing partners and occasional independent actors. However, compared to other

locales, NGOs could again find their freedom of maneuver constrained by Kosovo's inherent political complexity. Operations under exegesis in Kosovo would almost certainly find NATO in an immediate leading operational role, working closely with UN and EU agencies. Those NGOs with a presence in Kosovo, and established links to local communities and international actors, would have a vast advantage in ramping up their ability to render assistance. NGOs not operating in Kosovo would benefit by familiarization with the complex local-international hybrid structure. Unfortunately, the muddled relationship among primary international actors that is a consequence of Kosovo's disputed independence will complicate and confuse even experienced NGOs.

In sum, Kosovo's disputed independence—along with an even more complicated international supervisory set up—cast a shadow over efforts to plan for an effective emergency response. Coordination—the bane of international response efforts—will be additionally challenged by overlapping authority in some areas, and vacuums in others, such as which official has unquestioned, over-arching political leadership in Kosovo.

The Unique Role of NATO

The second inherent factor affecting emergency response to Kosovo is the unique role of an international military alliance, NATO. Under Security Council Resolution 1244, it is NATO's KFOR (Kosovo Force)—not Kosovo itself—that has overall responsibility for the country's security, including its borders. The Ahtisaari plan for independence envisioned that NATO would remain in order to provide a secure environment after a status settlement. And NATO members expressed their readiness to assume responsibility for a new international military presence under the Ahtisaari plan. In his June report to the Security Council, Secretary-General Ban acknowledged NATO's continuing security commitment in Kosovo, under Resolution 1244. Although NATO bombed Serbia in 1999, ironically the alliance, along with the UN, have unquestioned authority to move throughout Kosovo, including to Serb-controlled areas in the north largely off-limits to the ICO/ICR. Serbia itself is a member of NATO's Partnership for Peace and its government, despite its opposition to the ICO/EUSR (and to a somewhat lesser degree, to EULEX), has made accession to the European Union its core policy priority.

In most major civil disturbances that have occurred in Kosovo during the period of UN Administration, including the riots of March, 2004, KFOR, not just UN police, have been involved. This has been particularly true in the flashpoint town of Mitrovica, where French forces are in the lead. (During riots in 2001, other KFOR forces had to supplant the French, due to high tensions with the town's Albanian population.) Although the Serbs permit the UN to operate, officials state that UNMIK police are not patrolling the north regularly and the UN police force has been consigned largely to a management role. Though there is Serb participation in the Kosovo Police Service (KPS), officials state that effectively the north is without any policing, essentially a lawless zone. And it is likely to remain that way until Belgrade signals its willingness for full EULEX deployment—or later. Officials see the EULEX role, particularly in the event of a crisis, as advisory and not executive. This means that if a natural disaster were to spill over into inter-ethnic conflict in Mitrovica, any ensuing security vacuum

would have to be filled by KFOR, in order to prevent potentially serious escalation. Violence in Mitrovica, as has been amply demonstrated, would have repercussions for Serb-Albanian relations elsewhere in Kosovo or in Serbia.

On 11 June, 2009, NATO defense ministers agreed to reduce KFOR's strength, including 1,450 US troops. Secretary of Defense Robert Gates, in a visit to Kosovo in 2008, stated that the 1,450 US troops will remain in Kosovo at least through 2009. Given improvements in Kosovo's security and corresponding deterioration of in another NATO theatre, Afghanistan, the decision by defense ministers was no surprise. Spanish, Canadian and British forces have already scaled back their presence in Kosovo to a handful, in order to build up their presence in Afghanistan. KFOR's remaining contingents focus largely on civil relations and civic action, as opposed to operational missions, led by the CIMIC and a host of civil-military liaison teams.

Further reduction of KFOR's size would raise significant questions as to readiness and organization of the response to a natural disaster or other emergency, including Kosovo's own indigenous disaster response capacity. In 2007 OSCE experts conducted a comprehensive survey of the Fire and Rescue Services in Kosovo including the Department for Emergency Management. Their findings were bracing. Citing lack of training, inadequate facilities and funding, lack of standardization, the report concluded that: "presently the Fire and Rescue Services are unable to satisfyingly fulfill their responsibility of saving life and property of the people of Kosovo."⁷

Discussed below are a range of issues affecting Kosovo's ability to contend with emergencies, including both institutional readiness as well as over-arching inter-ethnic obstacles to operating in Serb-controlled areas. In the event that KFOR's size and role is reduced, obviously international means to deal with an emergency will also be diminished. One option is to replace or complement a slimmed down NATO presence with an EU force, as was done in Macedonia and has been done in Bosnia as well. The complications are greater, however, given the nature of the political dispute in Kosovo. Albanians vest their trust in the United States, not Europe, and therefore it is NATO that Kosovar Albanians see as the guarantor of their security. The substantial departure of US troops, absent substantial rapprochement between Pristina and Belgrade, would likely raise anxiety among Albanians. (Perception of European states among Albanians vary widely, with some seen as friendly to them, and others seen as openly on the side of the Serbs. The obverse perceptions hold true for Kosovar Serbs.)

Given the potential for a natural disaster—particularly one that leads to widespread displacement—to produce a conflagration, NATO, along with the European Union, will in all likelihood continue to play a leading role in forging a response. Fortunately, NATO, international humanitarian organizations and many NGOs have a history of working together (for better or worse) during the 1999 emergency during NATO's air campaign. Working through the Euro-Atlantic Disaster Response Capability (EADRC), and its Senior Civil Emergency Planning Committee (SCEPC), the Euro-Atlantic Partnership in 1998 produced a policy on "Enhanced Practical Cooperation in International Disaster Relief."

⁷ OSCE Report, "Status Analysis of the Kosovo Fire and Rescue Services", International Fire and Rescue Service Association 'Comité Technique International de Prévention et d'Extinction du Feu' (CTIF), April, 2008, p. 3.

The EADRC was put into almost immediate use after receiving a request for support from the United Nations High Commissioner for Refugees (UNHCR) in the run-up to the 1999 Kosovo refugee crisis. Ultimately, during the air campaign and the refugee crisis that ensued, the EADRCC focused activity along four fronts: humanitarian focal point for all EAPC nations; assistance requests; support for UNHCR; and relationship with NATO bodies such as its Supreme Headquarters Allied Powers Europe (SHAPE.) In the first days of the Kosovo crisis, SHAPE established the Refugee Support Coordination Center (RSCC.) The RSCC was linked to the overall civil effort in order to facilitate NATO military support to refugee relief efforts. A pattern of civil-military efforts was established wherein EADRCC performed a lead coordination role of national efforts to provide humanitarian assistance—while the RSCC coordinated NATO's own support.

Reviewing the lessons of that experience will be important in developing effective response preparations for a new emergency in Kosovo. However, it is important to put the 1999 experience in Kosovo into context. It pre-dated UNMIK and KFOR and the complex international presence that, along with Kosovo's fledgling institutions, are meant to deal with the country's challenges. Depending on the scale of the emergency, it is possible that coordination could be effected within Kosovo itself. Of course, if the emergency were overwhelming, the EADRC and related coordinating bodies could again be relied upon to effect a wider international response. The EU may wish to supplant NATO as a primary coordinating entity, depending on the status of EULEX deployment in Kosovo.

NGOs with an aversion to cooperating with the military might want to review carefully how to square their principled stands with the practical reality that NATO will, until more changes occur, be the primary actor in limiting human casualties and distress in the wake of a disaster in Kosovo.

Kosovo and Its Neighbors

The third political factor affecting emergency response in Kosovo concerns its neighbors, including Serbia.

To avoid an overly-alarmist posture, it should be noted a natural disaster need not only be a harbinger of aggravated political tensions. There is precedent—the serial earthquakes in Greece and Turkey in 1999 is the most prominent—for natural disasters serving as the means to bring adversaries together. However, the prospects for Greek-Turkish-style “disaster diplomacy” (as it has been termed) between Serbia and Kosovo are considerably more dim. Despite on-going differences, Greece and Turkey had formal diplomatic relations aided by years of experience working as NATO allies. The condition of their relative minorities is regulated by treaty, and not a subject of routine political discourse.

By contrast, the relationship between Serbia and Kosovo, as sovereign states, does not exist. The condition of the Serb minority in Kosovo is a subject of continuous pre-occupation in Serbia. Indeed, Serbia's President recently broached the idea of possible partition of Kosovo (bringing Kosovo's Serbs living in the north formally into Serbia), a subject deeply neuralgic among Albanians. The political contentiousness is not confined to Kosovo. There are substan-

tial Albanian populations contiguous with Kosovo in South Serbia's Presevo Valley. Likewise, in neighboring Macedonia, Albanians constitute one-quarter of the population and have deep family ties to Kosovo. Albanians in Montenegro, Greece and Albania, whether or not they have family links, have a deep emotional tie to Kosovo.

The potential for population movements to trigger tensions was amply demonstrated in 1999, during the NATO air campaign. Serb forces expelled approximately 800,000 Albanians. These refugees poured over the border into, primarily, Albania and Macedonia. The latter in particular proved particularly vulnerable to political destabilization arising from the influx. In one notorious example, tens of thousands of Albanian refugees were trapped in no man's land, expelled from Kosovo by the Serbs yet refused asylum in Macedonia. Gradually, Macedonia overcame its resistance and, with intensive international assistance, hosted more than a quarter-million refugees during the air campaign.

The return of virtually all these refugees was, unfortunately, not the end of the story. Following conflict sparked by Albanian rebels in South Serbia in late 2000 and early 2001, fighting moved into Macedonia. For most of the summer, the country teetered on civil war as fighting and fear displaced nearly one-tenth of the country's population. The Ohrid Agreement ended the fighting and has provided a foundation for co-existence between the majority Macedonians and minority Albanians. Relations between Macedonia and Kosovo are good, particularly so after Macedonia's recent recognition. While both countries have matured since 1999, deep fissures remain between ethnic Macedonians and their Albanian neighbors. The demarcation of the border between Kosovo and Macedonia, which bisects a number of predominantly Albanian villages, is complete, following an unnecessarily protracted process. Should a Kosovo emergency be severe enough to again produce refugees, they will almost certainly seek shelter with relatives and friends across the border in Macedonia, once again raising anxiety among the majority Macedonian population.

Depending on the degree of chaos that ensued—and the perception that vital interests are being put at risk by population flows—an emergency that again convulsed Kosovo could herald potential for conflict with Serbs. Any serious emergency affecting the Serb population—whether the relatively autonomous Serbs in the north of Kosovo or the majority who live in enclaves south of the Ibar river — would trigger immediate Serbian concern. The nightmare scenario would be a disruption that invites overt, uniformed Serb entry into the north. This would produce a backlash among Albanians, including possibly from neighboring Albania. In the event of any emergency in Kosovo, neighboring Albania would almost certainly play an active role, both in receiving displaced and in seeking to render assistance in Kosovo. Although its EU prospects are years away, Albania joined NATO this year, underscoring the vital role of the alliance in containing potential conflict that linked to natural disaster.

Especially in a situation where a disaster followed a reduced NATO presence, open conflict between Serbs and Albanians in the north could be easily imagined. Any refugee influx into South Serbia's Presevo Valley would present inherent political sensitivities. Belgrade would certainly look askance at an influx that would carry with it the potential for unrest or even destabilization. Likewise, displacement within Kosovo itself could worry the isolated majority of Serbs who live in enclaves south of the Ibar River that divides Mitrovica. For their part,

Albanians might seek to enter predominantly Albanian areas in South Serbia (the Presevo Valley) as a form of retaliation for any incursion in the north. Many Albanians (and Serbs) see a tacit linkage between the situation for restive Albanians there and the deadlock over the Serb situation in Kosovo's north (Mitrovica.) Albanian Premier Sali Berisha openly linked the destiny of Serb-controlled Mitrovica to predominantly Albanian Presevo Valley at a regional conference this summer.

Nor is Montenegro free from potential unrest in the wake of refugee flows. While relations between Montenegrins, Serbs and Albanians cannot be compared to Kosovo, tensions have mounted during this year's controversial adjudication of several alleged Albanian terrorists.

Both Albania and nearby Greece have a vested interest in containing both the humanitarian and political consequences of a natural disaster. However, Greece's relations with Macedonia have worsened since NATO's Bucharest Summit in April, when Athens blocked an invitation for Skopje to join NATO. It is difficult to say how political factors would shape Greece's reaction in the event of another cataclysm involving its northern neighbor. Unlike Macedonia, Albania received an invitation to join NATO, and its membership in the alliance, slated for the spring, would, as in Greece's case, tend to encourage responsibility. For the most part, Tirana has played a responsible role toward neighbors with sizeable Albanian populations, including at tense times in Macedonia.

In sum, emergency planning for Kosovo must put political factors forefront, along with standard emphasis on the practical and logistical side of the response. NATO's central role in any potential emergency will again put a premium on civil-military coordination. Learning the lessons from the emergency of 1999 will put the emergency response on a more sound footing.

Taking Ownership: Indigenous Disaster Response Capability in Kosovo

Primary Responders: Kosovo Protection Corps/Kosovo Security Force

While Kosovo does have disaster response capability, the transitional flux of its institutions pose questions as to which of main responders could actually be called upon in the event of an emergency.

For small-scale events, the Kosovo police (the Kosovo Police Service or KPS) and fire department would be the primary responders. With 10 percent Serb participation, KPS is the most representative of Kosovo's institutions. In the domain of disaster and emergency response, KPS's role is to maintain law and order, ensure that emergency services can work, and to execute normal policing duties related to crowd control, traffic movements and evacuation.

For large-scale emergencies, at present, it is the Kosovo Security Force, successor to KPC, that now has the lead response role. NATO, led by a Canadian team, has begun work to stand up the KSF. NATO plans to have the first-phase of the planned 2,500 strong KSF ready by end-2009. This means that, until KSF is fully established, there will be a gap in indigenous emergency response capability in Kosovo. Given EULEX's limited operational capacity, and

the continuing drawdown of the UN, KFOR, even at smaller strength, would still likely be confronted with responsibility to deal with a disaster.

Until it ceases to function, KPC's primary task is to provide a disaster response capability, including tackling major fires, industrial accidents and toxic spills. It has five fixed Emergency Response Units (one for each KFOR/UNMIK sector), a mobile rapid response unit, and other support units specialized in chemical decontamination, search and rescue, medical assistance, and transportation. There are strict limitations on what the KPC can do. Under UNMIK-issued regulations, the KPC has no military or law enforcement functions. It is ambiguous whether or not KPC can perform crowd control or other tasks related to the maintenance of law and order. In some cases, KPC may be able to work along side KPS to ensure that rescue and recovery operations can take place. (Only 200 KPC members are authorized to carry weapons, and the organization is subject to UNMIK's Civil Administration planning and coordination. KPC numbers 3,500 active members, with another 2,000 reservists. International auditors believe that it is too large for the role it performs and the budgetary constraints that Kosovo faces. KSF will likely be smaller, about 2500 officers and 800 reservists, according to one official.

KPC has already demonstrated its value as a first-responder. Among the operations that it has conducted, the most challenging was the response to the 2002 earthquake in Gnjilane. KPC worked side by side with KPS, KFOR and UNMIK. The institution is the most popular among Albanians—and correspondingly, held in very low regard by Serbs.⁸ KPC is—by design—incapable of providing security that might well become a high priority in the wake of a disaster befalling Kosovo. Like its predecessor, KSF will not be a defense force. However, unlike KPC, the KSF will be able to assume riot control duties along with the same primary mission to deal with natural disasters and emergencies.

Besides questions of operational readiness, KSF faces another inherent problem: constrained ability to operate among Serbs. While relationships with the Serb community are difficult for all Kosovar institutions, it was particularly acute in the case of KPC—and very likely will continue for some time with KSF as well. The KPC was set up as a non-military successor to the KLA—the Kosovo Liberation Army — reviled by Serbs as a terrorist organization. While Serbs do participate in the KPS—Kosovo Police Force (under UN leadership), KPC was always anathema. Deployment of the successor KSF in Serb-controlled areas or among Serb population could be equally problematic. NATO envisions KSF as multi-ethnic, with slots reserved for Serbs, participation. One aim in dissolving KPC was to start afresh, with a new security organization unconnected with the legacy of the war-era Kosovo Liberation Army. For the moment, Serb participation in KSF is insignificant. Cooperation with KSF will, in all likelihood, remain controversial pending rapprochement with Belgrade, given that the institution is, to Serbs, a provocative symbol of Kosovo's sovereignty.

⁸ UNDP survey, p. 127.

Emergency Response Structure in Transition

In the wake of its declaration of independence, Kosovo, in close consultation with international actors, enacted a new Constitution in June. Article 125, paragraph 1 of the new Constitution grants the Republic of Kosovo authority over “civil emergency response ... within its territory.” Article 127 sets out the role of the Kosovo Security Council, the institution to oversee national response to a full national emergency. However, the Security Council has yet to be formally established. The new Kosovo Situation Center is—nominally—up and running, thanks to assistance provided by the United Kingdom. Materiel and supervisory assistance is important if the Situation Center is to perform its function. A predecessor institution under Kosovo’s provisional institutions, the Office of Public Safety (OPS), was meant to oversee and perform a range of coordinating and operational tasks, including staffing the Crisis Control Room/Situation Center. OPS failed to accomplish this task due to lack of training, personnel and equipment. According to experts, in case of an emergency the new Situation Center is still incapable to respond. Its role and its reporting chain remain unclear; legislation setting out its duties has not been fully enacted.

As is common in the Balkans, institutions like OPS have been routinely affected by changes in the coalition of political parties in government. The politicization of non-political institutions like OPS/ Situation Center is an impediment to continuity and effectiveness. The transition from UNMIK to Kosovo provisional institutions to the newly-independent institutions has led to overlap and confusion. Care will have to be taken to ensure that OPS/Situation Center emerge as independent, fully functioning actors. Of highest priority is ensuring that communication links between the Situation Center and other lead actors in crisis/emergency response are established and maintained. Among the institutions that need to talk to each other via the Situation Center are: the Department of Emergency Management; KPC/KSF; KPS; and Municipalities.

The UNDP report recommends that OPS/Situation Center assume three critical responsibilities: to coordinate proceedings; to undertake research on specific security-related matters, as requested by the Security Council; and to perform any additional tasks assigned by the Council. In addition, it will act as the focal point for all briefings provided to the Prime Minister and the Security Adviser on security and emergency related issues. Structure and staffing of OPS/Situation Center should be consistent with its future role. International efforts need to focus on long-term capacity building, with consistent support from the International Civilian Office in delivering capacity building.⁹

Where new institutions like the Situation Center have yet to formed, Kosovo will continue to rely on the current, provisional structure for emergency response. Under UNMIK Regulation 2001/9, Kosovo’s Provisional Institutions of Self Government had responsibility for:

- a. developing and implementing a strategy for emergency planning and civil protection services; and
- b. directing and coordinating fire and rescue services, in close cooperation with municipalities.

⁹ UNDP report, p. 114.

A Department of Emergency Management has been nominally in existence since 2002, although UNMIK did not hand over responsibility for this function until June 2004. Now located in the Ministry of Internal Affairs, the Department of Emergency Management has responsibility for developing and implementing a strategy for emergency planning and civil protection services; and for directing and coordination fire and rescue services in close cooperation with municipalities. The Department has developed a Threat Assessment Plan and an Action Plan, at the regional and municipal levels. Kosovo-level plans had been retained by UNMIK as a reserved area function. DEM has also developed specific plans of action for flood and earthquake response, as well as a plan for containing an Avian flu epidemic. A system of response has been established at the municipal level, involving a range of actors including DEM, KPC, KPS, medical emergency units, Kosovo Red Cross and other NGOs. A draft law on emergency response had been drafted and submitted for review to the UNMIK legal adviser.

OSCE has been closely monitoring and supporting the work of the DEM since 20006. In 2008, experts from the OSCE Department for Public Safety and Firefighting experts from the International Fire-Fighter Association (CTIF) toured all local fire stations to assess the level of preparedness in the event of any natural disaster. Other analysts note that training and exercises that ought to have been coordinated by the Department have, instead, been conducted in an isolated way. Vital cross-institutional training between responders and political actors during crisis management and emergency response has been missing. The authors of the UNDP report state that “Kosovo’s capacity to respond to disasters will not only involve improving governing institutions’ competencies, but also will involve issues such as improving capacity for public information and cross-community cooperation and communication.”¹⁰

The Committee on Security in Kosovo’s Assembly exercises limited oversight powers on emergency-related activities and draft emergency plans. Given its front-line role in emergency response, Kosovo Municipalities have set up a number of committees to coordinate safety and security. However, regular communication links with the Kosovo Situation Center have not yet been established.

The 1999 Kosovo Refugee Emergency

The international response to Kosovo’s 1999 refugee crisis, especially the inter-action between NATO’s military contingents and humanitarian organizations and NGOs, is a much-studied subject. Unfortunately, as one study notes, there are “few traces that lessons from previous crises had guided the international response to the Kosovo emergency, despite many similar challenges to humanitarian actors.”¹¹ Therefore, planners for a future emergency would be wise not to assume that the lessons from 1999 have been automatically digested. Reviewing them in Kosovo’s new political context could yield valuable benefits.

¹⁰ UNDP survey, p. 63.

¹¹ Larry Minear, Ted van Baarda and Marc Sommers; *NATO and Humanitarian Action in the Kosovo Crisis*, Occasional Paper #36, Brown University Watson Institute for International Studies, 2000, p. 111.

Anticipating Population Displacement

While care, search and rescue for those immediately affected by a natural disaster will require adequate first response, there is no single factor more vital to coping with an emergency in Kosovo than anticipating the needs—and numbers—of displaced persons. In 1999, the international community, including the UN and NATO, was abjectly unprepared for the influx of refugees flowing into Macedonia and Albania during the early spring months. According to one study, UNHCR had contingency plans for between 20 and 30,000 refugees, with an extreme outside limit of 50,000. Already by 3 April, after just a couple of weeks of NATO bombing, more than a quarter of a million had arrived. In total, there were some 800,000 refugees during the crisis of 1999, with a rough estimate of 500,000 internally displaced in Kosovo.

Observers and officials alike acknowledged that it took at least three weeks and probably more than a month to adjust to the new parameters of refugee influx. A report commissioned by UNHCR noted that while the organization could not have anticipated the size and speed of the exodus from Kosovo, “preoccupation with IDPs inside Kosovo distracted attention from preparing for the ... worst-case scenarios of refugee outflows.”¹² At the outset, many of these refugees, especially those spilling over into Albania, were forced to sleep in the open. Had the early spring weather become worse, the situation could have become grave.

As this author witnessed, refugee camps were overwhelmed by bus load after bus load of Kosovar refugees taken at the Macedonia-Kosovo border.¹³ UNHCR personnel had the difficult task of locating space for yet more refugees at camps already overwhelmed.

Of course, the 1999 refugee exodus was man-made, a complex emergency involving conflict involving Belgrade, NATO and the Kosovo Liberation Army. The fact that NATO bombing was taken without a UN Security Council resolution fueled the politically-charged atmosphere. The refugee exodus became at once an attempt by Milosevic to destabilize Kosovo’s neighbors—and thereby destabilize the alliance. For NATO, caring for the refugees became an over-riding strategic priority.

A natural disaster will have different political dynamics—but one core lesson remains anticipating where possible the magnitude, speed and direction of population displacement. Given that, by definition, emergencies almost can never be anticipated (if they could, they would not be termed “emergencies”), the priority in a future disaster would be on early and accurate determination of displacement. This will put a premium on communication and coordination among the leading international and local actors in Kosovo. The muddle of responsibilities described above certainly does not inspire confidence that a clear distribution of responsibilities will emerge.

¹² Astri Suhrke, Chr. Michelsen, Michael Bartciski, Peta Sandison, Rick Garlock; *The Kosovo Refugee Crisis: An Independent Evaluation of UNHCR Emergency Preparedness and Response*; UNHCR; 10 Feb 2000, p. 2.

¹³ Throughout the 1999 Kosovo emergency, the author served as Senior Camp Manager for the Stenkovec-I Refugee Camp operated by Catholic Relief Services, working closely with UNHCR.

Civil-Military Cooperation

Armed forces are frequently authorized by the UN to implement the will of the international community, including in disaster response. The military have inherent advantages in that they can sustain themselves in a difficult environment—able to confront transportation, logistical and security challenges.

Formal cooperation between military and humanitarian institutions in the 1999 crisis was established via an exchange of letters between NATO Secretary-General Javier Solana and UN High Commissioner for Refugees Sadako Ogata. UNHCR requested assistance from NATO in Albania and Macedonia. For its part, NATO recognized the leading role of UNHCR and agreed to undertake four support tasks: logistics, camp construction, refugee transport and road repairs/maintenance. A number of critics faulted UNHCR for not being able to respond to refugee needs and for ceding too much of a role to NATO. A number of NGOs remained uneasy about cooperating with NATO throughout the exercise; others, like this author, recognized that without NATO assistance, in particular its ability to quickly construct camps, Albanian refugees, including small children and other vulnerable groups, would be subject to severe distress. NATO also performed an invaluable political role in Macedonia, helping convince the reluctant government to grant Albanian refugees unconditional asylum.

For many observers, UNHCR failed to carry its part of the bargain. It was not always able to serve as lead agency, causing NATO and other organizations to deal directly with the host of NGOs and other actors, like ICRC, that provided emergency assistance. Indeed, the report commissioned by UNHCR observed that UNHCR played a “relatively limited role in the overall relief response ... funding only 12 percent of the refugee population housed in some 278 camps.”¹⁴ The report cited a number of inadequacies including slow staff deployment, limited registration of refugees, and a cumbersome decision-making structure inappropriate for a conflict emergency.

In Macedonia, Albania and later in Kosovo, relative roles were managed by civil/military coordination units or CIMICs. CIMICs “were the hinge that brokered the relationship of military to humanitarian actors.”¹⁵ The military performed three roles: fostering security; supporting humanitarian work; and providing direct assistance to civilians. NGOs largely praised NATO’s performance and willingness to provide what NGO leaders requested in terms of support. This was not confined merely to logistics. OSCE officials praised NATO for providing extensive human rights monitoring capacity. Criticism arose primarily when NATO sought to provide direct assistance to civilians, often defeating the comparative advantages of humanitarian organizations.

A key lesson of civil-military relations during the Kosovo intervention is the value of joint pre-mission planning to ensure greater cooperation in the field. Joint training and education break down misunderstanding and mistrust, so that the military in general, and CIMIC in particular, can enhance aid delivery by the humanitarian community. Training and education can also bridge the wide cultural gap between the military and NGOs. As experts have noted, the

¹⁴ Suhrke, et al., p. 2.

¹⁵ Minear, et al., p. 19.

organizational structures of military and humanitarian organizations are generally polar opposites. Military institutions place a high value on command and control, top-down hierarchical structures and clear lines of authority, discipline and control. Most humanitarian organizations have an organizational structure that is horizontal and fluid, with significant decision-making authority located in the field. NGOs often pay more attention to the process by which they accomplish operations—than results themselves—because they attach more importance to long-term impact. In short, a bottom-up perspective is more natural than a top-down perspective in operations comprising so many small organizations, each wishing to preserve its autonomy.¹⁶ Improved communication and awareness of cultural differences can avoid counterproductive stereotypes.

Of course, the over-riding anxiety of NGOs in cooperating with military is blurring of lines to the point where the perception of the local population is that NGOs are “on the side of the military.” While this is an acute concern in Afghanistan, and a concern of many NGOs during the air campaign when NATO was an active party to the conflict, it is likely to be far less of a concern during a potential emergency in today’s Kosovo. First, it is unlikely that NATO would again be a party to a future conflict as part of an emergency response. Second, as noted above, KFOR is accepted by both Serbs and Albanians and, in all likelihood, will be the only actor able to be operational at a high degree of capability throughout the country. In Kosovo’s case, there would be no need to authorize a military presence; it would be natural to expect KFOR—without time-consuming deliberations—to respond to security-related contingencies on its own, or as asked by its international partners.

Conclusion and Recommendations

Effective planning and preparation for a natural disaster or emergency in Kosovo must keep both the fledgling state’s unique political context and its challengers (including politicization of institutions and lack of coordination among international actors.) The signature phenomenon of conflict in the Balkans is mass movement of population, typically forcible “ethnic cleansing.” But mass population movements due to natural causes can have serious destabilizing effects. While the overall security situation in Kosovo has improved, the Serb-controlled north remains outside both effective law enforcement and the reach of Kosovo’s institutions—and some international actors as well. The continued dispute over the country’s status poses a serious challenge for all actors, including NGOs, putting a premium on sensitivity, speed, and coordination.

International actors could lay the groundwork for a more effective response—and possibly lay the groundwork for improved atmospherics between Pristina and Belgrade—if they would make emergency preparedness a priority for the capitals to consider, at least in parallel if direct talks prove elusive.

The international community should work to make lines of authority clear in the event of an emergency. As the experience in 1999 demonstrated, it is crucial that “lead agencies,” including political lead, are clearly known and able to fulfill their roles.

¹⁶ Sebastian Joost Henrikus Rietjens, *Civil-Military Cooperation in Response to a Complex Emergency: Just Another Drill?*, unpublished dissertation, University of Twente, the Netherlands, 23 March 2006, p. 29.

Kosovo's government should ensure that the sound recommendations provided in the UNDP report, with respect to the OPS/Situation Center operations are fully implemented. Kosovo's leaders in tandem with the international leadership ensure that there is no gap in indigenous emergency response after KPC dissolves and before KSF is operational.

Given the continued distrust, NATO will likely remain a key player in Kosovo. It is the only actor with full operational capability that can operate throughout the country. Moreover, it retains unique political credibility. These factors should be considered in any planning to withdraw NATO in favor of a purely EU force, as in Bosnia.

NGOs with an aversion to working with the military should reconsider their approach. Kosovo is not Afghanistan. The risks of "blurring of roles" are far less than other theatres and, as well, very likely far less than during the emergency of 1999. The priority in any disaster or emergency must be on rendering assistance to the needy. Redoubled attention among NGOs, humanitarian agencies and the military on pre-planning and cultural understanding will improve civil-military cooperation and pay dividends in the event that disaster strikes.

Chapter 21

Response to the 2004 Tsunami: An International Perspective

Howard Roy Williams

It is virtually axiomatic to begin a conversation regarding lessons learned and best practices by discussing the usually expected failure in applying the former, and making an assumption that the latter concept has substantial validity; in other words, that best practices can be determined and applied across the board. In taking a backwards look at the tsunami of December 2004, and the nature of the response on an international and local scale, it must be acknowledged that lessons “learned” more often translate into lessons “observed” and that best practices may only be understood and promulgated on a disaggregated basis. Arguably, this is not a conclusion applicable only to the tsunami because of the scale of the regional impact with the complications inherent in a disaster of that magnitude. A regional perspective can begin and end at the water’s edge or at a national boundary. In the case of early warning systems, however, there was a regional consensus that establishing such systems was an urgent priority.

It is important to note, however that a retrospective examination such as this necessarily includes a carefully chosen degree of obfuscation. For example, this analysis is presented in global terms as if institutions and collectives in general operate as monolithic entities. This is useful for purposes of presentation but certainly overlooks the realities of individual actions and initiatives redounding to the benefit of organizations but with little relation to them as such. An impediment to understanding the area of humanitarian assistance, simply put, may well be its ad-hoc nature and the tendency to examine its operation taking this aspect as an immutable fact.

The Indian Ocean Tsunami

The earthquake triggering the tsunami, with a magnitude of 9.0, struck off the west coast of Sumatra, Indonesia. The tsunami affected 12 countries in south and southeast Asia and the northeastern coast of Africa. This aftermath of the earthquake affected Indonesia, Sri Lanka, India, and Thailand, to differing degrees, but with an overall massive loss of life exceeding two hundred thousand persons. It created, in addition to the immediate consequences of the disaster, long-term issues of resettlement and reconstruction. Further, in the case of Aceh, Indonesia and Sri Lanka, the response was affected by ongoing conflict. This is noteworthy, as the conflict issues affected the response in relation to the roles of international actors.

As with most events of significant magnitude, the tsunami captured worldwide attention. Its aftermath remains newsworthy but to a significantly smaller audience, assuming one is out the region where it occurred. We have a two-part but related scenario to review. There is the event with its effect on the lives of those in immediate danger, and a worldwide and often stunned

public, including those with particular anxieties over the fate of friends and relatives. Then there is what follows and slowly unfolds as attendant political and social issues are worked out.

The magnitude and extent of the impact of the tsunami led to an immediate outpouring of direct assistance, with credible offers of more to come. The United States initially pledged \$350 million accompanied by a pledge of military support. This was almost immediately followed by an additional request for \$600 million. The initial contribution of \$40.5 million by the European Union was quickly increased. Private contributions were of similar magnitude. In some cases, such as that of the non-governmental organization (NGO) *Médecins sans Frontières* (MSF), the level of contributions exceeded their program requirements as well as the ability to utilize the funding. MSF then announced this quite publically, requesting the suspension of contributions to them for tsunami relief. This unusual declaration highlighted the level of support emanating from the public and governments as well as international groups from all communities.

It must be acknowledged that a critical aspect of this disaster was the fact that the area was a worldwide tourist Mecca. There were few countries whose citizens were not visiting in one of the affected areas, with anxious relatives abroad whose attention immediately focused on their television screens, radios, the internet, or newspapers. In that respect, this was a transnational occurrence which, at least temporarily, transcended usual regional concerns and disputes.

Further, in the case of Indonesia, the outpouring of apparently apolitical aid was seen by some as ameliorating the presumed growing polarization between the west and Muslim nations. This certainly seemed to be an outcome; perhaps in the short term and on the basis of perceptions not shared.

The importance of the issue of coordination of international relief efforts was immediately recognized by the Association of Southeast Asian Nations (ASEAN). An emergency meeting was held in Jakarta within two weeks of the event. The agenda focused on increasing contributions and coordinating relief efforts.

The Actors and Their Roles

It would be difficult to identify a group not involved in the response. In addition to the national governments and their militaries, civil society organizations, foreign militaries, private enterprise, and international NGOs also played key roles.

The resources and logistical expertise available to and utilized by national militaries was critical in the early days, particularly in the areas of security, communications, and movement of relief supplies. However, there were limiting factors affecting their response. The Indonesian military, for example, had few helicopters in the region. However, the U.S. aircraft carrier was in the region and its 25 helicopters began flying missions within days of the disaster. Even with added capacity, insufficient transportation assets were a major element, as well as the critical factor that the military and their families were among the victims.

The contribution of civil society organizations, including NGOs, church groups, and other community organizations, notably, the national Red Cross/Red Crescent societies, was extraor-

dinary and many would argue that these local groups represent a little understood or appreciated component of the overall response. Interestingly, these organizations were not routinely included in national disaster management planning. This exclusion also extended to private corporations, local and international, whose contributions were cited as unprecedented.

It is worth making an observation on the importance of staffing. Another way of looking at the connection between individual actions and initiatives referred to above is to consider how, at all levels and across all organizations, the impact of excessive staff rotation plays a major role. This factor introduces an element of built-in vulnerability to any structure or set of objectives

We are now looking at transnational issues. Given that today's world features global enterprises in virtually all areas, the dimension of the private sector clearly needs to be measured and included in both the preparation and response.

Coordination and Other Issues

There is no question but that the large number of diverse organizations with a range of mandates, operational assumptions, levels of resources, not to mention experience, created acute coordination challenges, especially during the early days of the response.

Local civil society groups, in the absence of their inclusion in the national plan, found themselves dealing with the lack of clear reporting lines and were often the objects of interference from various government bodies.

In addition, many NGOs with little experience in humanitarian relief but with often abundant resources, were unwilling or just unaware of the need to cooperate with other groups. In fact, some of the groups with considerable independent resources operated without consultation with other partners or even the government.

Preparation for disaster has been a high-level concern of countries in the region to varying degrees. India, for instance, was thought to have developed a good response system in coordination with USAID's provision of support for training over some period. Its response to the tsunami, however was deemed to be "chaotic" with accusations directed at relief workers who allegedly hijacked relief supplies. In addition, interference by national authorities with the work of the trained local relief works was widely reported.

Foreign Military Assistance

It is beyond question that the amount of assistance provided through foreign militaries was considerable. There was, however, little direction from regional governments on how this assistance was to be implemented in the case of logistical support or distributed in the case of food or other direct assistance. However, an underlying reality of military involvement was the haphazard nature of the arrival of military assets and the lack of clear terms of reference governing their actions. This was partly compensated for by the fact that regional militaries had previously worked with host nation forces.

The U.S. Pacific Command led a Combined Support Force (CSF) based in U-Tapao, Thailand. A command center housing liaison officers from Australia, Britain, Japan, Singapore, and Thailand was set up along with a civilian-military coordination cell which served as a base for UNOCHA and USAID Disaster Assistance Response Team representatives. Here again we see the modalities required to implement an effective response served as the basis for regional and international cooperation.

The question of constraints on the movements of foreign militaries into areas of previous or potential conflict was, on occasion, an issue. The military role was, as suggested above, at times complicated by ongoing insurgencies in regions such as Aceh in Indonesia. This impacted on the willingness of the Indonesian government to grant foreign military assistance to some regions. Initially the Indonesian military (TNI) refused to allow international relief flights landing permission in Banda Aceh. This restriction was waived, but additional constraints were placed on the movements of foreign militaries in general, and NGO workers required permission from TNI for movements outside of town.

In this connection, a limitation on the effectiveness of foreign military was the absence, in some cases, of status of forces agreements (SOFA).

In contrast to the situation in Indonesia, Thailand became the logistics hub for a significant portion of the U.S. and international relief effort. Longstanding relationships between the Thai and U.S. militaries undoubtedly contributed to the success of the partnership.

In addition, international Guidelines such as the Oslo Guidelines for the Use of Military Assets in Humanitarian Operations were not generally known. As a result, implementing them was not integrated into national planning.

On the other hand, an essential element, namely recognizing the authority of the national government over the distribution of relief supplies, remains a standing concern. While independence of action can often seem appropriate as the dominant imperative, acknowledging host-nation sovereignty is fundamental. It is frequently apparent that control by the local authority has been so weakened by the event that there is no realistic way in which their leading, at least in the short term, is possible. However, this is not a standing state of affairs and what has been described as “the principle of the subsidiary of international assistance” must be acknowledged.

This understanding should apply not only to international organizations and NGOs, but donor governments as well.

Another aspect of the relationship to foreign military assistance, beyond the broad-based overall Guidelines referenced above, is the relative unfamiliarity of the respective communities, military and civilian, with each other’s procedures and assumptions. Some would argue that in the best of all possible worlds, given that the military will be present during these large-scale disasters, that consideration be given to joint training exercises and, at the very least, shared briefings and perhaps short-term secondments of personnel.

National Issues

The advertising slogan “what happens in Vegas, stays in Vegas” unfortunately seems apt in looking at the relation between national and regional planning. At the national level, the tsunami experience underlined very clearly the fundamental importance of organizing response capacity at the local level, where the role of the first responder is paramount. The tsunami experience again underscored the question of access to resources in the event of breakdown in normal delivery channels or services. Resource availability and other capacities accompanied with disaster management strategies must be established as a standing role at the local level. This, in turn, needs to be linked to planning and resource management at the national level.

Regional Issues

The United Nations plays a critical role in supporting and setting a framework for regional cooperation. A central feature of this role is the capacity of UNOCHA to organize and share information. Information sharing during the response to the tsunami and now in the period following reinforces a critical dimension of transnational engagement.

Admittedly in the tsunami affected region, possibilities for joint action are somewhat complicated by the existence of different regional groupings as commented on above: ASEAN and SAARC. This is a function of political realities, but as the tsunami made clear, there are overlaps of interest in the area of response to a natural disaster as well. The experience has been the basis for the development of initiatives which may be replicated. Within a month after the tsunami of 2004, Sri Lanka established, with the support of UNDP, a Disaster Management Center (DMC) which in 2007 proved instrumental in warning of the need to evacuate coastal regions in the face of an impending tsunami.

Further, it is obvious that a regional early warning system is not only a necessary tool, but its development can serve as focal point in furthering regional cooperation. Development of a regional contingency plan is a logical next step. Such a plan would include distribution of information on resource availability and logistical capabilities.

An important, yet easily overlooked, aspect of regional interaction is joint training and reaching agreement on operational terms of reference. Gaming exercisers are a proven method of imparting shared training.

The business community, already joined on a regional basis by commercial interests reinforced by the activities of Chambers of Commerce, should be encouraged to take an active role in planning and evaluation of resource capability.

The Burma Exception: Little needs being said about regional relations with Burma. While information on the effects of the tsunami is sketchy, it is clear that this country has self-selected itself out of sharing in the regional consensus.

Disaster Risk Reduction (DRR)

An important aspect of taking a global perspective on disaster response too frequently overlooked or given a low priority in budgeting and planning is risk reduction. The concept of preparing communities to respond has only recently become part of the thinking of decision makers. The clearly defined image of an expected effective early response has to date dominated the behavior of responding organizations and funders, including the public. The willingness to commit funds to this aspect of the disaster cycle lags behind the need. The tsunami demonstrated how important it is that response preparation be seen as part of the educational and training routines for both civilian and local police and military personnel.

Disaster risk reduction, if it is to be effective requires a clear legal framework and the acceptance of defined and supported institutional responsibilities well in advance of an event. Further, it should be noted that risk awareness is very much a part of the disaster profile. In the tsunami, risk awareness, generally speaking because of the absence of recent experience, was very low. The lack of this awareness was, therefore, a major factor in the high death toll.

A positive result of the tsunami experience has been the demonstration of a willingness in all of the affected countries to recognize and develop measures to attack this weakness.

The Next Phase Recovery

Recovery, from the strictly national point of view, is not a transnational issue. The decisions and actions of donors may attempt to be as broad-based as possible, but finally decision making and execution of plans devolves to those in each country responsible for national stability or to those in a position to manage outcomes. As discussed earlier, early warning systems are a notable exception. A report in IRIN of December 2007 cites Transparency International, Sri Lanka as claiming that there is a \$500 million gap in the accounting for the funds received for tsunami relief. Donors might feel reluctant to contribute so generously in the event of another disaster, but will the public allow them to take what might appear as a position devoid of moral standing?

A Look at Civil-Military Relations: A Transnational View

Humanitarian and military objectives are likely to differ significantly when operating in the same environment. This is hardly unexpected, given their sharply distinct missions, mandates, and terms of reference. However, some objectives may in fact actually overlap even though institutional assumptions may inhibit recognition of this. It is those areas of apparent differences, which acquire frequently unintended significance when they serve as the basis for antagonistic behavior, that may affect the allocation and use of resources. All sides are losers when this occurs, most especially the communities affected by the discord when civil and military interests seemingly collide.

The Military Image

The word military carries with it a variety of images, depending on which of the world's militaries you are describing. The images presented, for example, by the U.K. or the U.S. military are quite different than those offered by the military of a state where the government has chosen to use its armed forces as a tool of repression. Then there is the image of the military when seen responding to natural disasters, as distinct from that of the military engaged in combat or described as consuming a huge part of the national budget.

During the response to a natural disaster, the reaction to military involvement is generally favorable. The military's special advantage in logistics is often heavily relied on to assist in the rapid delivery of aid over long distances and into otherwise inaccessible areas. In this case, humanitarian organizations have fewer concerns about the role of the military in providing immediate relief. Natural disasters play no favorites and non-governmental organizations, local structures, and the military often function as a team. The Asian tsunami and the Pakistan earthquake present striking illustrations of the value of the cooperation and the level of public acceptance of the military's role.

In short, there is no clearly defined image of the military that fits all encounters expected or ongoing. The perception that there is or needs to be an unambiguous consensual view of the military in relation to transnational issues seems rooted in the assumptions that it must always be seen as an arm of state policy and that military training automatically contravenes the principles of impartial humanitarian assistance.

Assumptions and the Approach of this Chapter

This chapter proceeds from the assumption that while there are and needs to be critical differences between the approach of the military and civil society to humanitarian work, these differences are not absolute or so rigid in nature as to preclude combined action when and where appropriate. This assumption is presented in the context of relations among cooperating militaries from different states; in other words, a transnational military.

Today, the nature of the relationship between the military and civil society is increasingly under scrutiny. It is important that this relationship be based, to the extent possible, on shared understandings. This applies equally to the relationships among different militaries.

Our initial focus is on the civilian-to-military relationship. It is not only the civilians or military on the ground whose understanding of the others' assumptions may be deficient. This may extend to higher levels of decision-making as well. We will then examine the role of gaming scenarios in laying the groundwork for enhanced military to military cooperation.

Improving the Chances for Cooperation

The comparisons used in what follows are intended to assist in clarifying some of the expectations and assumptions that get in the way of effective communication between the military and civilian organizations on both the national and international scenes. They represent an attempt to capture the concerns and interests of the respective communities and place them in a broader

context. The challenge is to find, to the extent possible, areas of common concerns as an aid in establishing a framework for cooperative action. A first step is clarifying how the parties use language as an aid in avoiding fundamental misunderstandings. The goal is to facilitate the development of strategies for military and civilian actors operating in a transnational environment that do not compromise their views on roles, mandates, and recognized national interests.

Language and Behavior

On a very basic level, the more action-oriented nature of military discourse often strikes civilians as unnecessarily strident or even reflecting a naive approach to what is or is not possible. In other words, the very tone of an exchange between the communities may militate against a meaningful exchange taking place.

Information and Intelligence

Humanitarian Organization Views and Behavior: Humanitarian organizations see information as a tool for improving program implementation and planning. In this sense, it is clearly distinct from intelligence, with its intent of gaining an advantage over an adversary. Information management in the humanitarian community is designed to support a range of objectives, including program evaluation, assessment, and ever-present funding requirements. Finally, the use of information is also required to be consistent with the tenets of the various codes of conduct governing the provision of humanitarian assistance.

Military Views and Behavior: For the military, information and intelligence are seen as virtually synonymous. Both terms are applied to the tools for tactical and strategic decision-making and action. Information, therefore, is deemed essential to providing an advantage over an opposing group. This leads the military to often see humanitarians working in their area of operations as automatically connected with their objectives, and therefore valuable as a source of first-hand information.

Security in the Field: Responsibilities and Concerns

Humanitarian Organization Views and Behavior: The concept of security is closely tied to staff protection, protection of beneficiaries, and the concept of “humanitarian space.” This last is defined in different ways, but a fundamental statement turns upon the need to have a safe and secure environment in which to do humanitarian work. Further, the word “protection” has more than one understanding. It applies to physical protection in the sense described above, and also to legal protection defined by humanitarian norms and international law.

Military Views and Behavior: Here again, the military view includes a focus on the means by which security is established and control of the requirements for maintaining security. Humanitarian organizations rarely establish security procedures beyond maintaining the tools of self-protection, such as warden networks, secure housing, staff training, and issues of safe access. The military does not take this more indirect approach to security. For the military, operational plans assume the imposition of security as part of mission objectives.

Leadership during Conflict or Civil Strife

Humanitarian Organization Views and Behavior: From the humanitarian organization perspective, leadership, to the extent it is seen as required or desirable by the community on the ground, may reflect the lead agency approach and not a command-and-control relationship. This approach is increasingly taken by the United Nations. It may be a function of individual initiative, simply being first on the ground, or having and sharing resources. In some circumstances, the determination of which humanitarian organization takes a leading role (usually implicit as opposed to stated) may be connected to variables such as experience in the area, staffing levels, and relations with the local community.

Military Views and Behavior: Who is in charge is a fundamental concern for the military. Overall responsibility is determined by institutional imperatives, training, and a defined mission statement. Effectiveness is very much related to a chain of command, which is imbued in military culture but can also be personality-driven. However, clear delineations of roles, responsibilities, and unity of command are viewed as necessary in order to ensure mission success. In those cases where the military objective is either planned to or results in a need to include humanitarian assistance, decision-making need not necessarily take into account considerations of civilian expertise or previous arrangements with the local community. This, of course, does not resonate well within the humanitarian community.

As Things Stand: Some Observations

The Public's View of the Humanitarian Organization Community: Speaking in general terms, public and donor expectations of the humanitarian organization community takes more than one form and are closely related to the source of their funding. In the eyes of the public, the role of relief organizations is pretty straightforward. They exist to save lives, assist the needy, and demonstrate the humanitarian values of the communities from which they come. Individuals tend to see humanitarian agencies as an extension of a strongly felt need to ameliorate the suffering of others. This support takes many forms, from cash donations to direct provision of material aid.

Humanitarian organizations, however, may require the support of a variety of donors. The larger the crisis, the more dependent they may become on a broad base of donor support. Donors will follow different approaches. Ideally, humanitarian organizations would prefer funds that have no strings attached in order to make decisions based solely on their own professional judgments. While humanitarian organization actions are based on mission statements and program activities reflecting those statements, a humanitarian organization may act differently depending on the expectations of the donor.

Donors routinely place tight controls on expenditures. For a time, this was seen as primarily related to issues of accountability. Increasingly, however, there is a realization that donors have responsibilities to beneficiaries not dissimilar to those of the organizations they support. The Good Humanitarian Donorship Initiative is one example of this trend.

The Public's View of the Military: Again, speaking generally, the military has a constituency which does not usually see it as primarily concerned with providing humanitarian assistance.

This view may change in the absence of ongoing conflict, if the humanitarian community is seen as lacking the capability to deal with a humanitarian task. Nor does the military see itself in this role as a normal operational assumption. A recent Department of Defense Directive, DOD 3000.05, has somewhat altered this perception. This Directive requires that the armed services include stability operations, which can include peacekeeping, as a core mission. That having been said, the mantra that the military exists primarily to “fight and win our nation’s wars” still permeates the mindset of many officers as well as that of the public. On the other hand, in times of large-scale disasters, there is frequently an expectation that the array of resources available to the military will and should be tasked to respond.

A clear difficulty lies in how much preparation the military can realistically undertake to meet the expectations of the Directive and today’s realities. An important factor will be the amount and nature of training resources directed to the issue. Military training objectives are necessarily different from those of humanitarian agencies. The degree of concentration on the specific skills essential to realizing military objectives remains a primary challenge.

Guidelines for Establishing Rules of Engagement Between Civilians and the Military

Recent progress made in expanding the level of communication between the humanitarian and military communities is very encouraging. Examples are the work in the United States of the NGO umbrella organization Interaction, the United States Institute of Peace (USIP), and the Office of the Secretary of Defense, in developing and launching guidelines for relations between civilians and the military during conflict. These guidelines are essentially consistent with those developed by the international community as represented by the UNOCHA Civil/Military Guidelines and the Oslo Guidelines governing the use of military assets. The reframing of these guidelines in Afghanistan by the non-governmental umbrella structure, ACBAR, is an example of the international scope of the tenets underlying all these documents.

These initiatives mark a significant step forward in clarifying what has often been a relationship productive of misunderstanding and subject to strongly held and frequently unexamined convictions on both sides.

An Instrument For Improving Transnational Cooperation Among Militaries

One approach to developing an integrated approach to doctrine and training is the use of scenarios posing situations mimicking a complex stability operation. It is an underlying assumption, for an exercise designed to strengthen international cooperation among national militaries, that structural change is not the central objective. That is the responsibility of a nation’s leadership. On the other hand, developing joint doctrine and approaches to training that translate into greater cooperation is paramount.

There are critical elements to accomplishing changes in attitudes and behavior. This is as true for the military environment as it is for any institutional or social change. Any exercise intended to assist in facilitating change must clearly concentrate on those aspects of organiza-

tional behavior impeding such change. A gaming scenario designed to replicate these areas can be an effective instrument.

Viking '08, involving both NATO and EU forces and executed in November 2008, was such an exercise. The exercise was based on events occurring in countries sliding into crisis. It is the premier training exercise for the Swedish armed forces and also serves as a fundamental occasion for the framing of doctrine and training within NATO. An important aspect was a focus is on increasing partner interoperability through the use of technology. Civilians were integrated into the exercise through the participation of government officials and humanitarian organizations.

An estimated 25 nationalities participated, with approximately 1800 military and police officers engaged in the exercise. Twelve nations throughout Europe and NATO were engaged in this cooperative training environment aimed at laying the foundation for unity of effort for joint action in implementing UN resolutions. A cadre of civilians was assembled to replicate the non-military side of this complex exercise.

This was a cross border exercise requiring cooperation between NATO and EU forces. The operational elements for decision-making included:

- The spillover effect of crisis to neighboring countries
- Ethnic, religious, and culture-related violence
- Huge humanitarian need
- International security implications
- A breakdown of law and order
- Area-wide economic collapse

A central aspect of the exercise featured the provision of information on the doctrine and training principles of the participating countries. This speaks to the necessity of understanding the operative assumptions of the cooperating actors.

Information exchange was assisted through a variety of IT approaches, including online web applications and e-mail. In addition, conventional telephone systems, video telephone conferences, and real-time simulation were employed.

Into the Future

Establishing and maintaining effective relationships among organizational structures, military and humanitarian, from different countries, with differing institutional and national histories is clearly a challenge. Successfully meeting this challenge turns in significant measure upon creating opportunities for joint training through exercises such as *Viking '08*. The military does not, however, function in a vacuum. A starting point, therefore, is recognition of the importance of the military and civilian worlds accepting the need to move towards greater understanding of each others' frame of reference.

Chapter 22

Civil–Military Relations in Hurricane Katrina: A Case Study on Crisis Management in Natural Disaster Response

Jean-Loup Samaan and Laurent Verneuil

In late August 2006, Hurricane Katrina struck the New Orleans region, affecting an area of over 90,000 miles. It began with a hurricane which led to flooding, disrupting millions of lives across multiple jurisdictions, and damaging or destroying much of the local critical infrastructure—21 refineries, miles of electricity transmission lines, and telecommunications equipment—within these regions. Over 100,000 patients received medical treatment; housing assistance or direct housing was provided to over 390,000 displaced individuals and families; and over 1.7 million victims registered for disaster assistance.

In the end, Hurricane Katrina caused over \$96 billion in property damage, destroyed an estimated 300,000 homes, produced 118 million cubic yards of debris, displaced over 770,000 people, and killed an estimated 1,330 people. In comparison, Hurricane Andrew (one of the costliest U.S. natural disasters before Hurricane Katrina) created \$33 billion in property damage, destroyed approximately 250,000 homes, and killed 60 people. About 80 percent of the fatalities caused by Hurricane Katrina occurred in the New Orleans metropolitan area; 231 fatalities occurred in Mississippi.¹

Many assessments have been issued on the failure of the Bush administration to contain and control this major disaster. How could the local authorities lack such basic logistics, like search and rescue teams on the ground? Why did the Government react so slowly? Why did the Federal Emergency Management Authority (FEMA) appear as an irrelevant coordinator? Why was it so difficult to communicate between civil and military units? As a matter of fact, the events happening in the Gulf Coast the summer of 2005 only underlined one key dilemma of federalism as a political system when it comes to crisis management. More particularly, the 10th Amendment states that “powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” This means that since the inception of the U.S. Constitution, policymakers have always preferred community-centered processes over Washington-centric planning.²

Indeed it is worth noticing that all the debates surrounding the aftermath of the events—when the Administration was attempting to learn lessons from its mistakes—turned around a few simple questions: What is the best solution between coordination and centralization when

¹ Lynn Davis (ed.), *Hurricane Katrina: Lessons for Army Planning and Operations* (Santa Monica: RAND Corporation, 2007), p. 2.

² James Jay Carafano, Richard Weitz, “Learning from Disaster: The Role of Federalism and the Importance of Grassroots Response”, *Joint Center for Operational Analysis Bulletin*, vol. III, issue 2, June 2006, p. 43.

facing a national disaster? Shall we promote a single and unified chain of command? Or a joint management structure based on local authorities' primacy? Shall we advocate a centralized logistic with an exclusive command and control structure? Or shall we preserve the existing and separate civil and military systems and only incite organizations to create some commonalities?

In that perspective, Hurricane Katrina is not only a case study to understand the American political system and the way it manages natural crises. It also sheds light on issues that international or supranational organizations like the European Union can face in the future. For instance, this research paper will demonstrate how comparing the deployment of neighboring states' national guards in the New Orleans area to the potential deployment of the various national militaries in Europe on a member's soil is relevant. Indeed, it helps to better understand the need for civil-military cooperation in disaster response. As we will see, this cooperation remains intrinsically dependent upon the political as well as legal framework that countries have established.

Therefore, based on the numerous "lessons learned" made available and several interviews conducted with key actors, this paper will explore this fundamental dilemma—centralizing versus coordinating—in three parts. First, we will give an assessment of the mismanagement of Hurricane Katrina by describing how legal and bureaucratic constraints at the top hindered civil-military cooperation at the bottom. Second, we will analyze the multiple institutional changes which occurred in the aftermath of Katrina: the publication of a new National Response Framework as well as the refinement of the command & control structure. Finally, based on the outcomes of this case study, we argue that they are two main lessons from Katrina that can be applied to other context: the need for a military agenda including crisis management; and the need for implementing multiple political exercises to strengthen civil-military cooperation.

The Mismanagement of Hurricane Katrina

Arguing about the irrelevance of the political response to Katrina could be an easy thing. Nevertheless, if statistics tend to present the events as one of the biggest natural disasters in American history, it would be wrong to think that this was mainly due to some kind of human carelessness before the crisis. Most of the failures can be traced to and explained by the inadequate institutional framework which was put into place long before Katrina. Indeed, a report from the Washington-based think tank, the Center for Strategic and International Studies, wisely states:

Tensions between the state/local and federal level are hardly unusual, though they rarely interfere so significantly with the actual response effort as they did after Katrina.³

This framework was only refined after 9/11 but in a way to address the terrorist threat, not the one of disaster emergency. Undoubtedly, the scope of Katrina was unexpected, but many actors interviewed concede that the legal constraints were critical, starting with the "first responder" issue.

³ Christine Wormuth, Anne Witkowsky, "Managing the Next Domestic Catastrophe: Ready (or Not)?", CSIS, June 2008, p. 7.

The First Responder Issue and its Bureaucratic Consequences

Because of American federalism, states are legally nominated as “first responders” regarding crises like natural or man-made disasters. Theoretically, when state resources are exhausted, state governors may request assistance from neighboring states through the Emergency Management Assistance Compact (EMAC) or directly from the Federal Government under a presidential disaster or emergency declaration.

In this context, this framework induces all the issues at the core of U.S. civil-military relations during such a crisis, especially the difficult interaction between state and federal authorities. As a matter of fact, state governors may call up members of the National Guard under their control to respond to domestic emergencies, including natural disasters, civil unrest, terrorist incidents, and other complex contingencies. The operation is then commanded by state-level authorities and funded by the state. If state-level authorities happen to be overwhelmed by the events, they can transfer their power to the federal government.

Therefore, on August 27, 2006, one day after Hurricane Katrina struck the town of Buras-Triumph, Louisiana, 66 miles southeast of New Orleans, Mayor Ray Nagin announced a state of emergency and issued a call for voluntary evacuation. In the meantime, Louisiana’s Governor Blanco sent a letter to President George W. Bush asking him to declare a major disaster for the State of Louisiana, in order to release federal assistance. At that moment, the FEMA federal coordinating officer (FCO) became the person in charge of coordinating relief efforts with Government bodies, relief agencies and local authorities.

The Inability to Coordinate at the Top

Many commentators emphasized the operational liability of such disaster response planning. First, some argued that the decision to transfer responsibility to the state of Louisiana was disingenuous because these same institutions were overwhelmed. Indeed if events are progressing extremely fast, how can one step back and decide to transfer power? Edward Cavin from the Center for Naval Analyses underlined this problem by describing the National Response Plan as a “sequential process—local, then state, then federal—that assumed the federal response was the last resort for major natural disasters.”⁴

Second, Louisiana’s Governor Blanco and New Orleans’ Mayor Nagin were rapidly criticized for their blurry, inadequate, and inaccurate requests to federal authorities regarding the troops, supplies, and logistics necessary. In that perspective, a report from the American Bar Association asked:

How did the state express or clarify its authority through statutes or executive orders; how was that authority implemented through plans, procedures, and protocols; in what manner did the state execute that authority during incidents; and how did the state delegate its authority to local units of government?⁵

⁴ Edward Cavin, “Triggers for National Response,” Joint Center for Operational Analysis Bulletin, vol. III, issue 2, June 2006, p. 11. In 2005, the National Response Plan was the central administrative document designing crisis response processes.

⁵ American Bar Association, Hurricane Katrina Task Force Subcommittee Report, February 2006, p. 15.

But on an institutional level, FEMA Director Michael Brown quickly had to seek the approval from his direct supervisor, Homeland Security Secretary Michael Chertoff, on many decisions. This obviously created bureaucratic nonsense as FEMA was supposed to be the central link in the chain of command.

A few months before the events on the Gulf coast, FEMA was clearly portrayed as a major victim of the new national security institutional framework following the 9/11 attacks. The newly created Department of Homeland Security took the lead on 22 independent organizations making FEMA—a former autonomous organization—a sub-directorate of the Department. Because the major concern at that time was the potential of a terrorist attack, policy-makers did not take into consideration this institutional issue when facing a natural disaster.

Legal Constraints on Military Involvement

While FEMA quickly appeared to lack resources to control the crisis, coordination with the military was entangled with the legal context prohibiting the extensive use of active-duty soldiers. The Posse Comitatus Act [1878] (literally “the power of the county”) and the Stafford Act give states the primacy over the federal government and the military. But the Posse Comitatus Act also states that only National Guard units have the authority to act as law enforcers, because they are under the control of governors. The Posse Comitatus Act states that:

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both. (Title 18, U.S. Code, Section 1385)

Consequently, under the Posse Comitatus Act, the Army, the Air Force, the Marines, and the Navy may not be used to enforce domestic law. Nevertheless, under specific circumstances, Congress can authorize their use.⁶

The interpretation of the Posse Comitatus Act has been so controversial in American history that the American Bar Association explains that “*it is just as much empowering as prohibitory.*”⁷ Still, the general consensus is that the military shall only be involved as domestic law enforcers in the event of some sort of insurrection, uprising or invasion (according to the Insurrection Act).⁸

Therefore, the eventuality of a military intervention in the midst of Katrina quickly became a very sensitive issue as lawlessness and anarchy were growing in earnest in the New Orleans

⁶ This is the case of the Coast Guard, which does not fall under *posse comitatus*.

⁷ John Mc Carthy, Randall Jackson, Maeve Dion, “Posse Comitatus and the Military’s Role in Disaster Relief,” American Bar Association, Hurricane Katrina Task Force Subcommittee Report, February 2006, p. 23.

⁸ The President has the authority to enact the Insurrection Act for one of the following conditions: the request of the state government; the President believes that “unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States make it impracticable to enforce the laws of the United States” and use the military forces is only enforcing the law or suppressing the rebellion; the President believes that local law enforcement is unable or unwilling to protect individuals due to the insurrection or domestic violence. In the last two decades, it appeared during the Los Angeles riots in 1992 and during Hurricane Hugo in 1989.

area in the first days of September. As local security authorities were clearly overwhelmed, could the Government invoke the Insurrection Act? A member of the Bush Administration summed up the dilemma in a September 9, 2005, article from the *New York Times*:

Can you imagine how it would have been perceived if a president of the United States of one party had pre-emptively taken from the female governor [Kathleen Blanco] of another party the command and control of her forces, unless the security situation made it completely clear that she was unable to effectively execute her command authority and that lawlessness was the inevitable result?⁹

As a matter of fact, when Governor Blanco asked for federal assistance on August 27, the request did not call for “federalizing” the Louisiana National Guard.¹⁰ Moreover, in the end, when the Bush Administration nominated Lieutenant General Russel Honore as the commander of Joint Task Force Katrina, the latter did not command alone the troops on the ground. He shared the responsibility with Louisiana’s Adjutant General, Major General Bennett Landreneau.¹¹

The Stafford Act, also known as the Disaster Mitigation Act, substantially eases the use of the military as it provides the President with the right to activate and use Department of Defense forces in order to provide a domestic disaster response if other Government agencies are unable to respond. The Act can be enacted in one of four ways: federal declaration of a major disaster; federal declaration of an emergency; provision of essential assistance for a limited period of time; and protection of federal property. But still it does not alleviate the government from the Posse Comitatus Act, which remains the law unless it invokes the Insurrection Act.

Private Sector Integration

Hurricane Katrina also reinforced a negative assessment which all experts made explicit regarding the integration of the private sector into crisis management.¹²

Indeed, the U.S. legal framework insufficiently covers this issue. Neither the National Response Plan (NRP), nor the Stafford Act, seriously takes into account the private sector’s resources for crisis management like goods, services, or logistical support. According to the NRP, the Red Cross and National Voluntary Organizations Active in Disasters (NVOAD) remained organizations supporting—not taking over—the local authorities’ role.

Hurricane Katrina showed how important coordination between the public and private sector can be regarding the delivery of essential medical supplies by cargo and freight carriers,

⁹ Eric Lipton, Eric Schmitt, Thom Shanker, “Storm and Crisis: Military Response; Political Issues Snarled Plans for Troop Aid,” *New York Times*, September 9, 2005, section A, page 1, column 5.

¹⁰ Under chapter 10 of the Stafford Act.

¹¹ According to several reports, the White House proposed a “dual-reporting structure” in which the Louisiana National Guard would have been federalized, while Lt. Gen. Honore would have reported to both Governor Blanco and the President. The Governor rejected the proposal fearing that she might lose control of the military intervention.

¹² By private sector, we designate both business and civil society organizations.

Box 1. The American Red Cross and the Need for Better Integration with Military Units

A key partner for state and local governments is the American Red Cross, which responds to thousands of disasters, large and small, every year. Although the Red Cross is not a Government agency, it was chartered by the U.S. Congress in 1905 to “carry on a system of national and international relief [in response to] fire, floods, and other great national calamities.” During Katrina, the American Red Cross distributed financial assistance to over 1.2 million families, provided 3.42 million overnight stays in 1,100 shelters across the country, and served over 52 million meals.¹ Despite this massive response, the American Red Cross was barely integrated to the crisis response units. It lacked the logistics capacity to reach affected areas and was dependent on FEMA and the Department of Defense for assistance. Although the Red Cross had embedded staff at most relevant state and federal emergency operating centers, the NGO experienced significant communication and coordination breakdowns with FEMA regarding some of its requests for fuel and mobile refrigeration equipment, which were not processed. FEMA often failed to coordinate the transportation of evacuees, making it difficult for the Red Cross to track and shelter hurricane victims.

¹ U.S. House of Representatives, *A Failure of Initiative*, Washington: D.C., Government Printing Office, 2006, pp. 343–44.

the reconstitution of internet services, and the restoration of fuel refining and distribution facilities.

During Hurricane Katrina, for example, Anheuser Busch donated 9.4 million cans of safe drinking water to victims, and was able to leverage its packaging operations, logistics personnel, and government affairs office to distribute the supplies. Ford Motor Company sent 275 vans, pickup trucks, and sport utility vehicles to law enforcement personnel in the disaster region and dispatched a mobile command center to serve as a temporary headquarters for a local sheriff’s office in Louisiana that had been destroyed.

In a policy paper from the American Bar Association, Lee Zeichner specified three priorities that needed to be addressed by the government on that subject: facilitating the private sector’s own response to catastrophic disasters; ensuring coordination and cooperation between government and the private sector; and supporting the government’s response and restoration efforts.¹³

¹³ Lee Zeichner, “Private sector integration,” Hurricane Katrina Task Force Subcommittee Report, February 2006, p. 34.

The Difficulties of Civil–Military Cooperation

The disaster response to Hurricane Katrina included federal government agencies like the Federal Emergency Management Agency (FEMA), state and local-level agencies, federal and National Guard soldiers, non-governmental charities, and private individuals. Tens of thousands of volunteers and troops responded or were deployed on the ground to face the disaster, most in the affected area, but also throughout the U.S. in at least 19 states.¹⁴ This answer thus inevitably required civil-military cooperation on the ground, as well as through the whole chain of command.

The Deployment of the National Guard and the Bureaucratic Process

Hurricane Katrina made landfall in Louisiana on Saturday August 29 at 6 am local time. The Louisiana National Guard called almost 3,500 of its members to state active duty as of 7 a.m.. Army Lt. Col. Pete Schneider then reported a successful evacuation from the city, crediting the Louisiana Guard's partners in neighbouring States for carrying out 'a coordinated effort' that incorporated lessons learned from past evacuations. During an interview with *Fox News*, Schneider said the state demonstrated its readiness regarding the evacuation of people from their homes to the Superdome. At that time, Louisiana had 65 percent of its troops available for state missions, Mississippi, 60 percent, Alabama, 77 percent, and Florida, 74 percent.¹⁵

Before this day, even if New Orleans Mayor Ray Nagin declared a mandatory evacuation of the city and opened the Superdome to those who could not leave the city, the Louisiana National Guard was overwhelmed. They only had sufficient food for 3 days to deliver to 15,000 people.¹⁶

However at that point, local authorities knew that the strength of the hurricane would almost certainly exceed the levees' design capacity, and therefore that the possibility for major flooding was real. If the levees did fail, people throughout the city would find it very difficult to obtain food and water.¹⁷

Then the last resort became the implication of armed forces in the crisis response preparation regarding the events which were going to occur. But as we described in the legal framework above, these armed forces could only act upon the request of local authorities and not under the impulse of the federal state or one of its agencies in charge of preparing the response to the events and in preventing their consequences.

On Tuesday, August 30, an estimated 7,500 National Guard troops from Alabama, Florida, Louisiana and Mississippi were on duty, supporting civil authorities, distributing generators,

¹⁴ Donna Miles, "National Guard Responds to Hurricane Katrina," American Forces Press Service, August 29, 2005.

¹⁵ Donna Miles, "Military Providing Full-Scale Response to Hurricane Relief Effort," American Forces Press Service, Aug. 31, 2005.

¹⁶ "A Failure of Initiative," op. cit.

¹⁷ Matthew Davis, "FEMA Knew of New Orleans Danger," BBC News, October 11, 2005.

providing medical care, and setting up shelters for displaced residents. As of 8 a.m., almost 3,800 Louisiana Army and Air Guard members were on duty to remove debris, provide security and shelter, distribute water, food and ice, and offer medical and law-enforcement support.¹⁸

On Wednesday, August 31, the number of National Guardsmen on duty rose to almost 8, 300. Simultaneously, Joint Task Force Katrina was set up at Camp Shelby, Missouri, as the DoD's focal point to support the FEMA's relief efforts.¹⁹

On Thursday, September 1, the guardsmen remained under their respective governors' control, which enabled them to provide law-enforcement support in the affected regions, something the Posse Comitatus Act prohibits active-duty forces from doing within the United States.

It clearly appears that the National Guard's units were allowed, at the same time in the anticipation phase and in the return to the normal phase, to maintain a link between authorities and citizens. That is the reason why it is a pity that their poor preparation and the lack of adequate forecasting from FEMA decreased the Guard's capacity to intervene. Because of the inadequate policy process described above, the National Guard did not have the means—men, material and food supplies to ensure a decent supply of the refugees out of water and food.

Let us finally note that the ambivalent position of the national guards regarding the Posse Comitatus Act quickly urged the governors of the states concerned to require that these units be placed out of the federal sphere of activity, which constituted the only legal solution to integrate military units into law enforcement missions.²⁰

While the National Guard mobilized and ensured first aid and enforced the law, a federal administration managed to react sufficiently quickly and effectively so that its action had significant effects on the ground.

Indeed, beyond the local deployment of the firemen and the police, one of the central factors in the Katrina events was the mobilization of the Coast Guard, which constituted the primary federal governmental actor in response to Hurricane Katrina. The Coast Guard response included the deployment of as many helicopters as it could to the affected areas and the call to duty of 500 reservists. The Coast Guard was saving lives before any other federal agency, despite the fact that almost half the local Coast Guard personnel lost their own homes in the hurricane. They rescued or evacuated more than 33,500 people, six times as many as they saved in all of 2004. According to an article in *Time* magazine, Sheriff Jack Stephens said the Coast Guard was the only federal agency to provide any significant assistance for a full week after the storm.²¹

Finally it is very interesting to note that the only federal agency to show responsiveness and effectiveness, the Coast Guard, is a structure accustomed to organizing the rescue operations

¹⁸ Donna Miles, "Guard, NORTHCOM Respond to Hurricane Aftermath," American Forces Press Service, Aug. 30, 2005.

¹⁹ Donna Miles, "National Guard Responds to Hurricane Katrina," American Forces Press Service, Aug. 29, 2005.

²⁰ John Mc Carthy, Randall Jackson, Maeve Dion, "Posse Comitatus and the Military's Role in Disaster Relief," American Bar Association, Hurricane Katrina Task Force Subcommittee Report, February 2006.

²¹ Staff Writer, "Coast Guard Response to Hurricane Katrina," US Coast Guard, May 2006.

in extreme conditions, equipped with average logistics flexible and fast and led by a small number of men with a spirit of mission.

The Chain of Command: National Guard vs. Active Duty Soldiers

As Col K. E. Ring Jr. from the United States Army National Guard wrote in his Strategic Research Report, many dysfunctions in the chain of command became obvious during the management of the Katrina crisis. These lessons from history must be learned and understood, as well as the obvious need for civil-military co-operation:

Given the certainty of catastrophes on our soil—no matter how unprecedented or extraordinary—it is our collective duty to provide the best response possible. This interest was more abstract than real to most Americans before September 11, 2001. However, subsequent natural disasters and security threats highlight America’s continuing vulnerability. Compounding America’s sobering threat awareness was the government’s response to Hurricane Katrina—four full years after the 9/11 terrorist attacks. Massive government reorganization, rewritten national strategic documents, and billions of invested homeland security dollars failed to prevent an uncoordinated local, state, and federal response to Hurricane Katrina. This failure precipitated hundreds of additional policy, strategy, planning, and organizational changes at all levels of government to increase disaster response effectiveness. Yet the question of America’s preparedness still remains.

The surprise nature and devastating effects of catastrophic incidents call for a massive coordinated response on short notice. While the primary responsibility for disaster response rests with civilian agencies at the local, state, and federal levels, only the military has the manpower, equipment, training, and organization necessary to amass the relief effort required during catastrophic incident recovery. The military made many improvements in its ability to perform Defense Support to Civil Authorities (DSCA) operations after Katrina, but it still lacks a clear, effective, and coordinated response capability.²²

The National Strategy for Homeland Security (NSHS) clearly acknowledges that “America’s constitutional foundations of federalism and limited government place significant trust and responsibility in the capabilities of state and local governments to help protect the American people.”²³

That automatically moves active duty forces to the second front with the mission of supporting other means of intervention, in particular those depending directly on the local authorities like the governor of the state or the tribal government. Therefore it seems impossible to consider a centralized command structure led by the active federal military structure

²² Col. K. E. Ring Jr., *Military Disaster Response: Strategy, Leadership and Actions—Closing the Gap*. Strategy research report, U.S. Army War College, United States Army National Guard, 2008.

²³ National Response Framework report, DHS, Jan. 2008, p. 47.

with the Guardsmen of affected states at the tactical level. This system cannot work unless we consider a chain of command close to the operational needs and tactical objectives, and assisted by the national coordination structure (FEMA). To this purpose, FEMA must have reliable observers on the field at the onset of engagement. This direct channel of information will make it possible for the coordinating structure to have a capacity of real time evaluation of the evolution of the situation. It would efficiently integrate the actors referring progressively to the mechanism of assistance.

In that context, the legal framework for deploying the National Guard on U.S. soil was recently refined to adapt to this type of contingency. A newly-amended section of the National Defense Authorization Act allows a National Guard officer to command active duty forces. In a reversal of roles, the FY04 amendment—Title 32, United States Code, Section 325—makes it possible through an agreement between the Governor and the President of the United States for the National Guard to appoint an officer to be the Joint Task Force Commander and provide command and control of both federal and state forces during a state emergency.²⁴

Hurricane Katrina: What Was Really Learned?

Hurricane Katrina led to many investigations from various public and private organizations. The White House, the House of Representatives, the Government Accountability Office and the Senate issued their own reports. “*Almost exactly four years after 9/11, Katrina showed that the nation is still unprepared to respond to a catastrophe*” wrote the Senate bipartisan committee. Moreover, the RAND Corporation published a report sponsored by the military on the use of the army during the events. The American Bar Association created a Hurricane Katrina Task Force aiming at addressing all legal issues encapsulating the civil-military response.

Three years after the events and approximately two years after the publications of most of the reports, some major refinements have been executed within the government. In a way, the efficiency of the response to Hurricane Gustav during the summer of 2008 showed this improvement. In that perspective, two interesting examples of this evolution are the modification of the previous National Response Plan into a new National Response Framework and the current project inside the Department of Homeland Security on the command and control structure.

The National Response Framework and the Need for a New Policy Process

In the first part of this chapter, we underlined how the response process during Hurricane Katrina was entangled with its bureaucratic constraints. To understand the controversies that led to political reforms after the events in Louisiana, we need to go back to the core dysfunctions of the process. Indeed, the process of responding to natural disasters was then shaped by the U.S. Government’s National Response Plan (NRP), released at the end of 2004. One important goal of the plan was to improve interagency and civil-military coordination during a relief operation, together with the National Incident Management System (NIMS). At the

²⁴ *Region’s Largest Hurricane Drill Since Katrina Gives NH Opportunity to Command Federal Forces*, National Guard Bureau, 2008.

beginning, it was conceived as the blueprint for the newly established Department of Homeland Security. Therefore it described the structure and mechanisms for coordinating federal support during emergencies (or exercising direct federal authority).

It stated that when local government exhausts its resources, it then requests specific additional resources from the county level. The request process proceeds similarly from the county to the state to the federal government as additional resource needs are identified. In a sense, it built upon the legacy of the two decade experience from FEMA planners. But in the meantime National Response Plan was also the official evidence that FEMA was no longer the central actor for crisis management, but rather the Department of Homeland Security. On August 30, 2005, in the midst of the events, when Homeland Security Secretary Michael Chertoff invoked the National Response Plan, he explicitly emphasized the Department of Homeland Security's centrality in the process.

Surprisingly an annex to the National Response Plan entitled 'The Catastrophic Incident' gave the federal government special powers, including the ability to bypass state governments. But Homeland Security Secretary Michael Chertoff or one of his designees had to approve the use of the annex. According to the news website *govex.com*, the Bush administration thought that the events in New Orleans did not apply for the Catastrophic Incident annex. In late September 2005, Department of Homeland Security spokesman Russ Knocke said that:

The annex is intended to be used during no-notice catastrophic incidents when there is no awareness of an impending disaster and no pre-staging of people, resources and response forces. During Katrina, the FEMA director was on scene days in advance, coordinating preparations, resources and response activities before [the storm] hit.²⁵

In the aftermath of Katrina, the National Response Plan was described as an irrelevant and misleading roadmap. Its core principle—federal government can only intervene upon request of local authorities—was largely criticized. In its report titled *A Failure of Initiative*, the U.S. House of Representatives committee expressed its bewilderment:

The Select Committee was left wondering if the plan as written tried to have its cake and eat it too. How can we rely on the overwhelmed to acknowledge they are overwhelmed, and then expect them to direct and manage the process of coming to their rescue?²⁶

Regarding the no-use of the Catastrophic Incident Annex, the report made its criticisms explicit:

While the National Response Plan–Catastrophic Incident Annex may be particularly applicable to a no-notice event, the Annex itself reflects only that a catastrophic incident may occur with little or no warning. And the pre-positioning of

²⁵ Chris Strohm, "DHS failed to use catastrophe response plan in Katrina's wake," *govex.com*, October 18, 2005.

²⁶ "A Failure to Initiative," *op. cit.*, p. 15.

supplies to the satisfaction of state and local authorities, while an appropriate measure for a disaster without catastrophic consequences, was clearly not sufficient for the catastrophic consequences of Hurricane Katrina. Instead, absent a catastrophic disaster designation from Chertoff, federal response officials in the field eventually made the difficult decisions to bypass established procedures and provide assistance without waiting for appropriate requests from the states or for clear direction from Washington. These decisions to switch from a “pull” to a “push” system were made individually, over several days, and in an uncoordinated fashion as circumstances required. The federal government stumbled into a proactive response during the first several days after Hurricane Katrina made landfall, as opposed to the Secretary making a clear and decisive choice to respond proactively at the beginning of the disaster.²⁷

Indeed, all the official lessons learned underlined NRP’s weaknesses. The White House report explains that “it lacks sufficient clarity regarding when and how an event becomes an Incident of National Significance” and that “it failed to anticipate, plan for, and ultimately integrate all of the Federal government’s search and rescue assets during Katrina.”²⁸ Because of its sequential process—local, then state, then federal—NRP created a culture of “wait until asked.”²⁹ Such a non—proactive plan would eventually lead to delayed responses over Hurricane Katrina.

Other issues can be addressed regarding NRP’s relevance. For instance, as we know that this was a document issued after 9/11, it is quite puzzling to note that it does not take into account foreign populations (long-term residents, students, businessmen, tourists, foreign government officials). This oversight had disastrous consequences during Hurricane Katrina: slow communication with foreign diplomatic communities, illogical bureaucratic decisions.³⁰

Consequently, due to the level of discontent following the events of Katrina, the whole process needed to be modified. Therefore, after the events in the Gulf area, Congress decided to strengthen FEMA and on October 4, 2006 it passed the Post Katrina Emergency Management Reform Act. It redefined FEMA’s role and clearly enhanced its autonomy regarding the Department of Homeland Security.³¹

But this refinement did not prove convincing and the administration quickly decided to write a new plan. In late 2007, the National Response Framework was issued and it formally replaced the National Response Plan on March 22, 2008. Based on previous lessons learned,

²⁷ Ibid., p. 131.

²⁸ White House, *The Federal Response to Hurricane Katrina: Lessons Learned*, Washington: D.C., Government Printing Office, p. 38

²⁹ Edward Cavin, “Triggers for National Response,” Joint Center for Operational Analysis Bulletin, vol. III, issue 2, June 2006, p. 11.

³⁰ See Anne Richard, *Role Reversal: Offers of Help From Other Countries in Response to Hurricane Katrina* (Washington, DC: Center for Transatlantic Relations, 2006); Sarah Ulrich, “The Impact of Hurricane Katrina’s Crisis Management on Transatlantic Relations : Lessons Learned Regarding Assistance to Foreign Nationals and Foreign Disaster Assistance to the U.S.,” Occasional Paper, Texas A&M University, February 2007.

³¹ United States Government Accountability Office, National Disaster Response, op. cit., p. 12.

the National Response Framework aims at building “upon scalable, flexible, and adaptable coordinating structures to align key roles and responsibilities across the Nation.”³²

From a scholarly perspective, this sounds like a common catch-phrase one can read in U.S. government reports: how ‘scalable, flexible and adaptable’ could the authorities be when facing a clear and present emergency? It is too soon to give an appropriate assessment of the operational relevance of the National Response Framework. Melissa Flournoy, founding president and CEO of the Louisiana Association of Nonprofit Organizations, noted however that “so far, nothing changed regarding the roles on the ground and we’ll have to wait before observing any clear evolution.”³³

Nevertheless, it is worth noting that Hurricane Gustav in September 2008 highlighted the progress of the government planning process prescribed by the National Response Framework. For instance, compared to 2005, the evacuation of New Orleans residents at the beginning of Hurricane Gustav was clearly more efficient: More than 30,000 public transport places were provided with special provisions made for the evacuation of the elderly and disabled.³⁴ While Michael Chertoff traveled on the first day of the evacuation to New Orleans to supervise it, 23,000 National Guardsmen from Louisiana and neighboring states were deployed.

More importantly, the National Response Framework allowed FEMA to regain credit as a coordinating organization.³⁵ For instance, it shifted the primary agency responsibility for coordinating federal support for mass care from the Red Cross to FEMA. It is now responsible for supervising organizations focused on that function such as National Voluntary Organizations Active in Disasters (NVOAD), an umbrella organization of 49 nonprofits.³⁶ In this emergency support function, FEMA would be counting on the National Shelter System (NSS) which provides data from shelters.³⁷

Nonetheless, if one could perceive the refinement of FEMA’s role during emergency situations as a positive initiative, the Government Accountability Office remains skeptical on the means the agency can use towards fulfillment of that aim. In a recent report, it claimed that:

the NRF places increased responsibility on FEMA for coordinating with voluntary organizations, but FEMA does not have sufficient staff resources to meet this

³² Department of Homeland Security, National Response Framework, Washington: D.C., Government Printing Office, January 2008, p. 1.

³³ Interview with Melissa Flournoy, October 2008.

³⁴ Jennifer Cole, “The mass evacuation of New Orleans in the days preceding Hurricane Gustav tested the lessons learned after Katrina. The response to Gustav should be incorporated into the corporate memory of emergency responders everywhere,” RUSI Commentary, September 2008.

³⁵ Siobhan Gorman, “FEMA Chief Praised for Cool Head, Preparation as Gustav Approached,” *The Wall Street Journal*, September 10, 2008.

³⁶ United States Government Accountability Office, *National Disaster Response: FEMA Should Take Action to Improve Capacity and Coordination between Government and Voluntary Sectors*, Washington: DC, Government Printing Office, February 2008, p. 1.

³⁷ The National Shelter System is a Web-based system that provides information on shelter facilities, capacity, and population counts.

responsibility [...] although FEMA has made progress, its efforts to identify and fill gaps in mass care capabilities are not yet complete.³⁸

Toward An Enhanced Command and Control Structure

Apart from the National Response Framework, the American emergency response process is built upon the National Incident Management System, which provides a pattern for command & control structures:

The National Incident Management System (NIMS) provides standard command and management structures that apply to response. This common system enables responders from different jurisdictions and disciplines to work together to respond to incidents.³⁹

It is the first step towards the installation of a sufficiently flexible organization to ensure an effective response to diverse catastrophic situations. However, the National Incident Management System remains relatively inflexible and is marked by a lack of means, actors and responsibilities at the local, state or federal levels, not to mention possible roles and implications for NGOs and the private sector.⁴⁰

Furthermore it is possible to imagine a “variable geometry device of command” according to the elements resulting from the analysis of the Intervention Zone (IZ). Figure 1 seeks a balance between the optimal exploitation of competences of the men engaged in the operation and, on the other hand, the minimization of their exposure to risks.

In the first quadrant, at the top on the left, it is necessary to face a natural event of strong intensity concerning a solid and socially stable structure. In this case, the highly hierarchical and structured organization proposed within the framework of the NIMS seems perfectly adapted; the strategic objectives then would be laid down by the civil authorities coordinated by the FEMA federal coordinating officer (FCO); whereas the logistic function deals with the armed forces and the operational function is entrusted to the specialized units, possibly composed in a mixed way.

In the second quadrant, at the top on the right, there are events which refer to situations with a high intensity natural event which occurs in a very weak societal structure. This typically refers to missions of overseas assistance to developing countries. In this very particular case only, the military units are equipped simultaneously with the robust capacity for projection and a capacity for self-defence in complex emergencies and a readiness to intervene.

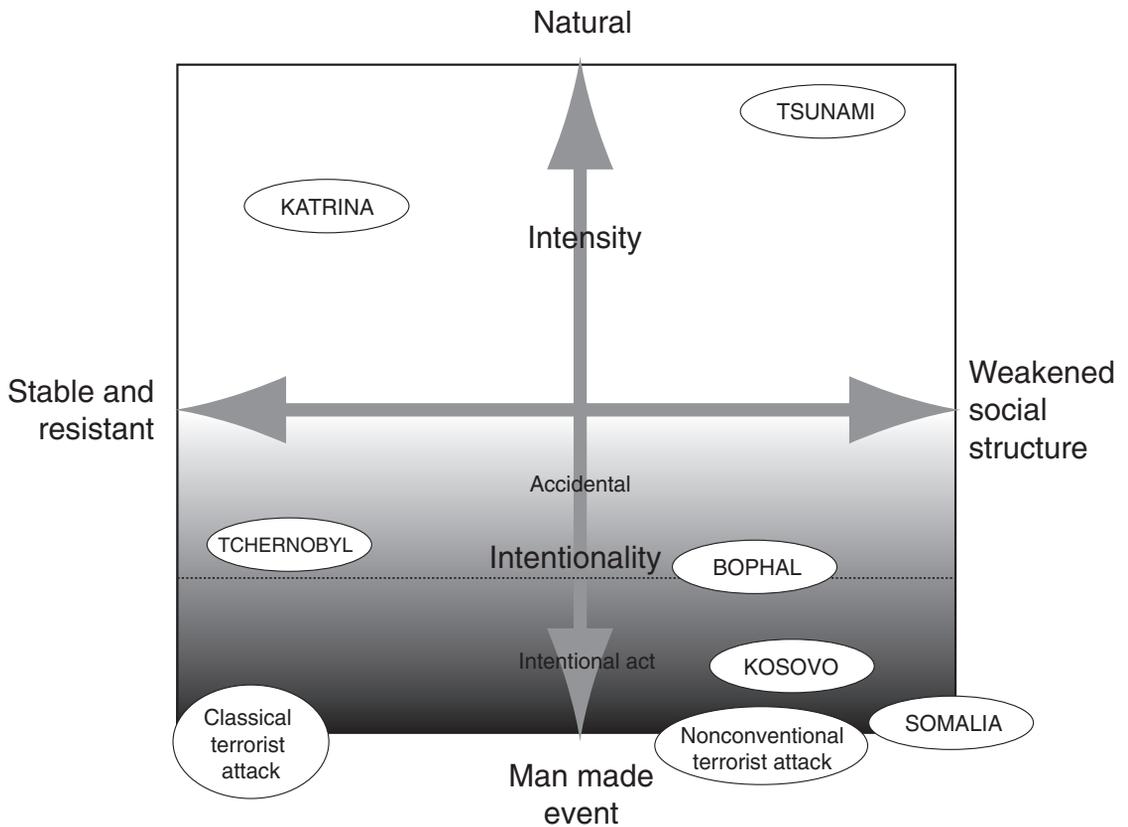
In the lower quadrants, we have conflict situations from either traditional origins or from terrorist origins. Within this framework, the share taken by the armed forces depends especially on the stability of the local official structures. For example, after the southeast Asian

³⁸ *National Disaster Response*, op. cit., pp. 13–14.

³⁹ *Ibid.* p. 8.

⁴⁰ *Ibid.* p. 27.

Figure 1.



tsunami there was a marked difference between the intervention in an area controlled by the governmental Mangyar forces, where the food could arrive in three days, and where the physical safety of humanitarian workers was assured; and areas held by the Tamil Tigers, where the situation was extremely unstable.

This diagram gives a clear vision of the spectrum of interventions where civilian and military units—in the U.S. as well as in the EU—have to cooperate. Taking into account the difficulty to anticipate or comprehend the specificities of an event like Hurricane Katrina when it happens, the diagram offers a better awareness to adapt.

In that context, this kind of analytical tool must be seen as a first step toward a new set of rules to respond to such crisis.

Beyond Katrina: Toward A New Set Of Rules?

Hurricane Katrina is obviously a very particular event which occurred in a specific context. It occurred in a federal political system where federal and local authorities compete for their

sovereignty and where the military can not be easily deployed (compared to other countries in Europe). Despite of these particularities, it is possible to identify key lessons from the event, its immediate management and its institutional fallouts. Indeed, we think that Hurricane Katrina gives relevance to the idea of putting crisis management onto the military agenda. Furthermore, civil-military cooperation will improve not only if the armed forces refine their doctrines but also if all actors get involved in training and exercises. This is the best way to build a shared culture of crisis management.

Putting Crisis Management onto the Military Agenda

It is worth noticing that Hurricane Katrina did not initiate the debate regarding the role of the U.S. military in crisis management: 9/11 did. In 2002, Air Force General Ralph Eberhart, the first head of Northern Command, the unified command created in the wake of 9/11, responsible for defending the United States, expressed support for changes in existing law that would expand the military's domestic powers in the war against terrorism. Then-Senator Joe Biden also endorsed the idea of granting soldiers the power to arrest American civilians.⁴¹

But the military has traditionally been among the strongest opponents of a growing involvement in crisis management. The armed forces are wary of any move that would take training time or money away from its fundamental mission: preparing for and waging war.

Moreover, the contemporary rationale against the revision of the Posse Comitatus Act is the same that led the founders of the law a century ago: the fear of the politicization of the U.S. armed forces. For instance, Mackubin Owens from the Ashbrook Center wrote several months after Katrina in the *New York Post*:

Do we really want the American public turning to the military for solutions to the country's problems, with all that means for healthy civil-military relations? And do we really want to saddle the military with a variety of new, non-combat missions, vastly escalating its commitment to formerly ancillary duties? If we do, we will find that we have involved the military in the political process to an unprecedented and perhaps dangerous degree. These additional assignments will also divert focus and resources from the military's central mission of combat training and warfighting.⁴²

Moreover, since its inception the American military has been building a strategic culture which systematically avoids any involvement in such low-intensity crises as Katrina. It is a well-known fact that the Department of Defense dislikes crisis management as much as nation-building operations. Both are not part of the so-called "American Way of War."⁴³

⁴¹ Mackubin Owens, "Hurricane Katrina and the Future of American Civil-Military Relations," *New York Post*, September 2005.

⁴² Ibid.

⁴³ Russell Weigley, *The American Way of War: A History of United States Military Strategy and Policy* (New York: NY, Macmillan Publishing Co, 1973). The well-respected scholar Colin Gray defined it as: "The exploitation of machinery is the American way of war. One may claim that airpower is virtually synonymous with that way of war, and that its employment as the leading military instrument of choice has become routine. [...] Necessity bred preference and then excellence, and the choice of mechanical solutions assumed a cultural significance that has endured. [...] The way of war that succeeded in that

If the “American Way of War” proscribes soldiers from low-intensity interventions like disaster response or nation-building efforts, does it mean that it is barely possible to expect any change in the near future?² Not necessarily. Strategic cultures are intertwined with bureaucratic habits and doctrines are not only the illustration of a state of mind, of a warrior ethos, they are also the expression of a battle within the Pentagon between conservatism and modernism. After all, for the last two decades, counterinsurgency used to be a taboo in U.S. Army manuals before General Petraeus and his team issued their well-known COIN manual. Of course, one has to remain sceptical when expecting concrete administrative changes, but it is worth noticing that some interesting lessons have been learned in the years following the events on the Gulf Coast.

For instance, naval vessels happened to play a major role during the events.⁴⁴ Amphibious assault ships like USS Bataan and USS Iwo Jima provided key responses (supplies, equipment, intelligence gathering). More particularly, upon its arrival of September 5, 2005, Iwo Jima became the center for relief operations, acting as the proxy air traffic control agency (in lieu of the Federal Aviation Agency), providing more than 3,000 extra meals per day for first-responders and National Guardsmen. As Tim Jackson wrote, “this component of sea power has several capabilities that can be reliably utilized during a future disaster to provide rapid, close in operations by both sea and air.”⁴⁵ In that context, it appears that “big deck” vessels like hospital ships, high speed transport vessels, and aircraft carriers were a military tool extremely useful for disaster response. Meanwhile it can sound ironic when pundits claim the irrelevance of sea power in conflicts in Iraq and Afghanistan.⁴⁶

If the U.S. Navy proved that it could play a decisive role, the National Guard remains the key element. On that subject, the RAND Corporation published an in-depth assessment of the military intervention during Hurricane Katrina. More particularly, the task force focused on the implications for the U.S. Army. They concluded that the National Guard had to become the main military force leading crisis response efforts. They go further by supporting the idea that the National Guard should be federalized to conduct homeland security activities and be prepared for rapid response not only within their states, but also for emergencies in other states. RAND then supported the idea of the creation of ten regional task forces that would work closely with FEMA and other civilian agencies.⁴⁷

The regional structure would streamline and speed up the process leading to the deployment of neighbour states’ National Guard units on the ground as this process appeared to be too slow during the events of 2005.

most bloody of America’s struggles was logistical, having been enabled by an exploitation of raw industrial power that foreign observers found awesome. American soldiers say that the human being matters most, but, in practice, the American way of war, past, present, and prospectively future, is quintessentially and uniquely technology-dependent” in Colin Gray, *Irregular Enemies and the Essence of Strategy: Can the American Way of War Adapt?* (Washington: D.C., Strategic Studies Institute Monograph, 2006), pp. 35-36.

⁴⁴ Tim Jackson, “Sea Power and Domestic Disaster Response: Exploring the Role of Naval Vessels in U.S. Coastal Disasters,” George Mason University, 2007.

⁴⁵ *Ibid.*, p. 24.

⁴⁶ Among others, John Arquilla, *Worst Enemy: The Reluctant Transformation of the American Military* (Chicago: Ivan Dee, 2008).

⁴⁷ Davis, *op. cit.*

Furthermore, enhancing the efficiency of the National Guard, as well as active-duty units, requires us to rethink the readiness process and the deployment ratio. It is widely known that the wars in Iraq and Afghanistan overstretched the National Guard leading to major political issues: multiple tours, ‘stop-loss’ phenomenon. Added to the traditional discontent from the military for crisis response tasks, the current overuse of the National Guard in overseas operations could seriously hinder any initiative regarding the place of homeland security missions for the military.

Nevertheless the RAND report believes that it is feasible to give extensive crisis response training to all units in the Army Force Generation Ready pool.⁴⁸ The idea is to create a kind of ‘tailored readiness’ subdivided into homeland security missions and traditional warfighting missions:

The Army’s Force Generation (ARFORGEN) process, whereby units move through a structured and predictable process of unit readiness over time, offers additional possibilities to improve the military’s readiness to respond to a catastrophic event, and these possibilities deserve serious consideration. Some National Guard units could be given homeland security (HLS) as their mission, with their training and readiness tailored accordingly. To achieve a quick and robust response to catastrophic emergencies, National Guard and active-duty Army units in the available pool could be designated for an HLS mission. While in the ARFORGEN process these units would be designated as “theater committed” and planned for use within the United States, they could still be deployed overseas if needed.⁴⁹

According to the ARFORGEN process, this would allow some flexibility to rapidly deploy troops to execute homeland security missions.

While the National Guard response to Hurricane Katrina depended upon volunteers without any special HLS training or preparations, under the model outlined above, one or more of the National Guard units in the ARFORGEN available pool would be trained for HLS emergency operations and ready to respond very quickly. The size of a future response would then become a function of how many in these pools were actually designated in advance or chosen to respond at the time.⁵⁰

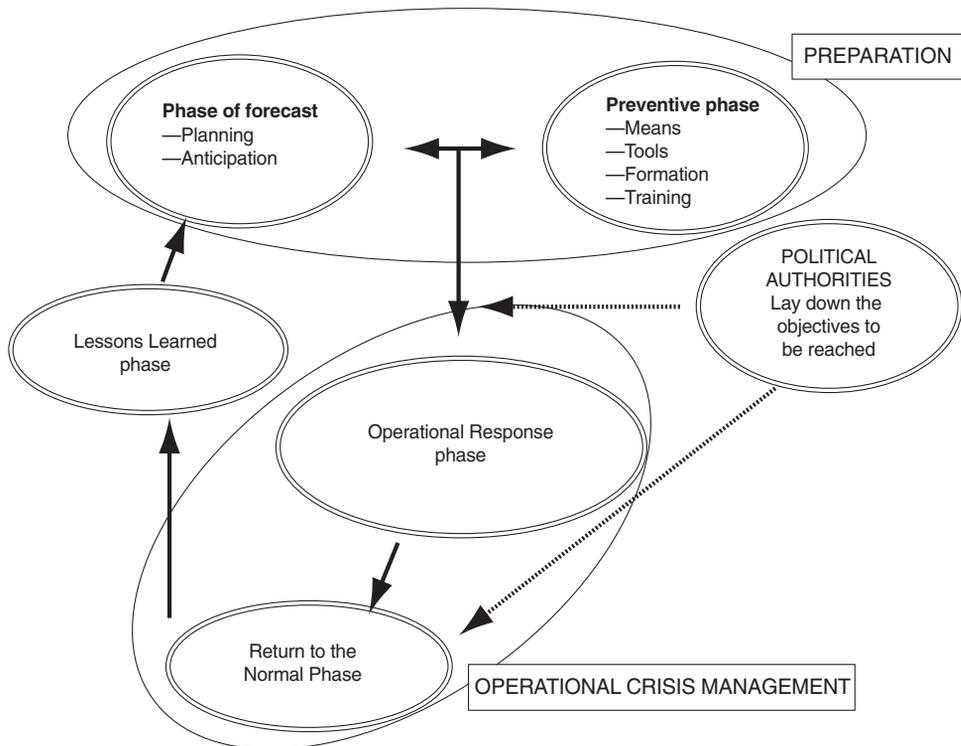
Educating and training the armed forces to get ready for crisis response is a first step. But this will only become operational when it works in tandem with a global effort.

⁴⁸ Army Force Generation (ARFORGEN) is the current readiness process for National Guard and active-duty units from the U.S. Army.

⁴⁹ Davis, *op. cit.*, p. xiii.

⁵⁰ Davis, *op.cit.*, p. 59.

Figure 2.



Toward Global Interoperability

The need for a global interoperability of the rescue actors comes with an accurate definition and prioritization of the mission goals. To this end, we distinguish a preparation phase, which includes forecast and prevention, from an operational response phase, which constitutes the visible phase of the deployment.

The forecasting phase must involve planning and the anticipation of possible scenarios, which include natural risks, but also major industrial risks or the risk of a major terrorism attack: Events which would require an answer depending on the number of victims and the degree of social disorganization caused. This preparation and scenario-making phase must imperatively include the treatment and the medico-psychological aspects of the response to a major event. This treatment will make it possible to limit the post-traumatic syndrome risk within the population touched by a major natural or manmade emergency.

The preventive phase encompasses the preparation of the means and tools for the operational response. That includes the storage of foodstuffs, drinking water, supplies in drugs, means of lodging, and so forth. But it also includes the formation of the units and their joint training through exercises of sufficient breadth.

To that aim, we need to implement many interagency exercises. These exercises should be realistic and include the maximum number of actors that would eventually get involved in a possible intervention. They must aim at training the decision-makers from the political, military and private spheres. Moreover they must be followed by a rigorous assessment of collaboration and coordination capacities; that means that one must be ready, at the time of the exercises, to highlight malfunctions without the fear to deduce negative consequence neither for the actors nor for the image of the implied administrations. It is necessary, to be effective, to agree “to lose” an exercise in order to draw quintessence from it from the lesson.

The natural rationale for the political decision-maker is to want to move toward total interoperability of the various forces, which could be implied in the response to a major event like Hurricane Katrina. Indeed, initially, this convergence seems to have very many advantages, such as better field awareness, rationalization of means, and gaining economies by standardizing equipment.

However, there are limits to such an attempt. To avoid the risk that convergence confuses individual actors with regard to the nature of their principal missions and capacities, the diagram above has to enable each to acquire the capacity to interact in synergy with other units, in order to optimize the response on the ground. In order that each unit can be integrated as well as possible into a unified device it is then necessary to evaluate the legal mode under which the unit is committed; establish procedures of communication common to the units or at least to their headquarters on the ground; conduct joint training and exercises; and define geographically the sites of intervention as sectors, and encourage the creation of mixed specialized units in these sectors (civil-military rescue clearing units; civil-military medical help teams; civil-military hazmat teams; civil-military dogs assisted research teams, etc.)

Conclusion

In this context, Hurricane Katrina shed light on the extreme necessity to think about crisis response through exercises and simulations. These represent opportunities to constantly ask ourselves if our organizations and processes are suited to address a major event. Of course, a new set of rules and procedures, within and between the military and civilian sectors, is not an easy project—it faces the fundamental inertia of huge bureaucracies. Thinking and writing about change is useful only if it leads to concrete change. Looking at Hurricane Katrina and all the reports issued in the aftermath, one could sum up the need for evolution with a simple recommendation: “learn the lessons learned.” Indeed, as we stated at the beginning of this chapter, most of the problems with civil-military cooperation during Katrina have been characterized. We now know what went wrong but we need to leverage this knowledge in a way to gain awareness for future events. Getting from *a posteriori* knowledge to proactive operational awareness will requires an active dialogue between pundits and practitioners.

Part VI: Conclusions and Recommendations

Chapter 23

A Joint Transatlantic Agenda for Action in Humanitarian Assistance

Julia Steets

Emergency Response and Preparedness: A Common Global Challenge

The number of emergencies the global humanitarian system has to deal with has risen continuously since the end of World War II. It is poised to rise even further due to the effects of climate change and, combined with population growth and urbanization, will affect an ever growing number of people. Over recent decades, emergency response activities have become more effective, resulting in a decline in disaster-related deaths and improved assistance for the victims of conflicts and complex emergencies. This is due to improved national emergency response systems, the professionalization of humanitarian agencies, and the great increase of resources available for humanitarian assistance, now estimated at at least \$12 billion per year.¹

Today, however, the humanitarian system faces significant challenges. Emergencies have not only become more frequent, affecting a greater number of people, they have also become more complex. Many conflict-related crises, including in countries such as the Democratic Republic of Congo, Sudan, Somalia, Afghanistan, and Iraq have become protracted. Moreover, humanitarian agencies are often faced with a complex interplay of causes underlying emergencies, including natural and man-made factors.

At the same time, a severe identity crisis undermines the ability of humanitarian actors to respond coherently and effectively to these challenges. The current humanitarian system is built on the principles of humanity, impartiality, neutrality, and independence. These principles have come under pressure as humanitarian actors face difficulties providing assistance effectively and on the basis of need; the nature of conflicts has been changing, blurring the lines between combatants and civilians; humanitarian actors are increasingly pressed to address root causes, especially in protracted crisis situations; and integrated approaches are being developed that link humanitarian to development assistance and include military and business actors in response activities. These developments, and the reactions of humanitarian agencies to them, reduce humanitarian space and lead to problems of access and security for humanitarian workers.²

To deal with this identity crisis and the shrinking of humanitarian space, humanitarian actors, including donors and implementing partners, have to make tough choices. They could either revert to a strict interpretation of humanitarian principles to reestablish their credibility

¹ In 2008, \$12 billion were reported to the financial tracking system of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), available at <http://www.reliefweb.int/fts> (last accessed June 2009). Other estimates are even higher, cf. for instance Development Initiatives, *Global Humanitarian Assistance 2007/2008* (Somerset: 2008).

² “Humanitarian space” is a concept to denote the neutrality and independence of humanitarian actors from military and political forces that allows them to provide lifesaving aid to those in need on both sides of a conflict.

and protect humanitarian space, while accepting a narrow mandate that would not cover local capacity building, address root causes, or link relief to development. Alternatively, they could widen their mandate to include these and other similar activities to respond to a wider set of needs of affected populations, while acknowledging that this would further blur the distinction between humanitarian assistance and other policy areas and would probably exacerbate access and security problems. Finally, humanitarian actors could continue to pursue the currently popular approach of “strategic muddling through,” claiming strict adherence to humanitarian principles, while expanding activities and mandates in practice. In this case, however, humanitarian actors would have to accept that the contradictions inherent in this approach will lead to a loss of credibility, as well as to operational problems.

A Critical Role for the EU and the U.S.

To make the humanitarian system fit for the challenges it faces and ensure that it becomes more effective and efficient at saving lives and alleviating human suffering, humanitarian actors need to improve their policies and operations, enhance the coherence of the humanitarian system, and redefine the position and role of humanitarianism within the broader aid and policy spectrum.

The transatlantic partners play a critical role in achieving these goals. Together, the European Commission, EU member states, and the U.S. Government provide almost two thirds of global humanitarian assistance. Through their policies and funding decisions, they have an important influence over implementing partners. They shape norms and policies at the global level through their participation in multilateral organizations and multi-stakeholder initiatives, including the United Nations, the Organization for Economic Cooperation and Development (OECD), the Good Humanitarian Donorship Initiative (GHDI), and the Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP). Due to their extensive field presence, they also have a direct impact on activities on the ground.

Enhancing EU-U.S. cooperation in Humanitarian Assistance

Under the Bush Administration, the EU and the U.S. experienced a marked cooling in their relationship. Differences widened and disputes were aggravated in several areas of foreign policy, concerning for example the roles of military intervention, democracy promotion, and regime change. These and other foreign policy disputes became directly relevant to humanitarian assistance, especially as a wider range of government agencies engaged in “humanitarian” activities.

As a result, in recent years the EU and the U.S. have developed an ambivalent relationship in the area of humanitarian assistance. On the one hand, they usually work closely together when responding to specific emergencies on the ground. The European Commission and the U.S. Government also regularly coordinate their activities at headquarters level and jointly participate in a large number of relevant multilateral or multi-stakeholder fora. Moreover, both donors fund NGOs from the other side of the Atlantic. On the other hand, the normative and policy differences between the two sides are tangible and have had a noticeable impact on

pragmatic cooperation. For example, the transatlantic partners interpret and implement humanitarian principles differently and have adopted diverging policies in critical issue areas such as the humanitarian role of the military, the engagement of business actors, or food aid. Moreover, due to institutional complexity, frequent institutional and strategic changes, as well as rapid staff turnover, both sides often lack knowledge and understanding of each other's (as well as sometimes their own) policies, responsibilities, and procedures. Finally, existing strategic dialogues do not always include all actors relevant for humanitarian assistance and cannot address certain key policy differences.

The transatlantic partners now face a unique window of opportunity for strengthening their cooperation in humanitarian assistance. Since the election of President Obama, both sides seem intent on putting their relationship on a new footing, creating the right political environment for addressing key normative and policy differences. Moreover, both the U.S. and the EU are currently introducing major political and potentially also institutional changes relevant to humanitarian assistance. The new U.S. Administration under President Obama is currently defining its approach to development and humanitarian assistance and might introduce major reforms. Similarly, a new European Parliament has been elected and a new European Commission will be appointed in 2009. Finally, a decision concerning the adoption of the Treaty of Lisbon could be taken in 2009, which would have major implications for humanitarian assistance. In this environment of change, opportunities for mutual learning and aligning policies abound.

The Promises and Pitfalls of Closer Cooperation

Efforts to improve EU—U.S. cooperation in humanitarian assistance would certainly have a positive effect on the transatlantic relationship. The Obama Administration is likely to judge the value of the transatlantic partnership in relation to Europe's willingness and ability to tackle together with the U.S. a host of challenges ranging far beyond the borders of the European Union. EU member states and the European Commission, in turn, are also keen to engage the U.S. in a more effective transatlantic partnership, and expect the Obama Administration to step up its consultation and interaction. Since the transatlantic partners are each so actively engaged in humanitarian assistance, efforts to identify greater synergies of effort, adopt lessons learned, develop common or complementary approaches and together engage third party donors more effectively could be positive contributing elements to a reinvigorated transatlantic partnership. Moreover, the EU and the U.S. have a strong basis upon which to build, including a similar understanding of humanitarian assistance and an established infrastructure for cooperation.

A closer working relationship between the EU and the U.S. also promises to enhance the effectiveness and efficiency of humanitarian assistance. Put in simple terms, if the two largest humanitarian donors achieve greater policy coherence and improvements in their policies and practices, this is bound to have a significant impact on the reality of humanitarian assistance. More specifically, enhanced cooperation promises to achieve the following:

- *Greater coherence and better division of labor.* The humanitarian policies and activities of the EU and the U.S. are currently not always in sync with each other. In the best case,

this leads to unintended complementarity and allows humanitarian agencies to choose the approach that suits them better. In the worst case, however, the activities of the transatlantic partners can become mutually counterproductive. The mass delivery of food commodities purchased in Western countries as practiced by the U.S., for example, can counteract the attempts of other donors, including the European Commission, to strengthen local food markets. Similarly, a strong reliance on the military can undercut the efforts of other humanitarian actors to be perceived as independent and impartial. Closer cooperation would aim at limiting policy divergences and enhancing operational coherence. This would ensure that the EU and the U.S. are not pursuing conflicting strategies. Moreover, it could lead to a better division of labor, eliminating unnecessary duplication, enhancing the efficiency of humanitarian assistance and potentially leading to better coverage, including of “forgotten crises.”

- *Mutual learning.* The current humanitarian system is confronted with numerous challenges, ranging from new and more frequent emergencies to the emergence of new humanitarian actors. To address these challenges, reforms and new approaches are introduced throughout the system, yet most often in an uncoordinated and haphazard way. Moreover, humanitarian assistance suffers from a lack of analytical capacity, be it within humanitarian agencies or academia. Under these circumstances, mutual learning is of the utmost importance to improve humanitarian practices. The exchange of experiences and lessons learned can take place in different fora, and a number of important multi-stakeholder learning initiatives like the Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP) exist. Informal bilateral contacts, however, can be very effective instruments for learning because they enable officials confronted with concrete problems to seek the advice of their counterparts. Closer cooperation would foster these contacts and thus strengthen learning.
- *Stronger impetus for system-wide reform.* Over recent years, the humanitarian system involving UN organizations has undergone an important reform process. This process, however, has not yet been completed and further changes are necessary, for example, to improve the integration of local capacity into international responses, gender awareness and the quality of needs assessments. The transatlantic partners could also help clarify when and how to better link relief and development activities and promote coherent, risk-minimizing approaches to including business actors and the military into relief and preparedness activities. The U.S. and the EU, including the European Commission and EU member states, wield significant influence over most multilateral organizations and implementing agencies. A joint approach would allow the transatlantic partners to promote reforms much more forcefully and effectively.

But, in contrast to many other policy areas, enhanced EU—U.S. cooperation can also have negative effects on humanitarian assistance. Many NGOs, for example, welcome the current diversity in donorship because it enables them to explore a multitude of different funding channels, limiting the political influence of key donors. More concretely, enhanced cooperation entails the following risks:

- *Western bias.* The current humanitarian system is dominated by “Western” powers. Europe (including the European Commission and EU member states) and the U.S. together provide 65 percent of total humanitarian funds. Other “Western” governments or private organizations and individuals account for much of the remainder, with the only other significant financial contribution coming from the Gulf States (in 2008, Saudi Arabia contributed 6.3 percent of total humanitarian assistance, the United Arab Emirates 0.9 percent and Kuwait 0.8 percent).³ The EU and the U.S. are not only leading in financial terms, but also exert significant influence over multilateral organizations such as the OECD or the UN and dominate the donor advisory groups of many implementing agencies. Moreover, the normative framework for humanitarian assistance was developed in the “West” and many of the large NGOs involved in the provision of humanitarian assistance throughout the world are based in the same countries.

Other nations are acutely aware of this dominance, suspect the humanitarian system of having a pro-Western bias, and fear that humanitarian agencies are pursuing other political aims. This perception makes many non-Western governments hesitant to support the humanitarian system. Even more problematic is that a growing number of governments, including Myanmar, Sudan, Zimbabwe, and Sri Lanka, are using this argument as a reason or pretext for at least temporarily or partly denying humanitarian agencies access to those in need. A stronger and more obvious transatlantic humanitarian partnership would reinforce notions of Western dominance in the humanitarian system and exacerbate these problems.

- *Dominance of the political agenda.* Closer transatlantic cooperation in humanitarian assistance could also further undermine the independence of humanitarian action. If humanitarian assistance is seen at least in part as a means to promoting the transatlantic relationship, this political agenda could take precedence over the humanitarian impetus. Moreover, as explained in Chapter 1, the independence of humanitarian assistance is less sacrosanct in the U.S. than the EU. Greater policy coherence could therefore mean that the European Commission integrates humanitarian assistance more closely into its growing foreign policy portfolio. Should this be the result of closer transatlantic cooperation, it would also undermine the independence of humanitarian policy making.
- *Threat to the independence of humanitarian agencies.* The issue of independence is not only relevant for the donors themselves, but also for those who receive funds from them. As mentioned above, a joint approach would increase the ability of the two donors to make their influence felt in multilateral and implementing agencies. On the upside, this would enable the EU and the U.S. to promote positive reforms more forcefully. At the same time, however, it would undermine the independence of these agencies.
- *Costs of coordination.* Finally, high levels of cooperation and coordination come with a price tag. Activities to enhance cooperation and coordination themselves are costly in

³ Data are derived from UN OCHA’s financial tracking system, available at <http://www.reliefweb.int/fts> (last accessed 20 April 2009).

terms of staff time and travel and divert scarce resources away from those who need it most. At the same time, NGOs in particular claim that excessive levels of coordination would diminish the system's diversity and capacity to innovate, thus leading to long-term losses in humanitarian effectiveness and efficiency. Since current levels of donor coordination are relatively low, the threat of reaching excessive levels of coordination seems, however, low.

On the whole, therefore, the transatlantic partners should choose cooperation modalities that can address current challenges while being mindful of these risks. To achieve this, enhanced cooperation should remain open to other parties and strengthen the voices and participation of affected populations; focus on improving the delivery of humanitarian assistance; respect the independence of implementing partners; and allow for a certain level of diversity within the humanitarian system.

Recommendations: Enhancing EU–U.S. Cooperation in Humanitarian Assistance

The European Commission and the U.S. Government largely act as donors in the area of humanitarian assistance. This means that they develop policies and guidelines and provide financial and other resources for emergency response and preparedness, but do not usually provide assistance themselves. While both partners have a significant country presence and, in the case of OFDA, Disaster Assistance Response Teams to provide support to specific crises, their main tasks are to assess situations and needs, recommend actions to headquarters and oversee interactions with implementing partners on the ground. An exception to this rule occurs when European or American civil defense capacities or military units are directly engaged in humanitarian missions. Enhanced cooperation between the EU and the U.S. can therefore only in some rare instances focus on operational issues. In most cases, cooperation should instead concentrate on policy development and mutual or joint learning. It is critical moreover that both donors focus on integrating these policies and lessons into their daily routines and ensure that they extend to all relevant staff members.

To strengthen transatlantic cooperation in humanitarian assistance in a ways that is sensitive to the risks mentioned above and that helps address current key challenges of humanitarian assistance, we recommend appropriate channels and mechanisms for enhancing transatlantic cooperation in humanitarian assistance (recommendation 1) and provide specific suggestions for improving the cooperation and performance of the EU and the U.S. for each of the focus topics of the “Raising the Bar”-Project (recommendations 2–5).

Recommendation 1: Emphasize Informal Cooperation, Strengthen Multilateral Channels, and Hold High-Level Bilateral Discussions

The European Commission and the U.S. Government should prioritize the following cooperation modalities to strengthen coherence, enhance mutual learning, and provide a stronger impetus for system-wide reform, while avoiding a stronger perception of “Western” dominance, safeguarding the independence of humanitarian action, and limiting coordination costs:

- *Strengthen the enabling conditions for informal cooperation.* Informal cooperation holds many advantages. Through flexible and pragmatic exchanges, it is one of the most effective tools for joint or mutual learning, a core objective of enhanced cooperation. Moreover, it typically has lower transaction costs than formal meetings. Informal cooperation also can—and should—be designed in ways that are open to the participation of other interested parties. Currently, both donors report relatively strong informal collaboration at the field level, and weaker informal cooperation at headquarters level. The European Commission and the U.S. Government should strengthen the enabling conditions for informal cooperation between themselves and other humanitarian actors by:
 - signaling strong top-level political support for enhanced cooperation, for example through the adoption of a common humanitarian agenda for action at the 2010 EU-U.S. Summit;
 - enhancing transparency concerning the roles, responsibilities, and operating procedures of all institutions involved in emergency relief and preparedness by publishing and continuously updating guides explaining their institutional and operational frameworks and indicating which individuals occupy relevant positions, for example on platforms dedicated to humanitarian information-sharing like the upcoming ResourceNexus;⁴
 - improving knowledge management to counter the problems caused by rapid staff turnover by introducing longer staff hand-over periods, investing in better information and contacts databases, and stronger support for the efforts of the UN Office for the Coordination of Humanitarian Affairs (OCHA);
 - strengthening personal contacts by promoting joint trainings, missions, and staff exchanges, such as the joint assessment missions in Chad and DRC, as well as by including the creation and maintenance of contacts in job descriptions and staff trainings.
- *Emphasize multilateral and multi-stakeholder channels for cooperation.* The European Commission and the U.S. Government participate in a broad range of multilateral and multi-stakeholder initiatives relevant to humanitarian assistance. These initiatives are less exclusive than bilateral channels, yet provide important opportunities for strengthening transatlantic cooperation. The transatlantic partners should increase their strategic use of and support for multilateral and multi-stakeholder initiatives by: promoting reforms to increase the quality and effectiveness of these fora and initiatives and focusing on opportunities for EU-U.S. cooperation within these frameworks, for example by expanding internal EU coordination meetings to include exchanges with the U.S. Government at an early stage.
- *Use high-level, bilateral meetings to address key policy differences.* Current policy differences concerning the role of humanitarian principles, the integration of humanitarian assistance with other foreign policy and security goals, the role of the military, and food aid

⁴ ResourceNexus will be accessible at www.resourcenexus.org in late 2009.

are an obstacle for a closer transatlantic relationship and hinder effective operational cooperation. The transatlantic partners should address these divergences explicitly in high-level bilateral meetings involving relevant decision-makers and allowing for direct, focused exchanges. To hold these dialogues, the European Commission and the U.S. Government could

- resurrect the High-Level Consultation Group on development and humanitarian assistance;⁵
- dedicate meetings of the EU-U.S. Senior Level Group on humanitarian issues;⁶
- expand the strategic dialogue between DG ECHO and USAID to include the most relevant institutions for emergency relief and preparedness, including among others the U.S. Departments of State, Defense, and Agriculture and the European Commission Directorates-General for Development and Foreign Relations or the Council.⁷

Recommendation 2:

Improve the Capacity of Humanitarian Donors to Implement Lessons

Time and again, evaluations in the humanitarian sector identify the same challenges and “lessons.” Yet, their implementation remains an important challenge to donor and implementing agencies alike. For example, despite the knowledge that needs assessments, proportional funding, targeted response and the inclusion of local capacity are key factors for efficient and effective humanitarian response, needs assessments are still underperforming, funding flows are still disproportionately allocated, assistance does still not reach the most vulnerable, including the elder, women, and children, and there is still no systematic approach to assess and include local capacity into international emergency response activities. The inability of humanitarian actors to implement lessons is thus a key obstacle for enhancing the effectiveness and efficiency of humanitarian assistance.

Humanitarian donors are usually not at the forefront of humanitarian action, providing humanitarian services on the ground. Yet, through their policies, their interaction with humanitarian agencies, and their funding decisions they shape humanitarian assistance. Therefore, if lessons like the need for gender-sensitive programs and for strengthening local capacity are to be put into practice, they have to be integrated into the policy making, funding, and coordination activities of donors. To enhance their ability to implement lessons, the European Commission and the U.S. Government should take the following measures:

⁵ Based on the New Transatlantic Agenda and the Joint Action Plan agreed between the EU and the U.S. in 1995, a High-Level Consultation Group on humanitarian and development issues was formed. After a few years of operation, however, regular meetings were abandoned.

⁶ Also based on the 1995 New Transatlantic Agenda, an EU-U.S. Senior Level Group was created to address key foreign policy issues.

⁷ Several times per year, DG ECHO and USAID engage in a strategic dialogue, either through in-person meetings or telephone conferences. This is currently the main and highest ranking bilateral forum for addressing questions relating to humanitarian policy. While the meeting has recently been expanded to include for example the U.S. Department of State, it does not include all institutions relevant to the questions sketched above. If the EU and the U.S. opt for using the strategic dialogue as the forum for addressing controversial normative and policy questions, the dialogue would therefore have to be further expanded.

- *Increase focus on and capacities for policy-making.* To date, donors like DG ECHO and OFDA lack policies on important issues such as gender and local capacity. This compromises the quality and sustainability of their activities. In part, this is related to the perception of many humanitarian actors that independent and neutral humanitarianism needs to refrain from politics. To counteract this trend, DG ECHO has taken the right turn towards increasing its focus on policy-making and should continue this development. OFDA's power to develop independent policies has been curtailed over recent years. The new U.S. Administration should hand back authority to OFDA to back up its new Wilsonian spirit with action. Moreover, both donors need to enhance their expertise for developing appropriate policies. OFDA has a Technical Assistance Group and an inclusive approach in developing guidelines which is well-placed to infuse internal and external knowledge into policy-making. DG ECHO needs to further expand its pool of policy expertise, either through further enlarging its policy unit or through engaging more systematically with external operational and academic experts. Stronger input from external actors could support policymaking. Humanitarian agencies should therefore engage more closely with parliamentarians and recognize that their relationship with donors is not exclusively about money, but also about policy.
- *Enhance conceptual clarity and coherence.* The transatlantic donors remain unclear on whether they pursue a needs-based or a rights-based approach to gender and local capacity. Yet the two approaches lead to very different understandings of the purpose of humanitarian assistance and the mandate of the agencies providing it. This creates operational confusion and undermines sustainability. Therefore, donors and implementers need to take clear positions. Once a position is taken, it should be explained clearly with regard to its aims, its implications and its limits, and applied consistently in all policies and actions, including in the selection of partners.
- *Expand or create technical surge capacities for donors.* Where know-how and a certain degree of capacity exist within the humanitarian community, as for example in the area of gender, donors should strengthen this capacity and systematically include it into their activities. OFDA is already very efficient in including external know-how, but both donors should improve their efforts in strengthening existing gender capacity. They could for example support the Inter-agency Standing Committee's Gender Standby Capacity (IASC GenCap) Project. The GenCap Project deploys senior gender advisors (GenCap Advisors) which help build the capacity of humanitarian actors at country level to consistently consider and include the different capabilities and needs of women, girls, boys and men into their projects and programs. For example, the GenCap Advisors capacitate the members of the humanitarian country teams on the collection and use of sex- and age-disaggregated data, the integration of gender into funding appeals, project proposals and work plans and help to coordinate gender-related activities between the different sectors. It should be scaled up to provide additional capacity not only to UN agencies, but also to more humanitarian NGOs, donor organizations, and evaluators. At the moment, no similar mechanism exists for strengthening the humanitarian community's approach to local actors. The transat-

lantic donors should therefore jointly establish a similar tool. They could create a pool of local anthropologists, historians, sociologists, and cultural scientists from Africa, Asia, and Latin America to be deployed within their respective regions to support policy-making and programming of humanitarian donor and implementing agencies at the country level. While such a mechanism cannot replace the devolution of decision-making power to local actors and an upwards mobility of local staff from field to head-quarter offices, it could be an important intermediary step facilitating the systematic integration of local knowledge into the humanitarian system. As an important first step, the U.S. and the EU could jointly advocate for the establishment of an IASC Sub-Working Group on local capacity in humanitarian action.

Recommendation 3:

Decide on Desirability of LRRD. If Desirable, Strategically Define Opportunities and Develop Better Methods to Link Relief, Rehabilitation, and Development

Humanitarian assistance and development are regarded as two distinct areas of activity, driven by different logics and governed by different principles. While the former strives to be impartial and independent of other goals and to focus on immediate activities to save lives and alleviate human suffering, the latter is often driven by concrete foreign or domestic policy goals, explicitly sides with certain groups or organizations, and aims at creating systems and institutions for long-term development. The separation of the two areas is important because it enables humanitarian actors to pursue their mission of saving lives and alleviating suffering undisturbed by other political considerations, and ensures their access to affected populations, as well as the safety of humanitarian workers.

Over recent years, however, both humanitarian and development actors have come to realize that they can benefit from stronger linkages between their fields. If uncoordinated, short-term relief activities can undermine longer-term development efforts. This is, for example, the case when mass donations of foreign commodities destroy local industries and markets and when relief interventions stabilize autocratic, corrupt, and self-interested regimes. Moreover, especially in protracted crises or areas experiencing recurring natural disasters, effective humanitarianism requires investments in preparedness and prevention measures, which traditionally belong to the realm of development. With most humanitarian actors working in these areas during a medium- or long-term, they de facto engage in development work and the separation between the two realms can become a question of labeling.

Humanitarian donors like the European Commission and the U.S. Government have therefore made a strong rhetorical commitment to “linking relief, rehabilitation, and development” (LRRD) or “development-relief.” This commitment is reflected in a stronger official emphasis on crisis preparedness, disaster risk reduction, and the development of local emergency relief capacities. In practice, however, tensions and sometimes incompatibilities between humanitarian assistance and development persist and the implementation of LRRD remains haphazard. Particularly in (post-) conflict settings, for example, neutrality requires avoiding engagement with state structures, whereas the development logic would emphasize state and government building activities. For fear of compromising humanitarian principles and to appeal to many

principled public and private donors, many humanitarian actors have therefore been slow to embrace the concept of linking relief, rehabilitation, and development in their work. Moreover, many humanitarian agencies remain unsure what they could in practice do to link their work more effectively to that of their development colleagues.

The European Commission and the U.S. Government should take the following steps to help address these principled and pragmatic challenges:

- *Decide where linkages are desired, and where not.* The European Commission and the U.S. Government should start by analyzing the current gap between relief, early recovery, and development activities and explore the tensions between the objectives, guiding principles, and practices in each of these areas. They should support a systematic analysis of the costs and benefits of adopting a narrow versus a broader approach to humanitarian assistance. On this basis, the two donors should decide on the three main options on how to deal with LRRD: first, to keep muddling through, claiming adherence to humanitarian principles while supporting LRRD; second, to largely forgo LRRD to protect the independent and principled provision of humanitarian assistance; or third, to expand humanitarian mandates to enable LRRD, while acknowledging that this undermines the independence of humanitarian assistance.
- *Improve practical methods to link relief, rehabilitation, and development.* If the European Commission and the U.S. Government decide they want to strengthen the links between relief and development, they should also develop better techniques for doing so. This would entail focusing on the similarities between humanitarian and development assistance, which are both geared towards supporting people in need; ensuring that the responsibilities of humanitarian and development departments are defined in such a way that LRRD programs do not continue to fall through the grids; engaging in joint emergency-specific situation analysis and scenario planning to uncover opportunities for linking the two realms; strategically identifying implementing partners with good LRRD programs; and focusing on the development of local capacities for relief.

Recommendation 4:

***Maximize Business Contributions to Humanitarian Assistance,
While Minimizing Their Risks***

Resources for humanitarian assistance are scarce and, in times of economic crisis, gaps threaten to become bigger. Businesses can make very valuable contributions to emergency relief and preparedness through cash and in-kind donations, as well as their special expertise and products. Over recent years, businesses have slowly become more involved in the provision of humanitarian assistance, be it on a for-profit or on a philanthropic or corporate social responsibility basis. Not all humanitarian actors, however, view the rising engagement of businesses as a positive development. In particular, they are concerned that the profit motive which ultimately drives all business decisions is incompatible with the humanitarian ethos.

The European Commission and the U.S. Government have adopted different stances concerning the role of business in humanitarian assistance. The U.S. Government, especially since the tenure of former USAID Administrator Andrew Natsios, actively pursues public-private partnerships in all areas of foreign assistance and often prefers companies as contractual partners for service delivery. DG ECHO, by contrast, can formally only fund non-profit or public institutions. Interactions with corporations are therefore limited to implementing agencies and other DG ECHO partners.

The opportunities and risks of engaging with business vary strongly depending on whether businesses become involved in emergency relief or preparedness activities and whether they do so on a for-profit basis or out of philanthropic or corporate social responsibility motives. To maximize the contributions of businesses to humanitarian assistance, while ensuring that business engagement conforms to humanitarian principles, the European Commission and the U.S. Government should take the following steps:

- *Increase investment in preparedness activities.* Commercial preparedness schemes such as weather insurance for small-scale farmers or catastrophe insurance for governments were found to be an innovative, effective, and efficient way of mitigating the impact of natural disasters. Pilot insurance schemes resulted in lower overall costs, greater predictability, and earlier disbursement of funds to affected populations, who receive compensation when drought sets in, rather than when famine hits. As a result, livelihoods are better protected and many lives are saved. The European Commission and the U.S. Government should support the development, implementation, and roll-out of similar initiatives. Since the non-commercial engagement of business in preparedness activities has also been found beneficial, but underutilized, governments and donors should also explore ways to provide incentives for this kind of contribution.
- *Develop common standards for business engagement.* To date, no broadly accepted standards exist that would ensure that business engagement complies with humanitarian principles. The European Commission and the U.S. Government should first undertake a detailed analysis of when, where, and how businesses can make valuable contributions to emergency relief and preparedness and what kinds of risks are involved in different situations. On that basis, the transatlantic partners should spearhead the international effort to create guidelines on business engagement, building on the efforts to create standards made by the World Economic Forum and the International Peace Operations Association.
- *Enhance transparency.* Current donor engagement with business, especially in the case of for-profit emergency relief, is often lacking in transparency and accountability. To allow for better public scrutiny of such engagements and enhance their accountability, donors should more readily provide information on contract partners, their products or services, as well as the respective contract values.

***Recommendation 5:
Address Normative Problems of Civil-Military Interaction
and Improve Operational Approaches***

Military forces are playing an increasingly important role in responding to conflict-induced emergencies and natural and technological disasters, both at home and abroad. Armed forces variously provide their assets, for example for the transport of humanitarian goods and personnel; escort humanitarian workers in unstable situations to enhance their security; and directly implement humanitarian tasks like the distribution of food and medical supplies or the restoration of infrastructure, though NGOs in particular are challenging whether relief provisions by the military can be called “humanitarian.”⁸ They have been involved in most recent major emergencies, from relief operations following the earthquake in Pakistan to rebuilding measures in Afghanistan and Iraq.⁹

Despite, or perhaps because military contributions to relief efforts have become so commonplace, the role of the military in humanitarian assistance remains one of the most, if not the most controversial issues in humanitarian affairs. On the one hand, the military controls formidable assets that are designed to be ready to deploy at extremely short notice and to react to unpredictable events. Especially in sudden-onset disasters, the speed and scale of the response determines how many lives can be saved and the military and its assets may be best positioned to achieve humanitarian goals. Moreover, in (post-) conflict situations or complex emergencies, a lack of security is typically the main reason for human suffering and often threatens traditional relief operations. An armed presence may be necessary to restore security and thus reduce the scale of the emergency. On the other hand, the involvement of the military in most cases conflicts with humanitarian principles. The military’s main role is to focus on security and defense. These issues are likely to dominate the military’s agenda even on ‘humanitarian’ missions. In addition, the military is usually not regarded as an impartial and neutral actor and its presence can exacerbate security problems.

Both the EU and the U.S. have a legal basis for deploying military personnel and/or assets for emergency relief. Owing to its less developed military capabilities and its more principled stance on humanitarian assistance, however, the EU makes far less use of these provisions than the U.S. With the conflicts and reconstruction efforts in Afghanistan and Iraq, the U.S. Department of Defense and its regional commanders are now among the biggest “humanitarian” spenders within the U.S. Government.

The transatlantic partners are faced with two major challenges concerning the enhanced collaboration between civilian and military emergency relief agencies and their mutual cooperation in this field. First, they need to address the underlying normative question: Under what circumstances and conditions should the military contribute to emergency relief and preparedness? Second, they need to improve their operational capability for achieving effective civil-military cooperation when desired. To improve their ability to harness civil and military capa-

⁸ Cf. e.g. the position paper on civil-military relations in humanitarian action by the European NGO Network VOICE, available at http://www.ngovoice.org/documents/CIV%20MIL%20POLICY%20DOCUMENT%20_%20FINAL.pdf (last accessed July 2009).

⁹ For a recent assessment of the use of military assets in disaster response, see for example Stockholm International Peace Research Institute “The Effectiveness of Foreign Military Assets in Natural Disaster Response” (Solna, 2008).

bilities for effective emergency response, the transatlantic partners should implement the following steps:

- *Minimize conflicts with humanitarian principles.* The EU and the U.S. should focus their “humanitarian” deployments of military personnel and/or assets on situations where neither partner pursues strong security interests. This includes mainly responses to natural and technological disasters occurring in close partner countries. This focus would minimize the intermingling of humanitarian with security concerns.
- *Develop stricter standards on military involvement in humanitarian assistance.* For humanitarian activities of the United Nations, a multi-stakeholder group that included the U.S. Government and DG ECHO developed guidelines for the use of foreign military and civil defense assets in disaster relief. These so-called Oslo Guidelines were first drafted in 1994 and last updated in 2006.¹⁰ Similar guidelines were created in 2003 for complex emergencies.¹¹ They demand, among others, that military assets should be used as a last resort and that military personnel on humanitarian missions should bear no arms, be clearly distinguished from regular units, and not provide security for humanitarian actors. Through the European Consensus on Humanitarian Aid, the European Commission subscribes to both guidelines. Both, the EU and its member states and the U.S. Government should integrate these guidelines more closely into their policies.
- *Enhance the effectiveness of civil-military interaction.* To enhance their practical capacity to cooperate in the field of civil-military cooperation, the EU and the U.S. need to ensure, among others, that roles and responsibilities are clearly allocated, that command structures reflect this distribution of roles, and that both sides are technically capable of working together. To improve this capacity, the transatlantic donors should support and expand joint training exercises such as Viking '08,¹² deploy mutual observers to their remaining exercises, and encourage exchanges between the transatlantic partners, as well as between civil and military agencies during their formation.

By implementing these recommendations, the EU and the U.S. could significantly strengthen their cooperation, improve their approaches to humanitarian assistance, and promote the reform of the humanitarian system as a whole. This would enable the two donors and their partners to mobilize more appropriate responses to natural disasters and address some of the consequences of climate change, as well as conflicts and complex emergencies. Effectively saving lives and alleviating human suffering would bring tangible benefits to the transatlantic partners. It would improve their reputation around the globe and help protect their strategic interests by fostering stability and enhancing security.

¹⁰ Available for example at <http://www.reliefweb.int/rw/lib.nsf/db900SID/AMMF-6VXJVG?OpenDocument> (last accessed May 7, 2009).

¹¹ Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies (March 2003).

¹² Viking '08 was a multinational exercise on crisis response involving military, civil defense and civilian agencies that took place in November 2008.

The transatlantic partners currently face a unique window of opportunity for strengthening their cooperation and improving their humanitarian policies and operations. They should build on their strong existing foundations and use this chance for making humanitarian assistance more effective and efficient. At the same time, they should remain mindful of the risks that closer cooperation can involve and ensure that their cooperation remains open to other parties and strengthens the voices and participation of affected populations, focuses on improving the delivery of humanitarian assistance, respects the independence of implementing partners, and allows for a certain level of diversity within the humanitarian system.

List of Acronyms

ACLF	Action Contre la Faim
ACLF-IN	Action Contre la Faim International Network Development Agency
ADS	Automated Directives Service
ADRA	Adventist Development and Relief Agency
AFRICOM	African Command
AIDCO	EuropeAid Co-operation Office
ALNAP	Active Learning Network for Accountability and Performance in Humanitarian Action
APR	Annual Performance Report (WFP)
BRAVVE	Bhutanese Refugees Aiding for Victims of Violence
BRWF	Bhutanese Refugee Women's Forum
CA	Civil Affairs (US)
CAMI	Central American Mitigation Initiative
CAP	Common Appeal Process
CAR	Central African Republic
CARE	Cooperative for Assistance and Relief Everywhere
CAS	Civil Affairs Section (UN)
CCR	Central Contracting Registry
CEPREDENAC	Coordination Centre for Natural Disaster Prevention in Central America
CERF	Central Emergency Response Fund
CFSP	Common Foreign and Security Policy
CHAP	Common Humanitarian Action Plan
CHF	Common Humanitarian Fund
CIMIC	Civil-Military Cooperation (EU)
CIVCOM	Committee for Civilian Aspects of Crisis Management (EU)
CivMil Cell	Civil-Military Cell (EU)
CMC	Camp Management Committee
CMCO	Civil-Military Coordination (EU)
CMO	Civil-Military Operations (EU)
CNDP	Congres National pour la Défense du Peuple
COLOPRED	Local Emergency Committees

CONRED	The national coordinator for disaster reduction (Guatemala)
COPECO	Permanent contingency committee (Honduras)
CPIA	Provincial Inter Agency Committee
CRS	Catholic Relief Services
CNAR	Commission Nationale d'Assistance aux Réfugiés
CONAFIT	Commission Nationale d'Appui au Déploiement de la Force Internationale au Tchad (National Commission of Support to the Deployment of the International Force in Chad)
CSR	Corporate Social Responsibility
CIDA	Canadian International Development Agency
CWT	Community Watch Team
DAC	Development Assistance Committee
DDR	Disarmament, Demobilization and Reintegration
DC	District of Columbia (Washington)
DCHA	USAID Bureau for Democracy, Conflict, and Humanitarian Assistance
DDRRR	Disarmament, Demobilization, Repatriation, Reintegration and Resettlement
DEC	Disaster Emergency Committee (UK)
DFID	Department for International Development (UK)
DG	Directorate General
DG ECHO	Directorate General for Humanitarian Aid
DIPECHO	Disaster Preparedness Program of ECHO
DIS	Détachement Intégré de Sécurité
DP	Disaster Preparedness
DPA	Darfur Peace Agreement
DPKO	Disaster Preparedness Department of Peacekeeping Operations (UN)
DOD	Department of Defense (US)
DOS	Department of State (US)
DRC	Democratic Republic of Congo
DRR	Disaster Risk Reduction
DSRSG	Deputy Special Representative of the Secretary General (UN)
EB	Executive Board (WFP)
EC	European Commission
ECW	Enhanced Commitments to Women (WFP)
EMOP	Emergency Operation (WFP)
EQAS	Evaluation Quality Assurance System
EU	European Union
ESDP	European Security and Defense Policy (EU)
EUFOR	European Union Force in Chad
EUFOR	European Union Force in Democratic Republic of Congo (EU)
EUMS	European Union Military Staff (EU)
EUMC	European Union Military Committee (EU)

EUPM	EU Police Mission in Bosnia and Herzegovina (EU)
EUPOL	EU Police Mission in Democratic Republic of Congo (EU)
EUSEC	European Union Security Sector Reform mission in the Democratic Republic of the Congo (EU)
EWS	Early Warning Systems
FAO	Food and Agriculture Organization (UN)
FAT	Forces Armées Tchadiennes
FPA	Framework Partnership Agreement
FAR	Federal Acquisition Regulations
FARDC	Forces Armées de la République Démocratique du Congo
FDLR	Democratic Forces for the Liberation of Rwanda
FFP	Food For Peace (USAID)
FHA	Foreign Humanitarian Assistance (US)
FMF	Foreign Military Financing (US)
FOG	Field Operations Guide
FSLN	The Sandinista National Liberation Front
FTS	Financial Tracking Service
GAO	Government Accountability Office
GBV	Gender-Based Violence
GDA	Global Development Alliances
GDI	Gender-related Development Index (UNDP)
GDO	General Development Office (USAID)
GEI	Gender Equity Index
GHDI	Good Humanitarian Donor ship Initiative
GPOI	Global Peace Operations Initiative (EU)
GoS	Government of Sudan
HAG	Humanitarian Advocacy Group (UN)
HC	Humanitarian Coordinator (UN)
HIPC	Health Insurance Purchasing Cooperative
HQ	Headquarters
IASC	Inter-Agency Standing Committee
IDPs	Internally Displaced Persons
IASC	Inter-agency Standing Committee on Humanitarian Affairs
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
ICRP	Instability, Crisis and Recovery Program
IDP	Internally Displaced Person
IFPRI	International Food Policy Research Institute
IFRC	International Federation of Red Cross and Red Crescent Societies
IGOs	Inter-Governmental Organizations
ILO	International Labor Organization

IMET	International Military Education Training (US)
INETER	National Institute For Territorial Studies
INTERFAIS	International Food Aid Information System
IO	International organization
IQC	Indefinite Quantity Contract
IRC	International Rescue Committee
IRG	International Resources Group
IT	Information Technology
ITC	International Trade Centre
JIACG	Joint Interagency Coordination Group (US)
LRRD	Linking Relief, Rehabilitation and Development
MCDA	Military and Civil Defense Assets (UN)
MDG	Millennium Development Goals
M&E	Monitoring and Evaluation
MFA	Ministry of Foreign Affairs
MINURCAT	Mission des Nations Unies en République Centrafricaine et au Tchad (United Nations Mission in the Central African Republic and Chad)
MONUC	United Nations Mission in the Democratic Republic of Congo
MOU	Memorandum of Understanding
MSF	Médecins Sans Frontières (Doctors Without Borders)
NATO	North Atlantic Treaty Organization
NFIs	Non-Food Items
NGO	Non-Governmental Organization
OCHA	Office for the Coordination of Humanitarian Affairs (UN)
ODA	Official Development Assistance
OHA	Official Humanitarian Assistance
oPT	occupied Palestinian Territories
O&M	Operation and Maintenance
Oxfam	Oxford Committee for Famine Relief
OEDE	Office of Evaluation (WFP)
OECD	Organization for Economic Co-Operation and Development
OFDA	Office of Foreign Disaster Assistance (USAID)
ODI	Overseas Development Institute (UK)
OSCE	Organization for Security and Cooperation in Europe
OTI	Office of Transition Initiatives (USAID)
OU	Operating Unit (USAID)
PA	Palestinian Authority
PAHO	Pan American Health Organization

PAS	Program d'Accompagnement à la Stabilisation (Stabilization Program)
PDM	Post-Distribution Monitoring
PLC	Participatory Learning and Action Classes
PNUD	Program des Nations Unies pour le Développement
PKO	Peacekeeping Operations
POC	Protection of Civilians
PPA	Public-private alliance
PPP	Public-private partnership
PREVDA	Programa Regional de Reducción de la Vulnerabilidad y Degradación Ambiental
PRM	Bureau of Population, Refugees and Migration (US Department of State)
PSC	Political and Security Committee (EU)
PRRO	Protracted Relief and Recovery Operation (WFP)
RBM	Results-Based Management
RC	Resident Coordinator (UN)
RCIW	Rural Community Infrastructure Works Programme (Nepal)
SGBV	Sexual Gender based Violence
SINAPRED	National System for Disaster Prevention, Mitigation and Assistance
SOUTHCOM	The United States Southern Command
SPR	Standard Project Report (WFP)
SRSG	Special Representative of the Secretary General (UN)
TA	Technical Assistant
TFC	Therapeutic Feeding Centre
TOR	Terms of reference
USG	United States Government
UK	United Kingdom
UN	United Nations
UNAMID	United Nations African Union Mission In Darfur
UN-CMCoord	United Nations Humanitarian Civil-Military Coordination
UNFPA	United Nations Population Fund
UNDP	United Nations Development Programme
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children's Fund
UNISDR	United Nations International Strategy for Disaster Reduction
UNJLC	United Nations Joint Logistics Center
UNMIS	United Nations Mission In Sudan
UNSCR	United Nations Security Council Resolution
UNWRA	United Nations Works and Relief Agency for Palestinian Refugees in the Near East
U.S.	United States

USAID	United States Agency for International Development
USDOS	U.S. Department of State
VAM	Vulnerability Analysis and Mapping (WFP)
WEF	World Economic Forum
WEU	West European Union (EU)
WFP	World Food Programme (UN)
WID	Women in Development

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