

The 11th Annual Humanitarian Conference dealt with the respective roles of NGOs, national governments and international organizations in humanitarian action. We believe that the theme of this year's conference was one of the most important among the topics dealt with since the start of these annual Webster humanitarian conferences in February 1996. This is because of the challenges humanitarians meet in the field and because of the questions raised in many quarters about the role of the State in humanitarian action and the need to distinguish between political and security responsibilities to deal with the perpetrators and protection and relief for the victims. The topicality of the issue was also enhanced by the debate within the United Nations to increase the efficiency of the various agencies and the Summit Declaration of September 2005.

The subject called for an analysis and discussion of a broad range of practical logistical and organizational matters and forms of cooperation and division of tasks and experiences as well as of fundamental issues and principles. Thus the program addressed a broad range of issues, including:

- the mandates, rules, and responsibilities of the different categories of humanitarian actors;
- the various modes of cooperation between governments, international organizations, and NGOs;
- the question of the coordination of resources, logistics, accountability, independence and autonomy;
- humanitarian response and responsibilities in different types of crises: natural disasters, wars, internal conflicts and in situations where the "responsibility to protect" is or ought to be implemented.

The objective of the conference was to highlight both the questions of principle and the practical aspects of these issues through presentations by experts from a broad range of organizations and backgrounds. The meeting also aimed at illustrating the complexity of the tasks and both the distinct responsibilities and the possible convergence of objectives of those who are trying to provide relief and protection to the victims of major humanitarian crises. As in previous years, through the wealth of experience, reflections, and different points of view on this important subject, the conference proved to be of interest to both humanitarian actors and others specialists, as well as a broader interested public.

As in every year since 1996, the conference benefited from the active participation of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, as well as of other major organizations such as the International Federation of Red Cross and Red Crescent Societies and the NGO Médecins du Monde. Continuing a tradition, the event was held again under the auspices of the Government of the Canton of Geneva. The program included experts from the humanitarian community, NGOs, international

organizations, governments, and universities. The conference was open both to experts and the general public.

The program included altogether 35 speakers, a relatively large number, in order to allow to explore as many aspects as possible of this complex issues and of the work and experience of organizations and humanitarian actors. The present issue of RSQ contains the text of most of the presentations at the conference.ⁱ Following the text of the opening statements and of the five keynote speeches, the remaining texts are grouped around four major themes:

1. Crises, Challenges and Response,
2. Mandates, Legal Status, and Cooperation,
3. Field Experiences, Major Actors and Policies, and
4. The Outlook.

THE KEYNOTE SPEECHESⁱⁱ

The keynote speakers at the conference came from five important segments of the humanitarian community: Françoise Jeanson, Présidente, Médecins du Monde, Anne Willem Bijleveld, Director, Division of External Affairs, United Nations High Commissioner for Refugees, Pierre Perrin, Chief Medical Officer, International Committee of the Red Cross Markku NISKALA, Secretary General, International Federation of the Red Cross and Red Crescent Societies Helga Konrad, Special Representative on Combating Trafficking in Human Beings, Organization for Security and Co-operation in Europe (OSCE), Former Austrian Federal Minister

One of the principal issues discussed during the conference was the role of non-governmental organizations as distinguished from that of governments, intergovernmental organizations and the private sector. The very nature and objective of humanitarian action, the mission of the various categories of actors and the mandate and legal status of non-governmental organizations in particular had to be addressed in this context.

In her keynote speech, Françoise Jeanson, President of Médecins du Monde raised the question directly “*Are we all humanitarians?*” Her answer was both clear and nuanced. She confirmed that no one has the monopoly of humanitarianism and the states must not be excluded or ostracised. However, she was equally firm in insisting that the independence of humanitarian organizations, and, in particular, of NGOs is an essential condition of their work, of their credibility and of their mission, i.e. to provide relief and protection to victims.

The more governments want to impose their perspective and approach and the more they contest the principles and judgements of NGOs, the more they will undermine and weaken efficiency of humanitarian action. An attempt to turn NGOs into simple agents of the state who simply carry out government policies and instructions – even if these are based on the best intentions – would deprive NGOs of their very *raison d’être*, at a time when they are more needed than ever.

Anne Willem Bijleveld, Director, Division of External Affairs, United Nations High Commissioner for Refugees in his keynote speech on “Towards More Predictable Humanitarian Responses – Inter-Agency Cluster Approach to

IDPs” pointed out the contrast between, on the one hand, the results obtained in the protection of refugees and the decline in the number of refugees and asylum seekers in the world, and, on the other hand, the growing number and plight of the internally displaced (IDPs) who cannot claim and do not benefit from effective international protection. It is only relatively recently that the “international community” has become aware of the need to provide relief and protection to the millions of internally displaced people. In his speech he explained the principles of the so-called “cluster approach”, first initiated at the beginning of 2006, and gave a detailed overview of the tasks attributed not only to UNHCR but also to other members of the United Nations family of organizations, such as the World Food Program, UNICEF, etc. He emphasized the innovations and the progress achieved in cooperation among the various organizations in the wake of the World Summit Declaration of New York 2005.

Issues related to health were an important part of the program as health is a basic right and its protection is receiving an increasing attention from both states and from non-governmental organizations. As Pierre Perrin, Chief Medical Officer of the International Committee of the Red Cross, pointed out, protecting public health belongs to the defense of human rights and of the integrity of the human person. Public health can be integrated into human security. There is often a problem of access for populations. A cease-fire for example may allow humanitarian workers to restore or to provide public health services for the affected populations.

Markku Niskala, Secretary General of the International Federation of Red Cross and Red Crescent Societies in his keynote speech on “Operational Alliances” provided a detailed description of the tight network of cooperation within the Red Cross Red Crescent movement as well as between members of the movement – the Federation, national societies and the ICRC – and other humanitarian actors. The strategy adopted in 1999 defined four key areas of emphasis and of cooperation: disasters preparedness, disaster response, health and community care, and promotion of humanitarian principles. He gave numerous illustrations of establishing “operational alliances” with various types of actors – international organizations, national red cross or red crescent societies, NGOs or governments and the private sector – in order to improve the effectiveness of humanitarian action in these four areas.

Helga Konrad, Special Representative on Combating Trafficking in Human Beings, Organization for Security and Co-operation in Europe (OSCE), and a former Austrian Federal Minister addressed in her keynote speech on the second day of the conference the issue of combating trafficking in human beings. Trafficking should not be confused with human smuggling. According to Konrad, human trafficking is one of the most profitable illegal businesses in the world with the profits going towards funding organized crime groups at the expense of enormous human costs. While today there is greater awareness of this issue, in general trafficking cases are considered less important than other crimes. State interests often take priority over the protection of the victims of human trafficking. Little has changed for those concerned and there are no signs of anything being

done to properly combat this phenomenon. We need prevention, prosecuting the criminals and protection of the victims. It is both a question of appropriate legislation and of actual implementation. There is an urgent need for a more effective approach at the national level, through direct cooperation between states and through international organizations and NGOs.

While the program of the conference was characterized by a great diversity of subjects and of organizations represented, there were a number of major common threads that emerged from the expert presentations. The following is a brief summary of some of the most important ones.

COOPERATION AND INDEPENDENCE

There is no doubt that one of the greatest sources of strengths of the international humanitarian community is its diversity – in terms of mandates, motivations and organizational structures. It is this diversity and autonomy that has proven to be one of the principal attractions for the thousands and thousands of humanitarian workers who dedicate their time and efforts to a difficult and often dangerous task.

As a result of the scale and complexity of such humanitarian crises as Darfur, the Tsunami in December 2004, and Hurricane Katrina in 2005, and of the humanitarian action required, the question of the division of tasks and of the cooperation among the various organizations has gained increasing importance, both within the humanitarian community and for the public at large. This issue is particularly relevant in Geneva, which is a major center for the organization of worldwide humanitarian action and for the coordination of the efforts of international organizations, governments, and non-governmental organizations. As Laurent Walpen, Delegate of the Geneva Government for relations with “international Geneva” pointed out in his opening statement, Geneva also has the vocation of being a capital of humanitarian dialogue.

Most speakers addressed, directly or indirectly two interrelated questions: on the one hand, the role, experience and cooperation within their own category of organization in the light of current and future crises, and, on the other hand, the need for and the modalities of cooperation among these various categories of actors.

Cooperation in humanitarian action is based not on a hierarchical principle, but on a recognized variety of structures and mandates and of a common humanitarian objective: to assist and to protect. Humanitarian action is today one of the principal areas of international cooperation. There is worldwide recognition of the importance of helping the victims of man-made crises, of wars, of persecution, of massive human rights abuses and of natural disasters. If we cannot prevent the crises, at least we ought to provide protection and assistance to the victims. There is also widespread consensus that given the magnitude, the urgency and the suddenness of the crises there is need and room for the participation of humanitarian actors from a broad range of organizations: non-governmental organizations – volunteers and full-time humanitarian workers – government agencies and international organizations.

No one has the moral, political or legal right to claim exclusive authority or monopoly over helping or protecting people in need or danger. At the same time, both experience and common sense tell us that without effective cooperation, without knowing, understanding and respecting what other humanitarian actors are doing there are serious risks of confusion and inefficiency at the expense of the victims themselves. Confusion and inefficiency in humanitarian action can have multiple negative consequences: they reduce and retard the aid and protection reaching the victims, they lead to a waste of scarce human and material resources, they can endanger the humanitarian workers, and they can weaken or undermine the indispensable public support for humanitarian action.

THE IMPACT OF THE 2004 TSUNAMI AND OF HURRICANE KATRINA

The December 1994 Tsunami has had a significant impact on the reflection and debate about humanitarian action. This despite the fact that both the scale of the disaster and the worldwide humanitarian reaction were out of the ordinary.

The Tsunami experience has revived and intensified the critical discussion about the contrast and relationship between the large and established humanitarian organizations and the presence of small, and often inexperienced organizations. Although the nature of the two disasters was totally different, this debate recalled some of the elements of the debate and criticism about the conditions of humanitarian action following the Rwanda genocide. The two issues to be mentioned here are in particular the need (and lack of) agreed-on division of tasks among the major organizations and the real or alleged problems created by the sudden appearance in the field of a large number of small and relatively inexperienced organizations.

The discussion about the role of different categories of actors in humanitarian action touches on some of the central questions in past and contemporary political debate. These questions include: what is the right and responsibility of individuals and groups to help others within and beyond the borders of their nation state? What is the role of the state in humanitarian action to the benefit of citizens of other states – is this an inherent duty or is it one that depends on the preferences of public opinion? As for international organizations: what is their responsibility, how autonomous are they, to what extent do they represent the interests of their member states?

There are four traditional broad categories of international humanitarian actors: non-governmental organizations; the Red Cross and Red Crescent Movement; states and state agencies; and intergovernmental organizations. Today, we can add a fifth category, the private sector – although the humanitarian mandate of private companies sector still need clarification and only the future can tell their long-term effectiveness.

There is a natural tendency when speaking of international humanitarian action to focus on the international actors and on the cooperation among these international actors. Yet, the importance of local actors – governmental and non-governmental actors – is crucial and is fully recognized by the international actors themselves. The quality of the local response is decisive, in particular in the case of natural disasters (but also plays an important role in man-made crises) and

the cooperation between international and local actors is as important as the coordination and cooperation among international humanitarian actors.

Awareness-raising and capacity building at the national level have always been recognized as crucial tasks by the members of the Red Cross and Red Crescent Movement – the national societies, the ICRC and the International Federation – and today they receive even greater emphasis than in the past. The need for capacity building and for prevention of natural disasters (and the need for investments in training and infrastructure and for creating the necessary legal and political framework) has been recognized also by the UN family of organizations and by national governments in general. While this is clearly a long-term task, it has been one of the positive legacies of the Tsunami experience.

WHOM TO ASSIST AND TO PROTECT: THE CHALLENGE OF LIMITED RESOURCES

One of the most important challenges (dilemmas) that all humanitarian actors have to deal with is the question of whom to protect? Whom to assist? There is the well-known competition among priorities in the humanitarian area and between humanitarian action and other domestic and international tasks and objectives.

A number of points should be mentioned in this context. The first one is the fact that as a rule, both human and financial resources available tend to be more limited than the potential need. The basic rules of humanitarian action are that there must be no discrimination among victims or beneficiaries of humanitarian protection and assistance and that the priorities of humanitarian action should be determined by the urgency of the needs. At the same time, there is also autonomy of the humanitarian actors. This is particularly true of NGOs and of national government agencies. International organizations and the ICRC and the International Federation are more directly bound by their mandates.

However, they are all greatly influenced and even constrained by public opinion and political decision makers who control directly and indirectly the indispensable financial resources without which humanitarian action cannot be undertaken. The problem of “earmarked” funds is well known. This problem may be compounded by the efforts to establish “consolidated appeals”. These have the advantage of facilitating the comparison for donors the needs in various crisis situations and the various programs designed to deal with them. At the same time, they reduce the autonomy of individual organizations to set their own priorities – based on their mandate and their own assessment of the humanitarian needs – and they reduce the resources available for dealing with “unattractive” crises (in particular with protracted humanitarian problems).

The veritable outburst of international solidarity in the wake of the Tsunami of December 2004 was in itself a highly positive phenomenon, not only from the point of view of the victims of this natural catastrophe. It was also a welcome demonstration that once people throughout the world are touched by the suffering of others, financial, material and human resources can become available almost instantaneously on a scale that no one could have predicted before the disaster

struck. Yet, the international humanitarian community is also aware of the great contrast between the scale and generosity of the Tsunami response, on the one hand, and their shared experience of the difficulties to mobilize public opinion and to obtain the support and resources needed to deal with the humanitarian consequences of the countless other crises in the world.

In fact, even in the wake of the Tsunami there were complaints that humanitarian assistance did not reach the intended beneficiaries. This may be the expression of the fact that in the area of humanitarian action even “too much” may be perceived as not enough and/or that the ability to actually deliver the aid that private and official donors had promised could not match the scale either of the vastness of the destruction and/or the commitments of the international community.

HUMANITARIAN CHALLENGES AND HUMANITARIAN ACTORS

The terms or concepts that keep coming back in the reflections of humanitarian actors from all sectors include: prevention and reserves, readiness, flexibility and speed, efficiency and professionalism, and, of course, access, both political and practical. Logistics is a crucial issue (and this is where the cooperation with the military tends to come in), yet – and there is a broad consensus on this point – the real or apparent requirements of logistics must not undermine the fundamental principles of humanitarian action.

The question “who is a (legitimate) humanitarian (actor)?” what are the qualifications of humanitarian actors or organizations?, who decides?, who can guarantee access?, who can provide security? Who has the right to provide protection and assistance – this question is an important one not only in wars and other man-made crises and disasters, but also in natural disasters. (To recall again the case of the Tsunami, there were national authorities that declined international assistance.)

The role of the States

In the recent past, a very large and growing share of the financial resources needed in international humanitarian action has been provided by the states (and primarily although not exclusively, by the advanced “industrial” democracies). The states finance the international organizations, they provide the bulk of the international financial resources of the Red Cross and Red Crescent movement as well as a very large share of the international resources of the NGOs, not to mention the financing of their own humanitarian programs. This situation reflects both the increased needs and the positive response of the “international community” to these needs. It is only normal that when there is a broad public support for financing humanitarian action, the governments accountable to the public should use part of public funds to finance humanitarian action.

There is, of course, a certain paradox in this situation. A first aspect is that over the last hundred fifty years international humanitarian action started out and developed through the initiative and dedication of countless “private citizens” without whom even today humanitarian action could not survive. A second aspect

of the paradox is that public finance is the most needed – even to help provide the necessary material resources for volunteers and NGOs – at a time when the prevailing ideology is to move from “state finance” to “all private” in as many areas as possible. In fact many private foundations and businesses engaged in humanitarian work in the broad sense, rely heavily on public financial resources – whether directly from governments or through various public international agencies.

Cooperation, coordination or centralization?

The “World Summit Outcome” of the efforts of UN reform – i.e. the resolution adopted by the UN General Assembly in September 2005 – suggests that the UN Economic and Social Council (ECOSOC) “should... support and complement international efforts aimed at addressing humanitarian emergencies, including natural disasters, in order to promote an improved, coordinated response from the United Nations; (should)... play a major role in the overall coordination of funds, programmes and agencies, ensuring coherence among them and avoiding duplication of mandates and activities.”ⁱⁱⁱ

In fact, the Tsunami and Hurricane Katrina have led to new thinking and to new organizational initiatives in the humanitarian world, in particular within the United Nations. The philosophy is to concentrate and to coordinate advance emergency planning and to assign responsibility for organizing key aspects of humanitarian action to selected major organizations.

While there is a clear logic behind these initiatives a number of questions may be raised.

The downside of an excessive emphasis on the lessons from the Tsunami may be that most humanitarian crises – man-made or natural – occur on a smaller scale and may require other, perhaps more traditional structures and approaches. The negative side of the massive humanitarian response to the Tsunami was that many “smaller” and older ongoing crises were forgotten or at least receiving less attention than needed. Centralizing planning, centralizing resources and centralizing responsibilities – including the responsibility to determine the hierarchy of crises to be dealt with – may not increase the efficiency of humanitarian action.

It could, in fact, work against the victims who are not or no longer in the public eye or have fallen out of political favor among the major donor countries.

In fact, trying to introduce an excessive degree of centralization and uniformity, e.g. under the flag of the United Nations could be seriously counterproductive. It could have a negative impact on the work not only of the non-UN organizations but possibly also on the performance of the humanitarian organizations belonging to the UN family.

INTERNATIONAL ORGANIZATIONS: POLITICAL OR HUMANITARIAN CONCERNS?

The last sixty years, among several other epitaphs, have also been designated as the age of international organizations. There is no doubt that despite the widespread criticism and frustration, international organizations have made a

major contribution to international cooperation since the Second World War with the United Nations and its various bodies and agencies playing an important role in this process. There is also no doubt that the record of the United Nations and of its agencies has been uneven on various issues at various times. The achievements of the UN family of organizations has depended at any given time on three major factors: the quality and dedication of the staff and leadership, the mandate and organizational structures and last but not least the policies and attitudes of member states and the resources they provide to the organization.

One of the major issues is the distinction between “political decisions and action” and “humanitarian principles and action”. The increased concern of the public and of governments and political leaders is a positive development. However, a tendency of mixing political and security considerations and responsibility with humanitarian concerns and action would be a very dangerous development. This would considerably weaken the credibility of the NGOs and also of the various components of the Red Cross and Red Crescent Movement. Such an inclination, however, would also be counterproductive within the UN family of humanitarian organizations. This also means that a clear distinction has to be maintained between the kind of coordination and cooperation that is envisioned e.g. through the UN Office of Coordination of Humanitarian Affairs (OCHA) and political fora like the Security Council and the General Assembly. As it has been often pointed out, such confusion is all the more likely when the governments are reluctant or unable to agree on effective action at the political and security level and they have a tendency to shift the attention and the responsibility to the humanitarian level.

The Rwanda genocide and its aftermath, the terrible crisis in the Democratic Republic of the Congo or the one in Darfur are illustrations of the failure of the “international community” as a political community of small and large powers and of rich and less affluent nations to agree on a common and effective political and security action to stop the acts that lead to the humanitarian crises. In other words, if the UN system as a system should be more involved in the coordination of humanitarian action, it has to be clearly stated that this coordination will not suffer from the working practices both of the central UN Secretariat and of the members of the organization at the political level. There has to be a clear break and distinction between the approach to humanitarian action, on the one hand, and the approach to political and security issues. Multilateral diplomacy and action in the humanitarian area cannot be a “fair-weather system” only as has been the case with collective security ever since the start of the UN.

CONCLUDING COMMENTS

The tradition of the Webster Conferences has been not to seek a consensus among the speakers or to draft a detailed set of conclusions and/or recommendations. While there is always a convergence in the concern about the issues, the diversity of views and perspectives is the principal source of interest of these events and the factor that attracts speakers and other participants. It is, however, also part of

the “tradition” to close the introduction with a few concluding comments – that reflect the spirit of the meeting but only engage the authors of this Introduction.

The first point to stress here is the contrast between the importance of the humanitarian effort and the frustration caused by the extent of the crises and the gap between the needs and the resources available. If Darfur comes up most often in this context it is certainly not the only one.

A second issue has to do with a key question addressed by most speakers: what is new in the humanitarian challenge today and in the future and in the necessary “humanitarian response” and what are the constants? The general conclusion on this point seems to be that it is as important to stress the constants and the fundamental organizing principles and values of humanitarian action as it is to adapt it to new and changing circumstances. This is true for protection and for relief as well as for cooperation and coordination of humanitarian action.

Our third and last concluding point is probably the most important one. Humanitarian action represents the response of both individuals and of the (political) communities to the suffering of others. It is an important individual and collective engagement and activity. In order that protection and relief should be efficient they have to be “well managed and well coordinated”. However, humanitarian action can never be just like any other government program or business initiative. Should we fall into this trap, we could jeopardize the mainsprings of solidarity, compassion and dedication which represent the very essence of humanitarian action.

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Notes

ⁱ Unfortunately a number of highly interesting papers could not be included in these proceedings, essentially because, due to the pressure of their professional engagements, the speakers did not have the time to prepare a text for publication. Along with the readers we regret this. We would like to express our gratitude also to these speakers for having accepted to speak at the conference, despite their very tight work schedules. As a partial compensation we have included in the present publication a paper that was not presented at the conference, which, however fits well into the general theme of this issue and the March 2006 event.

ⁱⁱ Cf. also Nathalie Feix Scott et Otto Hieronymi: *“L’Action humanitaire internationale: le rôle des gouvernements, des organisations internationales et non-gouvernementales”* Humanitaire, Printemps 2006 No 14, pp.75-84

ⁱⁱⁱ UN General Assembly, 60/1. 2005 World Summit Outcome, A/Res/60/1, 24 October 24, p.33.