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# Ensuring better outcomes for civilians in armed conflict

## What role for humanitarian principles?

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## Summary

- The increasing complexity of protracted armed conflicts that impact civilian lives demonstrates the urgent need for a reassessment of the role of humanitarian principles – humanity, impartiality, neutrality and independence – as well as current humanitarian assistance objectives and planning processes. Common contributory factors stemming from humanitarian organizations that exacerbate negative outcomes for civilians in conflict include different interpretations of the humanitarian principles, siloed leadership and reporting structures, and the marginalization of local organizations. The worst implication of these factors is the emergence of economies dependent on humanitarian aid and further intense cycles of violence.
- In armed conflicts, humanitarian organizations can improve the outcomes for civilian victims by collaborating with each other, taking a coherent approach to assistance and utilizing conflict analysis and conflict-sensitivity assessments. A coordinated approach to providing assistance, such as the joint operating principles (JOPs) adopted by aid agencies in northern Syria in 2014, can decrease the risks of violence against humanitarian organizations and between communities.
- Research workshops on four protracted armed conflicts in Somalia, South Sudan, Syria and Yemen consistently provided evidence for the importance of local community involvement in leading discussions on the work of humanitarian organizations. This can be achieved by ensuring greater participation of domestic organizations in local and regional consultations during the preparation of a humanitarian response plan (HRP), and by encouraging consultations between humanitarian organizations and those working on peace and development issues.
- International humanitarian organizations can improve their work through the prioritization of contextual learning and by offering longer assignments for their international staff. It is also essential to ensure that in-country recruitment opportunities are not monopolized by a single political or ethnic group, which can compromise the impartiality of organizations.
- The leadership of UN organizations and large NGOs is highly siloed. Tensions frequently arise between agencies focused on the humanitarian response and those active in peacebuilding and development. The challenges confronting humanitarian coordinators are exacerbated by a dysfunctional internal reporting system and by competition for resources among agencies of the UN system.

## Introduction

In many of the most serious protracted armed conflicts, such as those in Somalia, South Sudan, Syria and Yemen,<sup>1</sup> belligerent states and non-state armed groups (NSAG) consistently disregard their obligations under international humanitarian law (IHL), as contained in the Geneva Conventions of 1949 and the Additional Protocols of 1977.<sup>2</sup> Furthermore, hostile actors prevent humanitarian organizations from operating in accordance with humanitarian principles<sup>3</sup> – humanity, impartiality, neutrality and independence – adopted by the Red Cross movement in 1965.<sup>4</sup>

To compound this issue, states with no direct involvement in these armed conflicts are neglecting their responsibilities under Common Article 1 of the Geneva Conventions: to ensure that the provisions of IHL are respected by belligerents in all conflicts.<sup>5</sup>

These developments have led to a state of impunity for belligerents to manipulate humanitarian operations for their own advantage – both as perpetrators of war crimes and as predators able to extract economic and political benefits from their control of territory.<sup>6</sup>

In these contexts, humanitarian organizations are unable to operate in accordance with the core humanitarian principle of impartiality without engaging in what are known as ‘trade-offs’. An example of a trade-off would be when a humanitarian organization persuades a host government to allow it limited access to deliver aid in an opposition-controlled area in return for continuing its operations in government-controlled areas, even though the needs in the opposition-controlled area may be much greater. However, in most cases, humanitarian organizations are not subjecting their proposed trade-offs to a rigorous conflict-sensitivity assessment that evaluates whether the assistance is likely to provoke violence between communities. Nor are these actors employing an ethical decision-making process that examines whether the overall impact of the assistance is likely to be positive or negative. An example of how Oxfam applied these tests during its operations in Afghanistan is given in section 1 below.

In several contexts, such as South Sudan, these developments have allowed humanitarian aid to be ‘captured’ by political, ethnic or business interests in ways that could fuel the conflict.<sup>7</sup>

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<sup>1</sup> These national contexts were the subject of project workshops that informed this series of research papers.

<sup>2</sup> International Committee of the Red Cross (undated), ‘The Geneva Conventions and their Commentaries’, <https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions>.

<sup>3</sup> This paper uses the terms ‘humanitarian principles’ and ‘principles’ interchangeably. Craze, J. and Luedke, A. (2022), ‘Why humanitarians should stop hiding behind impartiality’, <https://www.thenewhumanitarian.org/opinion/2022/08/22/impartiality-humanitarian-aid-South-Sudan-conflict>.

<sup>4</sup> International Red Cross and Red Crescent Movement (undated), ‘Fundamental Principles’, <https://www.ifrc.org/who-we-are/international-red-cross-and-red-crescent-movement/fundamental-principles>.

<sup>5</sup> International Committee of the Red Cross (undated), ‘The Geneva Conventions and their Commentaries’.

<sup>6</sup> Council on Foreign Relations (2021), ‘The Age of Impunity, With David Miliband’, podcast, <https://www.cfr.org/podcasts/age-impunity-david-miliband>.

<sup>7</sup> Craze and Luedke (2022), ‘Why humanitarians should stop hiding behind impartiality’.

To address these issues, the 2016 World Humanitarian Summit<sup>8</sup> attempted to set out new ways of framing and financing humanitarian action in armed conflict, but the promise of the Grand Bargain – the resulting agreement between donors and humanitarian organizations to improve the effectiveness of aid – remains largely unfulfilled, particularly in relation to the key objective of channelling significant funding support to national and local NGOs.

Instead, over the past decade, most humanitarian funding, provided on a voluntary basis by a small number of states, has gone to 10 countries with ongoing protracted armed conflicts. In 2022, the 10 countries receiving the most humanitarian aid were: Yemen, Syria, Afghanistan, Ethiopia, South Sudan, Somalia, the Democratic Republic of the Congo (DRC), Lebanon, Sudan and Nigeria.<sup>9</sup> As a result, such funding has become a mechanism for financing essential services in failed or fragile states. Aid programmes are essential for the continuing financial health of international organizations that utilize this funding to deliver services. Consequently, these humanitarian organizations have strong incentives to accept trade-offs, proposed by host governments or other belligerents, that may compromise their impartiality, but which sustain their business models and allow them to declare that they have stayed and delivered.

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In recognition of the significant impact of these situations on peace and security in several regions of the world, Chatham House's International Security Programme invited the Sanguine Mirage project to explore the role of humanitarian principles in the decision-making of humanitarian organizations operating in armed conflicts. The project set out to assess the continuing relevance of humanitarian principles in contexts in which the parties to a conflict do not accept them.

In assessing the consequences of these situations for humanitarian organizations trying to operate in accordance with the principles, and the appropriateness of trying to do so in these circumstances, the project has developed recommendations to be published in three Chatham House papers. These Chatham House research papers are based on the outcomes of three workshops and related roundtables, and on consultations with the project's advisory group and with individual scholars and practitioners.

In this first paper, recommendations are offered for short-term changes that can be implemented straightaway. These are designed to strengthen, where at all possible, genuine compliance with humanitarian principles and reduce reliance

<sup>8</sup> World Humanitarian Summit 2016 (undated), 'World Humanitarian Summit', <https://agendaforhumanity.org/summit.html>.

<sup>9</sup> Urquhart, A., Girling-Morris, F., Nelson-Pollard, S. and Mason, E. (2022), *Global Humanitarian Assistance Report 2022*, Development Initiatives, <https://devinit.org/resources/global-humanitarian-assistance-report-2022>.



on trade-offs. In the second paper, proposed actions consider issues of gender and inclusion. The final paper in the series presents recommendations that will require long-term commitments and deeper changes in the approach of humanitarian organizations operating in these contexts. These recommendations are designed to strengthen the capacity of external states to promote compliance with IHL by belligerents, to facilitate joined-up processes of accountability and to allow humanitarian organizations to resist the negative consequences of trade-offs.

Although the failure of the World Humanitarian Summit may have dulled the collective appetite for reform of the humanitarian system, the changes proposed in these Chatham House papers could have a significant positive impact on the outcomes for civilians affected by armed conflict. However, major reforms in leadership and accountability mechanisms are required for humanitarian operations to avoid the risks of perpetuating conflicts, accepting the impunity of belligerents and entrenching humanitarian aid as a funding mechanism for fragile states in conflict.

Since the adoption of United Nations (UN) General Assembly (GA) resolution 46/182 in December 1991,<sup>10</sup> the scale of humanitarian work has expanded dramatically.<sup>11</sup> The basis of resolution 46/182 is that UN humanitarian assistance will be most effective in relieving suffering, if it is carried out in accordance with the humanitarian principles of humanity, impartiality and neutrality. The principle of independence was added in resolution 58/114 in December 2003.<sup>12</sup> Beyond the UN, other humanitarian organizations have adopted the humanitarian principles, particularly in the context of the 1994 Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs.<sup>13</sup>

With the benefit of 30 years of hindsight, the admirable ambition of these principles as guidance for providers of humanitarian aid has nevertheless led to some serious negative consequences for the people and communities receiving aid in certain armed conflict situations.<sup>14</sup>

Numerous reforms, including the introduction of the Central Emergency Response Fund (CERF), the cluster system, the focus on humanitarian leadership, the Transformative Agenda, and several processes launched by the Grand Bargain, have proved unable to resolve the most insidious difficulties facing the humanitarian community in its work in countries enduring armed conflict.

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<sup>10</sup> UN General Assembly (1991), *Strengthening of the coordination of humanitarian emergency assistance of the United Nations*, A/RES/46/182, 19 December 1991, <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/582/70/IMG/NR058270.pdf?OpenElement>.

<sup>11</sup> For further information on the principle of independence, please refer to United Nations General Assembly (2004), *Strengthening of the coordination of emergency humanitarian assistance of the United Nations: resolution adopted by the General Assembly*, New York: United Nations General Assembly, <https://digitallibrary.un.org/record/508943?ln=en>; Gillard, E.-C. (2022), 'Framing the conversation: humanitarian principles and the law', published in the annex to Chatham House (2022), *The normative framework of humanitarian action in armed conflict*, Workshop Summary, London: Royal Institute of International Affairs.

<sup>12</sup> UN General Assembly (2003), *Improvement to the status of women in the United Nations system*, A/RES/58/144, 22 December 2003, <https://digitallibrary.un.org/record/509226?ln=en>.

<sup>13</sup> IFRC (undated), 'Code of Conduct for the Movement and NGOs in Disaster Relief', <https://www.ifrc.org/our-promise/do-good/code-conduct-movement-ngos>. For the ICRC role in the development of the principles, see Bernard, V. (2022), 'Humanitarian principles: The passport, the passepartout and the compass for the journey', published in Annex to Chatham House (2022), *The normative framework of humanitarian action in armed conflict*, Workshop Summary, London: Royal Institute of International Affairs, <https://chathamhouse.soutron.net/Portal/Public/en-GB/RecordView/Index/191239>.

<sup>14</sup> Council on Foreign Relations (2021), 'The Age of Impunity, With David Miliband'.

## Humanitarian principles

The purpose of humanitarian principles is to provide guidance to those who wish to carry out humanitarian activities (protection or assistance) in times of armed conflict.<sup>15</sup> They promote a way of operating intended to assure groups involved in hostilities that humanitarian activities will not interfere in the conflict or give their opponent an advantage. In theory, compliance with humanitarian principles should make it more likely that operations will be accepted by belligerents and implemented in a manner that is unimpeded and safe for humanitarian actors and civilians. The principles define the purpose and *raison d'être* of the humanitarian endeavour (humanity and impartiality) and specify the ideal characteristics of actors providing humanitarian aid and protection (neutrality and independence).<sup>16</sup>

The precise nature of these principles and the actions they require from organizations committed to them continue to be the subject of debate.<sup>17</sup> Some have suggested that the 'real' principles are humanity and impartiality, and that neutrality and independence are more usefully considered as operational postures that organizations may adopt in support of core principles.<sup>18</sup>

This paper argues that organizations committed to humanitarian principles and to improving outcomes for civilians in armed conflict need to consider five key issues when planning and implementing their programmes:

- Coherent approaches and conflict analysis;
- Local NGOs and humanitarian principles;
- Recruitment and training in humanitarian organizations;
- Humanitarian leadership, integration and the principles; and
- Humanitarian principles and 'the triple nexus'.<sup>19</sup>

Each of these considerations is explored in its own section below. The urgency for humanitarian organizations to confront these issues has been evident since the outbreak of conflict in Syria in 2011, and this has been further triggered by the start of conflicts in Myanmar, since the coup by the military junta in February 2021, and in Ukraine, since 24 February 2022. These situations have stimulated important

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<sup>15</sup> International Committee of the Red Cross (1979), 'The Fundamental Principles of the Red Cross: Commentary', <https://www.icrc.org/en/doc/resources/documents/misc/fundamental-principles-commentary-010179.htm>.

<sup>16</sup> See Bernard (2022), 'Humanitarian principles: The passport, the passepartout and the compass for the journey', published in Annex to Chatham House (2022), *The normative framework of humanitarian action in armed conflict*, Workshop Summary, London: Royal Institute of International Affairs.

<sup>17</sup> See Norwegian Refugee Council and Handicap International (2016), *Challenges to Principled Humanitarian Action: Perspectives from Four Countries*, Report, Geneva: Norwegian Refugee Council and Handicap International, <https://www.nrc.no/resources/reports/challenges-to-principled-humanitarian-action-perspectives-from-four-countries>; Schenkenberg van Mierop, E. (2014), 'Coming clean on neutrality and independence: The need to assess the application of humanitarian principles', *International Review of the Red Cross*, 97(897/898), pp. 295–318, [https://international-review.icrc.org/sites/default/files/irc\\_97\\_1-2-12.pdf](https://international-review.icrc.org/sites/default/files/irc_97_1-2-12.pdf); Slim, H. (2020), 'You Don't Have to be Neutral to be a Good Humanitarian', *The New Humanitarian* blog, 27 August 2020, <https://www.thenewhumanitarian.org/opinion/2020/08/27/humanitarian-principles-neutrality>.

<sup>18</sup> Terry F. (2022), 'Taking action, not sides: the benefits of humanitarian neutrality in war', *ICRC Humanitarian Law & Policy* blog, 21 June 2022, <https://blogs.icrc.org/law-and-policy/2022/06/21/taking-action-not-sides-humanitarian-neutrality>.

<sup>19</sup> The 'triple nexus' refers to an approach that coordinates the work in the humanitarian, development and peace sectors.

debates about the role and relevance of the principles in different contexts, as illustrated by the International Committee of the Red Cross's (ICRC) call, in response to challenges to its position of neutrality, for an urgent public reflection on the issue.<sup>20</sup>

## Coherent approaches and conflict analysis

In seeking to operate in accordance with humanitarian principles, organizations that provide assistance in conflict situations aim to assure all stakeholders – host governments, opposition groups, local communities and donor states – that the role of aid organizations is purely ‘humanitarian’. In other words, that they do not support any of the parties to the conflict and that they will provide assistance on the basis of need. However, this objective often proves difficult to achieve. Reasons for this include a proliferation of diverse humanitarian organizations with varied aims and potentially conflicting agendas; the far-reaching demands placed on organizations by authorities, armed groups or other belligerents in conflict situations; differing levels of understanding of the principles and competence among the leaders and staff of humanitarian organizations; constraints imposed by project design and donor requirements; and differing levels of access to coordination mechanisms, such as cluster meetings and meetings of the humanitarian country team (HCT) – a collaborative forum chaired by the UN’s humanitarian coordinator (HC) for the country. While it is important, as far as is possible, for humanitarian actors to share the same understanding of how the principles translate into practice, such common understandings are also difficult to achieve.<sup>21</sup>

### Coherent approaches

In situations where belligerents may seek to discredit humanitarian organizations and accuse them of being partisan, a coherent and shared approach to the provision of humanitarian assistance would improve the way that these operations are perceived by national and local stakeholders, including hostile groups and local communities.<sup>22</sup> The examples below from Yemen and Syria illustrate this point. In this paper, ‘coherent approaches’ in the relief efforts of humanitarian organizations working as part of an HCT implies that these organizations must share an understanding of the context and purpose of their operations. It also suggests that the organizations that are taking part in the effort understand the roles played by others and appreciate the function of their own work in relation to that of other organizations.

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<sup>20</sup> Mardini, R. (2022), ‘Back to basics: humanitarian principles in contemporary armed conflict’, ICRC Humanitarian Law & Policy blog, 16 June 2022, <https://blogs.icrc.org/law-and-policy/2022/06/16/back-to-basics-humanitarian-principles>.

<sup>21</sup> See Montemurro, M. (2022), *The challenge of a common approach: the case of Yemen*, published in Annex to Chatham House (2022), *Internal coherence in the efforts of humanitarian organizations to operate in accordance with humanitarian principles in armed conflict*, Workshop Summary, London: Royal Institute of International Affairs, <https://chathamhouse.soutron.net/Portal/Public/en-GB/RecordView/Index/191963>.

<sup>22</sup> See Montemurro, M. and Wendt, K. (2021), *Principled Humanitarian Programming in Yemen a ‘Prisoner’s Dilemma’?*, Report, Geneva: HERE-Geneva, <https://reliefweb.int/report/yemen/principled-humanitarian-programming-yemen-prisoner-s-dilemma-december-2021>.



In Yemen, despite efforts to develop a common approach among members of the HCT, the practical operations of aid providers varied substantially, and organizations often acted unilaterally within their individual remits.<sup>23</sup> Furthermore, a lack of communication among humanitarian organizations on how to operationalize the humanitarian principles limited coherence.<sup>24</sup> In some conflict situations, such as South Sudan, perceptions among communities of bias on the part of humanitarian organizations, as well as competition among political actors for control of humanitarian resources, have contributed to cycles of violence.<sup>25</sup>

## Coherence and joint operating principles (JOPs)

A common understanding of the humanitarian principles and a coherent approach to providing assistance are important elements to ensure that local communities, authorities and belligerents recognize the impartial nature of humanitarian action, as demonstrated by the joint operating principles (JOPs) in northern Syria in 2014.<sup>26</sup> The JOPs in Syria detailed the expectation of local authorities in the affected region and the principles that guided the work of humanitarian organizations. They were negotiated among humanitarian organizations working in the area with the support of donors and the UN's regional humanitarian coordinator, and were signed by 30 non-state armed groups (NSAGs) and included a dissemination strategy.<sup>27</sup>

Such arrangements can increase the likelihood that organizations working in a region operate in accordance with a common understanding of the JOPs, which, in turn, can help in the coordination of humanitarian responses and ultimately lead to better outcomes for conflict-affected populations. Evidence from the project workshops that informed this paper and recent research shows that JOPs can lead to 'strengthened analytic capacity', 'strengthened collective leadership', and 'improved capacity to manage risk', while 'acknowledging the heterogeneity of humanitarian actors', and 'the significant role of national and local staff'.<sup>28</sup> There is general agreement among observers that the JOPs in Syria offer a positive model for improving the coherence of humanitarian responses in specific areas of a country.<sup>29</sup>

However, attempts to take a similar approach in Yemen were unsuccessful. There, important stakeholders failed to comply with the JOPs, 'which outline[d] specific points as to when to discontinue humanitarian assistance if the operating

<sup>23</sup> Ibid.

<sup>24</sup> Sida, L. et al. (2022), *Inter-Agency Humanitarian Evaluation of the Yemen Crisis*, Report, Shrewsbury: Inter-Agency Standing Committee, <https://interagencystandingcommittee.org/system/files/2022-07/Yemen%20IAHE%20Final%20Report%2C%2013%20July%202022%20%28English%29.pdf>.

<sup>25</sup> Craze, J. and Marko, F. D. (2022), 'Death by Peace: How South Sudan's Peace Agreement Ate the Grassroots', *African Arguments*, 6 January 2022, <https://africanarguments.org/2022/01/death-by-peace-how-south-sudans-peace-agreement-ate-the-grassroots>.

<sup>26</sup> See UN OCHA (2014), 'Joint Operating Principles (Protocol for Engagement with parties to Conflict)', Humanitarian Response OCHA Services, <https://www.humanitarianresponse.info/en/operations/stima/document/joint-operating-principles-protocol-engagement-parties-conflict>.

<sup>27</sup> See Avis, W. (2018), *Joint Operating Principles among humanitarian actors to improve access*, report, Birmingham: K4D, [https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/14190/456\\_Joint\\_Operating\\_Principles\\_among\\_Humanitarian\\_Actors\\_to\\_Improve\\_Access.pdf?isAllowed=y&sequence=1](https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/14190/456_Joint_Operating_Principles_among_Humanitarian_Actors_to_Improve_Access.pdf?isAllowed=y&sequence=1).

<sup>28</sup> Ibid., p. 3.

<sup>29</sup> Carter, W. and Haver, K. (2016), *Humanitarian access negotiations with non-state armed groups: Internal Guidance and Emerging Good Practice*, resource paper, SAVE, [https://www.gppi.net/media/SAVE\\_2016\\_Humanitarian\\_access\\_negotiations\\_with\\_non-state\\_armed\\_groups.pdf](https://www.gppi.net/media/SAVE_2016_Humanitarian_access_negotiations_with_non-state_armed_groups.pdf).

principles [were] not adhered to'. This showed that solutions, such as JOPs, need to be carefully crafted to respond to local conditions and require a high level of buy-in from all major humanitarian actors.<sup>30</sup>

In South Sudan, some international NGOs – sensitive to critiques that their aid, which was provided on the basis of need, was fuelling conflict among affected communities – began to base distribution decisions on the principle of equal entitlement rather than the equity implied by adherence to the principle of impartiality.<sup>31</sup> This is an example of a pragmatic trade-off relating to the humanitarian principles that, in this instance, may ultimately have better served the populations in need. It raises questions about the suitability of the principle of impartiality in situations in which communities feel a sense of equal entitlement to aid, whatever the levels of their own need.

### Conflict analysis and conflict-sensitivity assessments

A comprehensive conflict analysis of a country or a region of a country – examining the nature, drivers and actors of a conflict – undertaken alongside local conflict-sensitivity assessments – relating to the likely impact of programmes, involving humanitarian organizations as well as peacebuilding and development actors – should flag potential difficulties, such as those witnessed in South Sudan, and encourage a common effort to mitigate the risk of aid fuelling violence and resentment in communities. Such analyses and assessments should contribute to the development of a coherent position among participating humanitarian organizations on the role of each humanitarian principle in the provision of assistance in a specific context.

Humanitarian organizations may recognize the importance of conflict analysis and conflict-sensitivity assessments in programme design and in developing a coherent approach, but it may still be difficult for them to devote the necessary time and resources to carrying out these assessments and, when they do so, to reach a consensus on the details. Even if they agree, this does not mean that organizations will systematically utilize this analysis to inform operational decisions. Instructions from HQs to implement projects chosen by donors may constrain decision-making by local managers. This disconnect increases the risk of unintended negative consequences, for example violent competition between communities for humanitarian assistance.

Conflict analyses and conflict-sensitivity assessments can prevent such negative consequences by identifying critical fault lines between communities and armed groups, and establishing the drivers of conflict that may trigger violence. While the overarching analysis will need to be examined at the national level, the significant details for humanitarian organizations will relate to local rivalries

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<sup>30</sup> UN OCHA (2016), *Joint Operating Principles of the Humanitarian Country Team in Yemen: A Principled Delivery of Humanitarian Assistance in Yemen*, <https://reliefweb.int/report/yemen/joint-operating-principles-humanitarian-country-team-yemen-principled-delivery>; Harmer, A. and Stoddard, A. (2018), *Humanitarian access in armed conflict: A need for new principles?*, report, London: Humanitarian Outcomes, p. 8 and p. 13, <https://www.humanitarianoutcomes.org/publications/humanitarian-access-armed-conflict-need-new-principles>; for background on Yemen, see Montemurro and Wendt (2021), *Principled Humanitarian Programming in Yemen a Prisoner's Dilemma?*.

<sup>31</sup> Craze and Luedke (2022), 'Why humanitarians should stop hiding behind impartiality'.

and the likelihood that, within an economy based on predation, the distribution of aid to some communities can be expected to lead to violence (see the example of Oxfam's work in Afghanistan below).

Also, the conflict analysis may not deal with specific situations in which political actors have already exercised their powers to commandeer assistance for their own benefit. Such cases may include national or local authorities limiting the access of humanitarian organizations to people in areas outside their control – such as the Syrian government's refusal to allow assistance into besieged areas – the levying of taxes on the import or movement of goods, the granting of visas and the localized predation on resources through the monopolization of logistics services, as seen in Somalia or South Sudan. At the level of individual organizations, it is common in many situations for people from a specific family, clan, political or ethnic grouping to 'capture' the recruitment process within organizations and even for senior local staff to demand a percentage of the salaries of junior personnel recruited thanks to their influence. The chances of an organization falling prey to such practices are greater when the international staff deployed to manage a national office have little knowledge of the country and are likely to be rotated frequently. For more on this point, see the next section.<sup>32</sup>

## **The more humanitarian organizations, including local and national NGOs, take part in these analyses, and commit themselves to recognizing the implications for their programme planning and operations, the better.**

While recognizing that they are not a panacea for aid delivery, in most situations, conflict analysis and conflict-sensitivity assessments will result in more effective humanitarian assistance in active armed conflict. It is important for donors to understand the reasoning behind these steps and support this approach so that the necessary resources are available. The more humanitarian organizations, including local and national NGOs, take part in these analyses, and commit themselves to recognizing the implications for their programme planning and operations, the better.

For example, in Afghanistan, Oxfam staff and leaders of other humanitarian organizations used conflict-sensitivity assessments to analyse the likely impact and consequences of their own programming to help counter the risk that their assistance might stimulate conflict among communities.<sup>33</sup> Oxfam staff are required, as part of the project planning process, to show that they have achieved a balanced and optimized approach that takes into account donor conditions, conflict-sensitivity considerations and the expectation that they conduct operations impartially based on needs assessments.

<sup>32</sup> Terry, F. (2002), *Condemned to Repeat?: The Paradox of Humanitarian Action*, Cornell University Press.

<sup>33</sup> Beijer, S. and Baltaduonyte, A. (2021), *The Imperative of Conflict Sensitivity in Humanitarian Operations*, report, London: Oxfam, <https://asia.oxfam.org/latest/publications/imperative-conflict-sensitivity-humanitarian-operations>.

In the past, observers have raised concerns about the sensitivity of humanitarian organizations to the risk that their assistance may play a role in the war economy. Spurred on by crises, such as the conflicts in Ethiopia, Somalia, Sudan and South Sudan in the Horn of Africa and by the international response to the genocide in Rwanda, recent research has demonstrated how ‘political marketplace’ governance systems – where national or local economies are dependent on flows of humanitarian aid and are regulated by authorities that generate maximum benefits for themselves and their associates – have incorporated humanitarian assistance into transactional domestic politics and highlighted the paradox that providing such aid may in fact sustain conflict.<sup>34</sup> The significant levels of dependence on humanitarian aid in fragile states and countries involved in protracted armed conflicts highlights the urgency of this topic and the need for serious engagement in these discussions. Concerns that aid may perpetuate conflict have to some extent been overlooked and superseded by organizational priorities of sustaining the ever-growing levels of finance requested in humanitarian appeals.<sup>35</sup>

#### Box 1. Non-neutral aid provision in politicized aid environments

Since the military junta’s coup d’état in Myanmar in February 2021, the situation in the country has deteriorated into a protracted political crisis and a humanitarian emergency with over 800,000 internally displaced people. Due to the military’s refusal to allow the unimpeded delivery of international humanitarian aid into Chin state and Sagaing administrative region and the targeting of international humanitarian aid workers, local aid organizations continue to be best positioned to deliver aid to communities in need. Front-line actors, such as the Chin and Karenni communities, have stepped in as trusted responders in the effective and timely provision of humanitarian assistance. In this politicized environment, local humanitarian organizations have taken a pragmatic approach to deliver on the principles of humanity and impartiality. In such contexts, claiming to be ‘neutral’ would make no sense as local groups are already part of the political environment in an area resisting efforts by the junta to take control. International donors or NGOs considering funding such groups must evaluate whether to accept a situation in which the groups they support will never register with the junta, thereby exposing themselves to risks of prosecution in areas under junta control.

Documenting past collective conflict analyses, both successful and unsuccessful, can be a helpful exercise in persuading organizations to take part in collaborative efforts, such as JOPs.<sup>36</sup> Furthermore, as noted in a development study of Yemen, when applying the humanitarian principles, a collective approach is key to avoid

<sup>34</sup> See De Waal, A. (2014), ‘The Political Marketplace: Analyzing Political Entrepreneurs and Political Bargaining with a Business Lens’, 17 October 2014, World Peace Foundation, <https://sites.tufts.edu/reinventingpeace/2014/10/17/the-political-marketplace-analyzing-political-entrepreneurs-and-political-bargaining-with-a-business-lens>; Terry (2002), *Condemned to Repeat?: The Paradox of Humanitarian Action*.

<sup>35</sup> See Bowden, M. and Metcalfe-Hough, V. (2020), *Humanitarian diplomacy and protection advocacy in the age of caution*, briefing paper, London: ODI, <https://odi.org/en/publications/humanitarian-diplomacy-and-protection-advocacy-in-an-age-of-caution>.

<sup>36</sup> Sida et al. (2022), *Inter-Agency Humanitarian Evaluation of the Yemen Crisis*.

‘weakening the position of the humanitarian community’, while another report found that enabling factors to principled humanitarian action include ‘collective effort’, ‘field presence’ and ‘local relationships’.<sup>37</sup>

## Local NGOs and the principles

A key focus of this paper is the perceptions that local NGOs have of the humanitarian principles. The research workshops that informed this paper brought together humanitarian organizations based in Somalia, South Sudan, Syria and Yemen. Participants repeatedly made the point that they were being denied funding because of the perception that they are not ‘neutral’. Many local NGOs believe they are being held to a higher standard by donors and international NGOs seeking to justify denying them funding.<sup>38</sup>

### Many local NGOs believe they are being held to a higher standard by donors and international NGOs seeking to justify denying them funding.

Yet recent decisions in the context of the updated Grand Bargain 2.0 set ambitious goals for increasing funding to local NGOs.<sup>39</sup> These ambitions, however, do not seem to have taken into account the historical difficulties facing donors wishing to fund local organizations; the impact on local NGOs of donor policies that may require a commitment to the principle of neutrality; and the reality of day-to-day decision-making in the field, where agency project managers may take the ‘safe option’ and allocate funding to international NGOs over local NGOs, particularly in regard to the principle of neutrality.<sup>40</sup>

### Impartiality and neutrality

Recent events in Myanmar and Ukraine, following developments in Syria since 2011, offer stark evidence of why the concept of neutrality may be inappropriate for assessing the humanitarian action of local community organizations in some war-torn environments. Leading humanitarian researchers Fiona Terry and Hugo Slim suggest that the core principles of humanitarian action in war are humanity and impartiality and that neutrality and independence should be considered as operational postures appropriate for the ICRC and the UN, but not necessarily for local NGOs.<sup>41</sup> As first responders, local groups will act regardless of whether

<sup>37</sup> Ibid., p. 104; Montemurro and Wendt (2021), *Principled Humanitarian Programming in Yemen a ‘Prisoner’s Dilemma’?*.

<sup>38</sup> See Chatham House (2022), *Internal coherence in the efforts of humanitarian organizations to operate in accordance with humanitarian principles in armed conflict*, Workshop Summary, London: Royal Institute of International Affairs.

<sup>39</sup> The Grand Bargain of 2016 was reviewed and updated in 2022 with the Grand Bargain 2.0.

<sup>40</sup> For further discussion of this, see Barber, M. and Bowden, M. (2023), *Rethinking the role of humanitarian principles in armed conflict: A challenge for Humanitarian action*, Research Paper, London: Royal Institute of International Affairs.

<sup>41</sup> Terry (2022), ‘Taking action, not sides: the benefits of humanitarian neutrality in war’; Slim (2020), ‘You Don’t Have to be Neutral to be a Good Humanitarian’.



international aid organizations have access or are providing support.<sup>42</sup> The key test, therefore, for local NGOs seeking funds from international donors should be whether local NGOs operate impartially, and do not discriminate by ethnicity or other criteria, when deciding who should receive assistance.

Slim suggests that local humanitarian organizations that are impartial but not neutral should be referred to as ‘resistance humanitarians’.<sup>43</sup> While appreciating the historical origins of this term, the connotations of ‘resistance’ in this context are not helpful, and ‘solidarity’ is perhaps a more appropriate term to describe such organizations.

Considering the effectiveness of local NGOs, donor states and other funding partners would benefit greatly if they were to explicitly adopt the principles of humanity and impartiality as the main criteria for funding local humanitarian actors, and issue updated guidance on ways of assessing the fitness of individual organizations being considered for funding. It may, in these circumstances, be helpful to consider the relationship between the funding organization and the local NGO as ‘semi-detached’, similar to the relationship model between the ICRC and national Red Cross and Red Crescent Societies. Alongside a sustained effort to promote pooled-fund mechanisms targeted at local organizations, as well as the wider adoption of JOPs and conflict-sensitivity assessments, this re-evaluation of the core humanitarian principles can substantially strengthen the role and capacities of local organizations as essential components of the humanitarian response.

### Constraints on donors

Some donor states have cited the lack of capacity in local NGOs as a reason for not disbursing more grants to them.<sup>44</sup> These states claim that local NGOs, with a few exceptions, have limited administrative capacity.<sup>45</sup> However, in a recent article, Patrick Fine challenged this position in relation to USAID. He suggested that USAID has failed to develop its own capacity to administer the US government’s commitments to localization, and that this is unrelated to any shortage of capacity in local NGOs.<sup>46</sup> An additional political constraint is that donor states may be under domestic pressure to fund the operations of international NGOs based in their countries, rather than local organizations in the affected country.

### Pooled-fund mechanisms

In these circumstances, an effective way of supporting local NGOs is through so-called ‘pooled-fund’ mechanisms. These create an administrative framework that arranges the distribution and oversight of grants to local and international

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<sup>42</sup> Terry (2002), *Condemned to Repeat?: The Paradox of Humanitarian Action*.

<sup>43</sup> Slim, H. (2022), ‘Humanitarian resistance: Its ethical and operational importance’, 20 September 2022, Humanitarian Practice Network, <https://odihpn.org/publication/humanitarian-resistance-its-ethical-and-operational-importance>.

<sup>44</sup> See Chatham House (2022), *Internal coherence in the efforts of humanitarian organizations to operate in accordance with humanitarian principles in armed conflict*.

<sup>45</sup> Fine, P. (2022), ‘Rethinking the constraints to localization of foreign aid’, Brookings Institution, 1 December 2022, <https://www.brookings.edu/blog/future-development/2022/12/01/rethinking-the-constraints-to-localization-of-foreign-aid>.

<sup>46</sup> Ibid.

NGOs. The UN Office for the Coordination of Humanitarian Affairs (OCHA) has set up several such country-based funds, including in Afghanistan, the DRC and South Sudan. Non-UN channels for pooled funding include the Start Network, some faith-based organizations, such as Christian Aid, and the international NGOs, Mercy Corps and Norwegian People's Aid (NPA), which distribute the resources they raise to local organizations rather than setting up local branches of their own organization. This is also the model used by many diaspora organizations that collect resources internationally and use the funds to support several local groups undertaking projects in their home countries, such as CanDo, a UK-based charity that supports aid work in Syria.

Currently, pooled funds receive only a small proportion of overall humanitarian funding, estimated at about 6 per cent of all assistance in 2022.<sup>47</sup> As a result, there is considerable scope for expansion in the financing of pooled funds, and for policy decisions that increase the proportion of such funding that goes to local and national NGOs.

## Recruitment and training practices of humanitarian organizations

Organizations everywhere confront challenges relating to recruitment, retention, training and personnel management. Humanitarian organizations face two additional issues in relation to the humanitarian principles: the limited knowledge of international staff of the local context, and the risk that local staff from one political or ethnic affiliation may monopolize local staff positions and jeopardize the organization's impartiality.

### Contextual learning

Participants at the workshops for this paper noted that in certain current protracted crises, such as in Somalia, local district officials may be more knowledgeable about the humanitarian principles than the international staff of the humanitarian organizations working there.<sup>48</sup> Previous sections of this paper have emphasized the complex and context-specific nature of the environments in which humanitarian assistance is offered during armed conflict. Decisions taken by project managers and their staff on where and how to distribute aid may have serious unintended negative consequences.

While the risks of such outcomes can never be eliminated altogether, there are several steps that organizations can take to reduce the level of risk. These include formally recognizing that it is essential to adopt clear policies, adapted to each context, that define the organization's approach to the humanitarian principles in the circumstances pertaining to that context.

<sup>47</sup> Urquhart, Girling-Morris, Nelson-Pollard and Mason (2022), *Global Humanitarian Assistance Report 2022*.

<sup>48</sup> Chatham House (2022), *Internal coherence in the efforts of humanitarian organizations to operate in accordance with humanitarian principles in armed conflict*.

However, the risks of suboptimal decision-making will increase if there is no agreed conflict analysis on which an organization can base its approach; if staff deployed to situations of ongoing armed conflict do not receive consistent and detailed training on their own organization's policies regarding the principles; and if staff turnover is high, particularly among international employees.

### Box 2. Managing perceptions of neutrality – the Lebanese Red Cross<sup>49</sup>

The Lebanese Red Cross is a key actor in local humanitarian aid provision, particularly for health-related emergency assistance. Its commitment to humanitarian principles has allowed it to gain and maintain the acceptance of, and access to, local populations. In particular, the systematic and consistent application of the principle of neutrality – a core element of its operational posture – has facilitated, in circumstances analogous to those seen during an armed conflict, the provision of services to areas that are inaccessible to organizations and agencies linked to governments. Although an auxiliary to the medical service of the Lebanese army, the Lebanese Red Cross's independence is respected. It has achieved this by investing in intensive routine training for national staff on neutrality. Furthermore, staff use aliases to remove associations with ethnic groups, religions or other markers of identity that may cause tensions.

It is important to acknowledge that there is increased focus on training and support within the humanitarian community. Much of this has been based on peer-support initiatives such as Professionals in Humanitarian Assistance and Protection (PHAP) and the Global Executive Leadership Initiative (GELI). Many staff entering the humanitarian sector may also have been to one of the postgraduate courses in humanitarian studies that are now available. However, few of these training and learning opportunities relate to the specific circumstances in a particular country. Moreover, the current focus on leadership training is too often seen as a means of fixing the humanitarian system rather than addressing some of its systemic challenges.<sup>50</sup>

The perception that generic training is more important than context-specific knowledge may have encouraged the idea among some staff that broad education programmes and experience in one conflict-affected country will prepare them for service in other situations.<sup>51</sup> This has led some to believe that short assignments in many different contexts is a better professional path than longer assignments in fewer places. In situations where the focus is on ensuring the

<sup>49</sup> Chatham House (2022), *Roundtable on the humanitarian principle of neutrality*, Workshop Summary, Royal Institute of International Affairs, <https://chathamhouse.soutron.net/Portal/Public/en-GB/RecordView/Index/191240>.

<sup>50</sup> Ramalingam, B. and Mitchell, J. (2022), *Learning for Humanitarian Leadership: What it is, how it works and future priorities*, report, London: Active Learning Network for Accountability and Performance in Humanitarian Action, <https://www.alnap.org/help-library/learning-for-humanitarian-leadership-what-it-is-how-it-works-and-future-priorities>.

<sup>51</sup> See Ostrom, E. (2001), *Aid, Incentives, and Sustainability: An Institutional Analysis of Development Cooperation*, report, Sweden: Sida Studies in Evaluation, <https://cdn.sida.se/publications/files/sida1599en-aid-incentives-and-sustainability---an-institutional-analysis-of-development-cooperation---summary.pdf>.

impartiality of humanitarian action, this approach is counterproductive and should be resisted more vigorously than is currently the case in most organizations.<sup>52</sup>

While codes of conduct provide basic guidance on the humanitarian principles, these may not be differentiated according to the type of organizations involved and the nature of their work.<sup>53</sup>

Instead, what is needed are regular training sessions for field staff of humanitarian organizations to initiate international and national staff on how their organization applies the principles in practice in specific contexts, and how staff should respond in specific situations. These approaches will have been developed from examples of responses that have worked in the past. Training sessions should be evaluated yearly to ensure effective uptake by staff and to help refine these education programmes.

### **Monopolizing recruitment opportunities**

Recruiting local staff is a critical issue in managing UN, Red Cross and international NGO offices in conflict-affected countries. The project workshops and the authors' experiences have shown that allowing employees from a single political, ethnic or business group to make up the majority of recruitment can lead to problems. In such cases, the impartiality of the organization may be compromised, and the information provided to senior managers may reflect the bias of these staff members. Therefore, it is essential that recruitment is based on merit and that a diverse pool of candidates is considered to ensure impartiality and effectiveness in humanitarian operations.

### **Maintaining archives as a training tool**

At the workshops, participants also emphasized the importance of learning from experience, and the value of processes that encourage staff to learn from documentation of previous decision-making. It was therefore of concern to hear of examples where archives of important humanitarian offices have been destroyed in the absence of clear policies that they should be retained and made available both to current staff and to academic researchers.

## **Humanitarian leadership, integration and the principles**

Since the creation, in 1991, of the post of emergency relief coordinator (ERC) and the Inter-Agency Standing Committee (IASC) – the body designed to ensure coordination of humanitarian operations among organizations of the UN system, the Red Cross and Red Crescent Movement and international NGOs – there have

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<sup>52</sup> See Wild, L. and Foresti, M. (2011), *Politics into practice: A dialogue on governance strategies and action in international development*, Conference report, London: ODI, <https://odi.org/en/publications/politics-into-practice-a-dialogue-on-performance-strategies-and-action-in-international-development>.

<sup>53</sup> See International Association of Professionals in Humanitarian Assistance and Protection (undated), 'Certification in Applying Humanitarian Principles in Practice', <https://phap.org/cp-ahpp>; see Booth, D., Harris, D. and Wild, L. (2016), *From political economy analysis to doing development differently: a learning experience*, Report, London: ODI, <https://odi.org/en/publications/from-political-economy-analysis-to-doing-development-differently-a-learning-experience>.

been successive attempts to strengthen the coordination of humanitarian action in support of the UN's overall goals at the country level, and in accordance with humanitarian principles. These efforts have been carried out in consultation with colleagues in charge of the UN's political, peacekeeping and development efforts, and with the heads of member agencies of the IASC. In the highly politicized and complex circumstances of countries affected by protracted armed conflict, this has been an extraordinarily challenging task. ERCs and humanitarian coordinators (HCs) – the representatives of the ERC at the country level – must deal with competing priorities, conflicting interpretations of the humanitarian principles and siloed reporting and accountability processes. This, in turn, may have implications for the legitimacy of humanitarian organizations and can undermine their assistance operations.

### **'Double-' and 'triple-hatting'**

The leadership structures of humanitarian coordination systems have inherent tensions, due to different senior UN officials being in charge of different aspects of responses. The HC is responsible for supporting the coordination of all organizations involved in the humanitarian response plan (HRP) through the inclusive mechanism of the HCT. Where there is no resident special representative of the secretary-general (SRSG), the UN resident coordinator (RC) is the most senior UN representative in the country responsible for coordinating UN development activities and representing the UN in government relations, and in most crises they are also designated as the HC. This designation requires the approval of the ERC and is referred to as double-hatting.

## **The UN has been engaged in prolonged internal discussions with UN agencies, funds and programmes to establish the best way to manage integration and demonstrate coherence as 'one UN'.**

However, the way in which the RC manages, or is perceived to manage, their political role and the UN's development role in support of local government often creates tension between the NGO community and both UN agencies and programmes. There are concerns that the political function in maintaining the UN's presence in a country will limit the RC/HC's advocacy role and support for operational independence.

In countries facing a protracted political crisis and prolonged conflict, the UN may have either a peacekeeping mission or a Special Political Mission. In such cases, the UN has tried to integrate the RC/HC functions into the UN mission structure by creating a post of deputy special representative of the secretary-general (DSRSG), which involves other mission-specific responsibilities alongside the RC and HC functions, making it a triple-hatted role. The tensions within the humanitarian community regarding UN leadership are further exacerbated by concerns regarding the DSRSG/RC/HC's reporting line to the SRSG, and the lack of clarity regarding the SRSG's leadership role as the most senior UN official in country. To address these



issues, the UN has engaged in prolonged internal discussions with UN agencies, funds and programmes to establish the best way to manage integration and demonstrate coherence as ‘one UN’. UN agencies are concerned about maintaining their independence and worry that SRSGs may try to make use of humanitarian assistance for political objectives. Additionally, where there is a peacekeeping operation there are concerns that peacekeepers may be perceived as parties to the conflict, which could affect the neutrality of humanitarian organizations associated with the UN mission in the eyes of parties to the conflict and the civilian population.<sup>54</sup>

The issue of double- and triple-hatting is one part of a broader set of questions relating to the leadership of international humanitarian efforts. In most situations where humanitarian aid is offered by international bodies, the organization of aid is highly fragmented.<sup>55</sup> The coordination and effectiveness of humanitarian assistance relies on the HC’s ability to develop a consensus among humanitarian agencies to an agreed strategy and a common appeal process. However, in the UN family it is not uncommon for some heads of larger agencies to argue that their ‘mandates’ justify their resistance to the coordinating role of the HC. In addition, international NGOs may point to the principle of independence as justification, however misguided, for operating outside of an overall coordination framework.

These difficulties are likely to be even more pronounced in two specific contexts. First, when efforts to introduce common approaches to conflict analysis and conflict-sensitivity assessments are resisted by some key actors, and second, when there is a lack of clarity over the roles and responsibilities of the UN’s senior officials. Based on a series of interviews with senior UN officials and agency heads, an ODI study found that ‘lack of clarity on the different roles and responsibilities of UN entities and leaders, and a failure to harness the organization’s multidisciplinary capacities and authority, inhibit more robust engagement by UN leaders with conflict parties and third-party states on their responsibilities to protect civilians’.<sup>56</sup> Decisions around the designation of HCs, and the appointment, in some cases, of senior officials of OCHA and other UN agencies with regional responsibilities have led to some confusion. For example, OCHA and the office of the UN High Commissioner for Refugees (UNHCR) have offered different and conflicting interpretations of the responsibilities of their regional representatives covering the Syria conflict.<sup>57</sup> The lack of clarity over roles and responsibilities is compounded by weak accountability and performance management structures of the UN in the field.

To minimize the risks of confusion and maximize the chances of benefitting from a coherent approach, it is important in conflict situations that UN humanitarian actors, in the context of the coordinating role of the IASC, clarify structural relationships and responsibilities, particularly where an appeal by UNHCR for refugees overlaps with a coordinated humanitarian response plan for the country. This needs to be resolved by the ERC and the UN High Commissioner for Refugees.

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<sup>54</sup> Bowden and Metcalfe-Hough (2020), *Humanitarian diplomacy and protection advocacy in the age of caution*.

<sup>55</sup> See Chapter 9 in Barber, B. (2014), *Blinded by humanity: Inside the UN’s Humanitarian Operations*, I.B. Tauris.

<sup>56</sup> Bowden and Metcalfe-Hough (2020), *Humanitarian diplomacy and protection advocacy in the age of caution*.

<sup>57</sup> Personal communication with the authors by Kevin Kennedy, former UN regional humanitarian coordinator for the Syria crisis.

Within this highly complex coordination framework, where clarity of reporting lines and accountability are critical, there remains in place a significant anomaly that the ERC could address immediately. At present, the heads of OCHA offices in war-torn countries report not to the HC, whose role they are expected to support and facilitate, but to the OCHA headquarters in New York. This weakens the coordinating role of the HC, increases the temptation for heads of OCHA offices to claim unjustified levels of autonomy, and increases the chances of disunity in the HCT.

## Humanitarian principles and the ‘triple nexus’

In several protracted conflict situations, the UN and the members of the Development Assistance Committee (DAC) of the OECD have adopted what is known as a ‘triple-nexus’ approach. In a formal definition of ‘the triple nexus’ and ‘the nexus’ approach, the DAC states:

[Triple] Nexus refers to the interlinkages between humanitarian, development, and peace actions. [The] Nexus approach refers to the aim of strengthening collaboration, coherence, and complementarity. The approach seeks to capitalize on the comparative advantages of each pillar – to the extent of their relevance in the specific context – to reduce overall vulnerability and the number of unmet needs, strengthen risk management capacities and address root causes of conflict.<sup>58</sup>

The triple-nexus approach implicitly recognizes the requirement for humanitarian operations to be based not only on an assessment of emergency humanitarian needs, but also on the requirement to seize opportunities to promote peace, and to support the resilience of national and local institutional capacities.

However, some humanitarian organizations insist on the separation of the humanitarian objective of preserving lives and dignity above all other priorities, and these actors worry that close association with peacebuilding and developmental efforts may compromise their impartiality and neutrality.

Furthermore, current financing models for applying the triple-nexus approach in failed or fragile states mean that peacebuilding and development programmes are likely to remain seriously underfunded, with the vast bulk of resources going to support urgent humanitarian programmes.

### Conflict analysis, the principles and the triple nexus

An analysis of the overall political context, as proposed above, is of particular importance when considering the adoption of a triple-nexus approach in situations where an armed conflict is still ongoing.

Supporters of the nexus approach in protracted armed conflict, point to the value of peacebuilding and development expertise in helping humanitarian organizations to shape their programmes in ways that not only meet urgent needs, but also contribute to resolving local conflicts and promoting the resilience

<sup>58</sup> See OECD Development Assistance Committee (2019), *DAC Recommendation on the Humanitarian-Development-Peace Nexus OECD/LEGAL/5019*, Paris: OECD Development Assistance Committee, p. 6, <https://legalinstruments.oecd.org/public/doc/643/643.en.pdf>.

of local communities, services and structures. Such initiatives can also inform the operationalization of the humanitarian principles in ways that are conflict sensitive and respectful of commitments to minimize the negative consequences of humanitarian action.<sup>59</sup>

Opponents of such an approach argue that the overriding consideration in humanitarian emergencies is to save lives and meet the immediate needs for food, shelter and medical care of the civilian population, and that other considerations must be secondary.<sup>60</sup> However, all humanitarian aid demonstrably influences the dynamics of conflict, and it is critical to take this impact into account in all activity.<sup>61</sup>

As a result, there is a risk that humanitarian actors and their operations may become a part of the conflict itself.<sup>62</sup> The extent to which this may be problematic in any given context is precisely the kind of question that a conflict analysis would address. In some contexts, the triple-nexus approach is playing a key role in improving collaboration between peacebuilding, humanitarian and development actors, and should be encouraged wherever the conflict analysis identifies potential benefits. This will require a systematic and regular review and updating of conflict analyses, and the readiness of donors both to finance this work and to support the peacebuilding initiatives that may emerge from these processes.

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<sup>59</sup> See Chatham House (2022), *Donor perspectives on operating in accordance with humanitarian principles in armed conflict*, Workshop Summary, London: Royal Institute of International Affairs, <https://chathamhouse.soutron.net/Portal/Public/en-GB/RecordView/Index/202190>.

<sup>60</sup> Hilhorst, D. (2018), 'Classical humanitarianism and resilience humanitarianism: making sense of two brands of humanitarian action', *International Journal of Humanitarian Action*, 3(15), <https://doi.org/10.1186/s41018-018-0043-6>.

<sup>61</sup> See De Waal (2014), 'The Political Marketplace: Analyzing Political Entrepreneurs and Political Bargaining with a Business Lens'; Terry (2002), *Condemned to Repeat?: The Paradox of Humanitarian Action*.

<sup>62</sup> Ibid.

## Conclusion

Humanitarian organizations, which claim to operate in accordance with humanitarian principles, can improve the outcomes for civilians in armed conflict by working together in a coherent manner and utilizing an overall conflict analysis, developed and adopted by all relevant actors, including local communities.

Consideration of the humanitarian principles in assistance operations must take place within the broader context of efforts both to bring a conflict to an end and to sustain and support the agency and capacity of local people and communities to survive and thrive. International efforts in war-torn countries must respond to demands from local communities rather than abstract ideas of objective needs, as defined by external actors. In relation to most current armed conflicts, including the four (Somalia, South Sudan, Syria and Yemen) considered at the workshops for this project, local people and communities need opportunities to contribute to discussions about the hard choices faced by humanitarian organizations, and to play a leading role in the design and management of the humanitarian response.

## Recommendations

### 1. Utilize coherent approaches, conflict analysis and conflict-sensitivity assessments

- Where this is not already happening, conflict analysis and conflict-sensitivity assessments need to incorporate political-economy analyses, including local and regional assessments. In preparing the analysis for HCTs and the drafting of HRPs, HCs should routinely commission work on the political economy of different regions of a country and draw on the knowledge and perspectives of peacebuilding and development actors, as well as local partners, to identify potential conflict-sensitivity risks.

*Responsibility of:* HCs and HCTs.

- To strengthen and distribute conflict analysis, humanitarian organizations can develop more effective information-sharing mechanisms between organizations. Managers must confront any tendency towards secrecy that encourages competition and replace it with a culture of openness and mutual support.

*Responsibility of:* Executive heads of IASC agencies, donors, HCs, HCTs, all humanitarian organizations, including local NGOs for implementation.

- Joint operating principles (JOPs) and operational ground rules will look different in every context, but essential principles for the development and implementation of JOPs should include:
  - a) The participation of local political and military authorities in the area;
  - b) The participation of all UN and Red Cross and Red Crescent entities, as well as international and local NGOs active in the area;
  - c) Agreement among participants on a chair or facilitator to oversee the negotiations;

- d) Signed agreement to the JOPs by all participants, at both local and HQ level, to ensure that local managers will not be required by their head office to implement projects that do not fall within the scope of the agreed JOPs;
- e) An agreed schedule of reviews; and
- f) An agreed dispute resolution mechanism.

*Responsibility of:* Executive heads of IASC agencies, HCs, HCTs, all humanitarian organizations, including local NGOs.

## **2. Increase funding to local NGOs and review the role of humanitarian principles**

- To meet their commitments under the Grand Bargain and to strengthen local response capacity, donors should substantially increase their support to local NGOs through pooled-fund mechanisms. Where such mechanisms are not in place, donors should work with OCHA and other providers of pooled-fund mechanisms to set them up and agree targets for increasing the proportion of funding channelled to local organizations.

*Responsibility of:* Donors, OCHA and other providers of pooled funding, HCs, HCTs and local NGOs.

- Donors should also review the terms of their funding agreements to ensure that they do not inadvertently permit local managers of UN or international NGO agencies to cite the humanitarian principles as a reason for disqualifying local NGOs from funding support.

*Responsibility of:* Donors, OCHA and local NGOs.

- Blanket policies requiring that all organizations in receipt of funding must operate in accordance with all of the humanitarian principles will negatively impact the work of donors. Instead, policies and requirements should reflect each context. Donors should work together and with the ERC to elaborate appropriate policies for each conflict situation.

*Responsibility of:* Donors and the ERC.

## **3. Reform recruitment and training practices of humanitarian organizations**

- Training specific to the challenges of operating in accordance with humanitarian principles in different contexts will ensure that the personnel of humanitarian organizations are prepared. Specialist training organizations could develop programmes of political, social, cultural and language training for international staff being deployed to specific field posts. Just as security training is a precondition for field deployment, contextual training should also be required. Training programmes should be evaluated annually to ensure effective uptake by staff and to refine the materials.

*Responsibility of:* All humanitarian organizations, training providers and donors.

- Improving institutional memory is a crucial goal for humanitarian organizations. A comprehensive review is needed of policies covering the destruction of files and archives after a pre-determined passage of time. Major organizations should invest in digital archiving of materials and



develop policies of openness to reputable researchers and universities, to ensure that lessons from earlier experiences are not lost.

*Responsibility of:* All humanitarian organizations.

- Humanitarian organizations also need to review their staff management processes and practices to identify systemic problems and to ensure, for example, that their recruitment of local personnel does not lead to bias in their operations, through the employment of candidates from only one ethnicity or political faction.

*Responsibility of:* Executive heads of IASC agencies for policy guidance.

All humanitarian organizations for implementation, with support of donors.

#### **4. Clarify the roles and responsibilities of humanitarian leadership**

- To minimize the risks of confusion and maximize the chances of benefitting from a coherent approach, there needs to be greater clarity on the roles of different entities within the UN system and how they should work together in strategic coordination to ensure maximum impact. The restoration of the management reporting lines between the HC, the deputy HC and OCHA's head of office should strengthen the role of the HC.

*Responsibility of:* The ERC, OCHA, UNHCR.

#### **5. Adopt a triple-nexus approach**

- Where indicated by the conflict analysis, HCs and HCTs in all contexts of ongoing armed conflict should incorporate the results of consultations with peace and development actors and local partners in the framework of a triple-nexus approach. This is a key component of an HRP that should be reviewed annually, and the results reported to the IASC and donors.

*Responsibility of:* Executive heads of IASC agencies for policy guidance. HCs and HCTs, with support of peace and development partners for implementation.

## About the authors

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The Sanguine Mirage project is a Chatham House research initiative funded by the governments of Germany, Sweden and Switzerland. It began from the authors' recognition of a fundamental contradiction between the actions of belligerents in protracted armed conflicts and the principles of humanity, impartiality, neutrality and independence to which humanitarian organizations are committed.

The project aims to offer recommendations designed to bring about substantial improvements in outcomes for civilians, both in the short and long term.

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