Occasional Paper #35

PROTECTING HUMAN RIGHTS:
THE CHALLENGE TO HUMANITARIAN ORGANIZATIONS

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CONTENTS

DEDICATION

In Guatemala in 1976, our friend and colleague Fred Cuny witnessed how people recovering from a natural disaster had no defense from violence at the hands of their own government. Thereafter, the threat of violence figured prominently in his thinking as he responded to myriad emergencies before his untimely death in 1995. The larger political or military realities that might endanger those receiving assistance were always reflected in his strategies, be it in locating latrines for Ethiopian refugee women in the Sudan or in providing water for Sarajevo citizens out of the line of sniper fire. His clarity of understanding and his innovative and practical approaches to relief confirmed the need to situate assistance activities within a protection framework, broadly understood. This occasional paper is dedicated to his memory and his work.

PREFACE

We are pleased to make available this occasional paper to the increasingly wide circle of humanitarian practitioners, development workers, policy analysts, and members of the international public concerned with human rights. Among key international policy issues of the day, protecting human rights in complex emergencies is clearly one of the most pivotal.

Until recently, many relief workers have been reluctant to come to terms with issues of protection. Their task, as they see it, centers on the delivery of emergency assistance to needy populations. That represents a tall order in its own right, particularly in the post-Cold War environment of collapsing states and fight-to-the-death insurgencies. In the view of many aid workers, introducing the more ostensibly political—and potentially controversial—issue of human rights into their portfolios is diversionary, and perhaps even counterproductive. Picking up the cudgels for human rights may jeopardize hard-won access to those in need of assistance, dependent as it is upon cooperation, or at least acquiescence, by those in control. Better, they reason, that aid staff in the field and administrators in headquarters continue to focus on the urgent relief task at hand.

The reality is that those on the front lines nowadays often find themselves present when rights are violated. Indeed, their own activities may serve as a magnet for such violations. Their agencies are more and more in the dock for providing assistance that is seen as perpetuating conflict and suffering. Responding to criticisms that they are implicated in the "well-fed dead" scenario, aid officials themselves concede the limited utility of sustaining life only to have it jeopardized by repressive authorities or renegade elements. The imperative to assist, framed in isolation from the concomitant imperative to protect, can produce humanitarian action of a short-sighted and threadbare variety.

In keeping with the work of the Humanitarianism and War Project, this occasional paper approaches humanitarian action as encompassing (1) the delivery of relief and other life-saving and

life-supporting assistance, and (2) the protection of basic human rights, which include the right to life as well as to food and shelter. In some quarters, assistance and protection activities are viewed as involving separate, distinct, and sometimes contradictory sets of activities: the former concerning the sustenance of physical life, the latter the realization of fundamental civil and political freedoms. Our approach, by contrast, is to view assistance and protection as complementary rather than competitive. The sometimes very real tension between assistance and protection, however problematic for concerted and effective action, is inherent in the nature of things. The solution is not to deny the tension, but rather to manage it skillfully.

Accordingly, the occasional paper seeks to provide aid personnel an analytical framework for understanding the protection challenge, reinforced by instructive examples from specific crises. Chapter 1 reviews the changed international geopolitical context within which today's humanitarian action takes place. Chapter 2 examines practical strategies that have been devised for protecting imperiled refugees, internally displaced persons, and other vulnerable groups. Focusing in a bit more narrowly, Chapter 3 explores the dilemmas inherent in the specific challenge of mounting aid operations among belligerents and criminals. Chapter 4 looks to the challenge of improving protection in the future.

The present occasional paper is complemented by three others in various stages of production. *A Humanitarian Practitioner's Guide to International Law*, by William O'Neill, already published as Occasional Paper #34, presents an overview of the international legal framework for humanitarian action. *Assistance and Protection: The Gender Connection*, written by Julie Mertus with Judy Benjamin and appearing later this year, reviews issues affecting the protection of women and girls.

A third study examines the extent to which human rights are currently integrated into the functioning of selected departments and agencies of the UN system, as mandated by the UN Secretary-General. Conducted by Karen Kenny and carried out in collaboration with the International Human Rights Trust, the review will be published by the Watson Institute early next year.

The overarching theme of the present volume, reinforced in its own way by each of the three companion occasional papers, is that the full range of human rights to which all persons are entitled—economic, social, and cultural as well as civil and political—deserve more effective protection by the international community and its humanitarian institutions. Such protection represents a challenge both to agencies that have either protection or assistance mandates and to those that have both. It also has implications for humanitarian organizations with development and relief portfolios as well as for those whose preoccupation is solely with emergency relief.

The common theme of all four of these studies is that protecting human rights will require innovative, concerted, and reinforcing action comprised of protection as well as assistance elements. In fact, the prevailing thinking in terms of dichotomies—between protection and assistance and between the agencies involved in each—needs to give way to more holistic understanding and programming.

We have had difficulty doing justice to the subject of protecting human rights within the page constraints of a single occasional paper. Aware of the limited time and energy of aid personnel, we have tried to distill the essentials into a single volume. We have also sought to strike a balance between overarching policy issues and specific illustrative examples from the operational arena. We have placed a premium on clarity and readability, suggesting resources in Appendix II for those who would like additional detail.

The study reflects an interactive process that, we believe, has lent substance and credibility to the product. We have had the benefit of input from senior officials of North American NGOs who, in a series of policy dialogues, have addressed human rights concerns in meetings in March 1997, January and May 1998, and May 1999. A somewhat different perspective on the issues was provided at a meeting of the Steering Committee for Humanitarian Response in June 1998 in Geneva, involving the heads of the eight major NGO coalitions and the ICRC. Our study has also received

input from a focus group of humanitarian organizations which, using the internet as a vehicle, exchanged views on these matters during 1998. We hope that the same organizations and networks that have contributed to the text, along with others that are discovering our materials for the first time, will make use of the product for discussion and training purposes.

The publication of this and the other three occasional papers, like the research on which our human rights work is based, would not have been possible without generous financial support and encouragement from the Ford Foundation, the Andrew W. Mellon Foundation, and the Netherlands Government. Contributions have also been received from the other institutional members of the Humanitarianism and War Project, listed in Appendix III.

We are also indebted to a number of colleagues who read earlier drafts of the manuscript and gave us detailed reactions and suggestions. These include Roberta Cohen of the Brookings Institution; William O'Neill, a private consultant; Andrew Jones of Care-USA; James Ron and Nina Tannenwald of the Watson Institute; and former co-Director of the Humanitarianism and War Project, Thomas G. Weiss, now at The Graduate Center of the City University of New York. The preparation of the manuscript and its editing has had the benefit of assistance from Fred Fullerton, George Potter, Margareta Levitsky, and Kevin von See Dahl of the Watson Institute. Andrew Blackadar, Manager of the Project, contributed research that is reflected in Chapter 1. My own role has involved active back-and-forth with the authors, weaving their materials together into a single whole and situating these issues in relation to earlier project research.

Publication of a study on protecting human rights comes at a propitious moment. It is a time of rapprochement, however tentative and preliminary, between the relief and human rights communities—or, in our parlance, between the assistance and protection branches of the humanitarian enterprise. We hope this volume will encourage and deepen that conversation and collaboration. This is also a time of rethinking humanitarian agency missions and mandates. We hope this volume will contribute to a

wiser and more disciplined division of institutional labor. Now that the heady interventionism of the early post-Cold War years of the decade has given way to retrenchment and a failure of nerve, we hope that this volume will inform, strengthen, and embolden international resolve in the new millennium.

Finally, the volume comes as humanitarian organizations sort out the cataclysmic experiences of the Kosovo crisis. The fact that the refugee crisis in Albania and Macedonia to which the agencies responded had its origins in a protection crisis in Kosovo to which the international community failed to respond effectively lends urgency to the core purpose of this occasional paper: that of understanding the protection challenge and of devising more effective ways to protect human rights.

As with all our publications, we are committed to the widest possible dissemination. This volume is now available at the Watson Institute web site as well as in hard copy. We encourage readers to provide us with reactions and suggestions. Since we are actively engaged in ongoing work on these issues, your comments will inform our own evolving understanding and subsequent efforts.

Larry Minear, Director
Humanitarianism and War Project
Providence, Rhode Island
July 1999

INTRODUCTION

This occasional paper highlights the practical challenges faced by humanitarian organizations in protecting civilians in today's armed conflicts. It understands the concept of protection to involve ensuring respect for the full range of human rights, which, enumerated in the United Nations Charter, are the birthright of every human being.

These rights include economic, social, and cultural rights that have traditionally been the focus of assistance agencies and civil and political rights that, over the years, have preoccupied human rights groups. Of particular relevance for persons affected by today's conflicts are such rights as freedom of expression, religion, and education, the right to seek asylum, and the right not to be forcibly returned to a country in which one's life or freedom would be at risk (refouled).

One major dimension of protection involves promoting compliance with existing legal safeguards. The framework of international law, which protects civilian populations and within which humanitarian organizations function, is the subject of an earlier volume in the Humanitarianism and War series by William G. O'Neill, *A Humanitarian Practitioner's Guide to International Human Rights Law*.

A second dimension of protection concerns practical measures to enhance the security of individuals and populations in danger. Such measures seek to prevent or deter attacks on one's person, whether in the form of direct assaults, torture, or cruel, inhuman, or degrading treatment or in the form of deprivation of the essentials of survival. Practical protection is the subject of the present volume.

Protection in its practical aspects comprises a multiplicity of activities, arenas, and dynamics. A recent enumeration by one humanitarian agency of the specific protection-related activities that its staff has been called upon to perform included the following:

- Monitoring the treatment of threatened minority groups and intervening on their behalf when necessary;
- Investigating specific cases of alleged abuse;
- Assisting besieged populations unable or unwilling to move from their homes;
- Relocating civilians from conflict to safer areas;
- Securing safe passage of civilians through conflict lines;
- Intervening to prevent the return of civilians to unsafe areas;
- Promoting voluntary return of refugees and displaced persons to their homes;
- Providing protection and assistance in temporary relief centers;
- Helping to provide individuals with the necessary documentation; and
- Participating in reconciliation between returnees and local residents.[1]

Although not highlighted in this list, activities that provide relief may have protection potential.[2] Through the conduct of emergency feeding programs, for example, international aid staff may help prevent abuses just by being on hand. Activities such as the delivery of food parcels to minority pensioners have an implicit protection component, working to deter harassment from the majority population. "Relief organizations are often involved, de facto, in protection. When mass starvation is used as a weapon against civilians, those providing food engage in a form of protection work."[3] Assistance offers a point of access to endangered populations and can prevent, or at least mitigate, the effects of human rights abuses.

Some relief activities may take on a more intentional and assertive character in the service of protection objectives. For example, they may build on the presence of international or national aid personnel and their existing assistance activities to collect, analyze, and pass on information about abuses. Aid staffs providing relief in instances of physical or psychological trauma may watch for and marshal evidence regarding patterns of human

rights abuse. A number of aid agencies are seeking to make their existing activities more sensitive to human rights indicators and more aware of human rights abuses.

Issues at the Interface

Humanitarian assistance is much more than relief and logistics. It is essentially and above all about protection — protection of victims of human rights and humanitarian violations.

Sadako Ogata
UN High Commissioner for Refugees

Effective protection, however, requires more than presence or data collection about human rights violations. Some aid agencies are thus planning and mounting activities specifically designed to reduce the vulnerability of civilian populations to violence, forced displacement, or other forms of abuse. For example, they may develop and locate programs specifically to reach at-risk minorities or women or may designate a focal point person on protection to spearhead efforts in a given crisis or location. Programs may include the dissemination of the principles of international law and the promotion of human rights information through radio broadcasts.[4]

Protection activities take place in a variety of arenas. Many of the functions noted above are mounted at the level of the local community or the national capital in a crisis-affected country. Thus, agencies working in the southern Sudan have interceded to prevent the bombing of market towns by the Khartoum authorities and have protested against sieges directed at government-held towns by the Sudan People's Army.

Protection often has an international dimension, encouraging reinforcement from donor government capitals or the United Nations. In 1998, work by the Washington-based Kosovo Action Coalition, using information from agencies on the ground, lobbied the U.S. government against establishing "humanitarian centers" operated by Serb authorities in Kosovo. The fear was that such centers would place ethnic Albanians at additional risk by concentrating them in particular areas where they could be attacked or arrested. Macro-level activities can reinforce micro-initiatives, and vice versa.

One of the key elements in protection is advocacy, or engaging the political authorities in the interest of safeguarding basic human rights. Here again a multiplicity of strategies, activities, and styles exists, ranging from quiet diplomacy to public condemnation. Aid agencies that, in the process of providing emergency relief, witness human rights abuses may provide confidential information to international organizations, diplomats, or the media, who in turn challenge the authorities. They may also choose to denounce violations of international law themselves, though, if it means risking their hard-won access to vulnerable populations, most would probably favor the protective cover of group action. Efforts geared to holding rights violators more accountable can have an important protection payoff.

The dynamics of protection vary from situation to situation. In some instances, the presence of unarmed civilians alone can provide reassurance to beleaguered populations. For example, one official for the UN World Food Program, making the rounds with food deliveries to ethnic Albanian communities in Kosovo in early 1999 before the NATO bombing began, was asked by families to leave his truck parked in the town square as a deterrent to violence. They needed protection more than food.

In others situations, specialized personnel with more robust terms of engagement may be required, whether unarmed civilian police deployed to safeguard vulnerable groups or international military contingents with rules of engagement that allow for the use of force to protect civilians. The mandates of international

police and peacekeeping forces, however, often do not specify (or are not interpreted to provide) protection roles beyond the security of their own contingents. In fact, the protection of their own personnel ("force protection") rather than protection of civilian populations has often been their emphasis.

The dynamics of protection also reflect the number and constellation of humanitarian organizations engaged. Sometimes a single organization such as the ICRC is involved, while on other occasions a coalition of groups may take more concerted action. In the latter case, strategies may be collectively negotiated as part of a community-wide approach that results in joint operational policy to counter violence against civilians. Sometimes the ground rules bind a coalition of agencies working in a given sector (e.g., health); other times organizations are active across a wide range of sectors. In either case, attention to comparative advantage will seek to enlist what each agency or type of agency does best in a multifaceted protection strategy.

Humanitarian actors working to protect vulnerable populations must often do so in situations in which the prevailing legal framework or practice does not function in ways that respect human dignity. In addition, they often cannot themselves guarantee the physical safety of civilians in such settings. Thus it is critical not only to understand the setting in which human rights are to be protected but also the ways which have been found to shield civilians from harm. Recent attempts to provide protection are the subject of this paper.

The challenge of devising practical protection strategies begins with understanding the political and military lay of the land. Chapter 1 examines the current geopolitical setting for humanitarian action. Taking exception with the prevailing understanding that the post-Cold War setting is radically unlike the Cold War decades which preceded it, the chapter identifies a number of continuities between the Nineties and earlier decades as well as some new elements. All of these need to find a place in the strategic planning of protection.

Turning from the situation on the ground to the tasks of humanitarian organizations, Chapter 2 analyzes the challenge of addressing the protection needs of populations in danger: refugees, the internally displaced, and persons at risk of displacement, particularly those under threat due to ethnicity, religion, or ideology. A serious "protection gap" is identified between what is specified in law and what exists on the ground. There is also a gap among the mandates of various international organizations. The chapter provides examples of innovative strategies both at the headquarters and field levels to address these gaps. It recommends a strategy that integrates elements of assistance with more clear-cut authority to prevent and respond to human rights abuses and to address the pervasive problem of the impunity with which those abuses are often carried out.

Chapter 3 examines the implications for humanitarian actors of belligerence and criminality among populations receiving assistance. This chapter reviews the options available and the action taken in the refugee camps of Goma, Zaire between 1994 and 1996. Demonstrating that protection challenges are not solely a post-Cold War feature, similar challenges are noted in the 1980s in refugee camps along the Thai-Cambodian border, controlled by various factions in Cambodia's civil war. The chapter highlights innovative ways for managing the recurring tensions between protecting basic human rights and providing urgently needed assistance. It cautions that stop-gap measures not substitute for the physical protection that states can and should provide. Chapter 4 looks to the future.

Taken together, these chapters seek to provide a practical resource for humanitarian actors charting their way through a maze of ethical and operational dilemmas.

Humanitarian Action In The Post Cold-War Era

Humanitarian action, by definition, seeks to assist people in need, devoid of political or other extraneous agendas. Yet humanitarian initiatives have always taken place on political landscapes, where people in need of protection and assistance are located. Humanitarian activities have political ramifications and are sometimes influenced by political considerations.

The formative period for most of today's major humanitarian institutions was the Cold War, an era in which humanitarian action was part and parcel of the prevailing global East-West confrontation. Geopolitical tensions shaped how aid institutions evolved and carried out their missions. The fall of the Berlin Wall and the collapse of communism seemed to offer a new opportunity for humanitarian undertakings, unconstrained by the politicization that had characterized the enterprise for decades.

The first post-Cold War decade has seen positive developments. These have included increased attention to human rights, growing impatience with the invocation of state sovereignty as a shield to deflect international human rights concerns, greater democratization, and an expansion of civil society.[1] Increased funding for emergency relief and a revolution in communication and information technology also fueled a sense of opportunity in the humanitarian community. On balance, however, the decade of the Nineties, rather than moving humanitarian action beyond politics, has confronted aid institutions with its own set of formidable post-Cold War political challenges. It has confirmed that humanitarian action does not exist in a vacuum and must indeed take into account the political context in which it operates.

This chapter examines three aspects of the changing political context of humanitarian action: the shaping of aid institutions and actions by the Cold War, the changed landscape of the post-Cold War era and its implications for humanitarian actors, and the increased priority of protection. The analysis provides a backdrop

for more specific operational discussions in the two chapters that follow.

The Cold War and Humanitarian Action

Today's constellation of humanitarian institutions is largely a product of the Cold War. To be sure, the flagship humanitarian actor in international and internal armed conflicts, the International Committee of the Red Cross (ICRC), had already been in existence for almost a century by the time most of the world was divided along East-West lines. Activities by some non-governmental organizations (NGOs), primarily church-related, also predated the Cold War, and even some governments had responded to humanitarian emergencies beyond their own borders during the nineteenth century.

Yet the present international humanitarian enterprise took shape largely during the period since World War II, with formative institutional developments taking place across the four decades beginning in the late 1940s. The growth and configuration of today's institutions were influenced by the end of colonialism, rapid but highly uneven global economic growth, globalization of national economies, the flourishing of the international private sector, and the appearance of new technologies, including a communications revolution that lent immediacy and political weight to events in once-remote parts of the world. The desire to create a more stable world and to rebuild the war-torn societies of Europe led to the establishment of the United Nations and global financial institutions such as the World Bank and International Monetary Fund. The post-World War II period was also a period of birth and growth for NGOs, many of which are celebrating their fiftieth anniversaries.

By 1948, the member states of the newly established United Nations had completed an unprecedented international human rights document, the Universal Declaration of Human Rights (UDHR). "While agreement on the Universal Declaration was relatively swift," William O'Neill recalls in Occasional Paper #34,

"it took much longer to turn the rights affirmed...into binding treaty law and to specify their essential content." He continues, "From 1948 until 1956 UN member-states debated while Cold War realities hardened. The joint embrace within the UDHR of economic, social, and cultural rights, along with civil and political rights, evaporated as the noncommunist West emphasized the latter and the communist East the former." "Finally," he concludes, "each bloc agreed to disagree and eventually two treaties were created, one for each of the two 'baskets of rights.'"[2]

The decade following World War II also saw other key legal building blocks set into place. These included binding treaties such as the Convention on the Prevention and Punishment of the Crime of Genocide in 1948 and the Convention Relating to the Status of Refugees in 1951. The interpretation and implementation of these treaties, too, however, would often be influenced more by the geopolitics of the emerging Cold War than by the determination of states to prevent repetition of the horrors of the Holocaust or the forcible displacement associated with World War II. Indeed, as the years and decades passed, events themselves were shaped more by emerging geopolitical tensions than by those newly fashioned global instruments. A United States foreign policy directed toward the containment of Soviet-orchestrated international communism was probably the single most influential factor in mapping out the eventual boundaries of the Cold War human rights and refugee regimes.

The United Nations Charter itself situated its historic affirmation by "We the Peoples of the United Nations" to peace, human rights, and social progress within a context circumscribed by a commitment to respect the domestic jurisdiction of UN member states. Against this backdrop of reaffirmed state sovereignty, the roads that a new generation of humanitarians would travel were clearly delineated—and constrained.

In defining a refugee as a person who had a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion," the Convention Relating to the Status of Refugees had a distinctly

political flavor.[3] The use of persecution as a basis for refugee status was a Western construct that served multiple purposes. It focused international concern on those fleeing Eastern Europe while at the same time discrediting the communist regimes they left behind.[4] In the post-Cold War period, the waning of political interest in providing asylum, together with continued refugee flows from developing countries, has left the refugee Convention much-weakened. Moreover, in order to stem the flow of economic migrants, many Western powers have begun to renege on once-strong commitments to provide asylum to those fleeing political persecution.[5]

Created in 1951, the United Nations High Commissioner for Refugees (UNHCR) was given a protection mandate for one of the fastest growing and most politically valuable caseloads in the post-war period: refugees from the Eastern bloc. The new UN agency was considerably more susceptible to the influence of state agendas than was the only other humanitarian organization with an internationally recognized protection mandate, the ICRC.[6] This was the case because of the increasing importance of refugees in the currency of Cold War geopolitics and because of UNHCR's vulnerability, as an intergovernmental instrument, to political pressure. Its dependence for funding on member states would prove an ongoing fact of political life.

Refugee caseloads packed a political punch during the Cold War. Assistance channeled by the major powers through UNHCR and other intermediaries to the families of combatants in the Afghan war functioned as a formidable geopolitical instrument. It was a factor in the conduct of the war by the *mujahedeen*, as was assistance by the Soviet Union to the Kabul authorities.

Yet the politicization of aid was not limited to the Afghan-Pakistan border. "In those cases where a large refugee warrior community has developed," one analyst observed, "proximity to a border is more convenient. It allows fighters to slip surreptitiously back into their country with greater ease, to run guns and ammunition across the border, and to have access to relatively safe rest and rehabilitation centers…These are not rare situations. Such

occurred with Ethiopian refugee camps in Eastern Sudan, Afghan refugee camps in Pakistan, Khmer camps in Thailand, and Salvadoran and Nicaraguan refugee camps in Honduras."[7]

Given the important geopolitical purposes served by aid during the Cold War, UNHCR and other aid groups had little humanitarian space within which to function in high profile refugee settings. Without the serious backing of states for excluding those not qualified for assistance, humanitarian agencies had few means of addressing protection problems caused by insurgents or war criminals in refugee camps, even in those operated by UN organizations themselves.[8] In fact, their preoccupation was with asylum and non-refoulement rather than with the personal security of refugees in the camps.[9] Moreover, thanks to ample donor funding, medical, nutritional, and other material assistance took precedence. Emphasis on aid delivery also reflected the desire of governments to sidestep the underlying issues of politics and policy.[10]

Less subject to politicization was the ICRC's protection mandate, grounded in the Geneva Conventions of 1949, which spelled out the agency's role during situations of armed conflict. Other organizations, intergovernmental and non-governmental alike, lack such clearly defined or widely acknowledged roles in protection. Even UN human rights field operations, which in recent years have been assigned clearly defined monitoring and reporting responsibilities, have not focused sufficiently on practical measures to ensure physical protection, or, as some term it, "human security." For their part, assistance and human rights NGOs have generally not taken on the task of providing physical protection: most have neither the mandate nor the capacity to do so.

As a result, protection by aid personnel often results more from the initiatives of individual field staff than from institutional mandates or evolving changes regarding protection roles. The "protection gap" between the needs of imperiled populations and the normal functioning of international agencies is discussed in Chapter 2.

Sheltering themselves within their humanitarian mandates during the Cold War decades, aid organizations were slow to acknowledge—in some cases, even to realize—how much the prevailing geopolitical environment influenced their activities. The work of UN organizations during their formative years, including their allocations among countries and their selection of priorities within countries, was politicized to a degree still to be fully reviewed and acknowledged. Similarly, the activities of many international NGOs, with some notable exceptions, frequently using resources supplied by the same governments that were charting the courses of multilateral organizations, lacked the neutrality, impartiality, and independence that form the hallmarks of humanitarian action.

U.S. NGOs in particular were reluctant during the Cold War to examine the extent to which their aid activities were an extension of a Washington political agenda. NGOs that chose to work among refugees from Nicaragua (often using U.S. government grants and contracts) but not to assist those who had fled El Salvador and Guatemala (for whom little U.S. aid was available) did not view their choices as undermining their vaunted neutrality or calling into question their humanitarian credentials. U.S. immigration policies showed a similar politicization.[11]

Only recently have U.S. aid organizations begun to acknowledge the extent that their activities during the Cold War represented an implicit extension of U.S. foreign policy. In retrospect, it is clear that the driving force for humanitarian action came from states and was generally nested within an overarching East-West agenda. While states remain the main driving force behind humanitarian action today, a greater multiplicity of actors now leavens the humanitarian loaf. Moreover, although the East-West animus of international humanitarian action has ebbed, such action remains far from depoliticized.

The Post-Cold War Environment

At the end of the Cold War, the possibilities of dramatic and

constructive change on the humanitarian agenda seemed more promising than at any time since the end of World War II. Yet few observers understood the magnitude of the impending change and the risks presented by the new international environment. Few humanitarian organizations anticipated that their mission would encounter new difficulties or that protection needs would upstage assistance activities.

The magnitude of the changes during the first post-Cold War decade has been so great that the contrasts with the Cold War years are sometimes overblown. As conventional wisdom would now have it, the decade since the fall of the Berlin Wall in 1989 has seen a massive upsurge in the number of conflicts around the world, a radical change in the nature of those conflicts, a marked increase in the distress of civilian populations, and a concomitant upturn in the activities of humanitarian organizations. Some commentators even express occasional nostalgia for the "good old days" of the Cold War when political alignments were more clear-cut and aid work enjoyed greater respect.

Analysis of available data, by contrast—and additional research is still needed—provides a somewhat different picture. It questions the conventional wisdom that today's conflicts are totally unlike earlier ones, that they are increasing exponentially in number and severity, and that the problems confronted are altogether without precedent. The contrast, it turns out, is not between intrusive and benign politics, or between fewer and more conflicts, or between less and greater humanitarian extremity. Continuities between the two periods may well outnumber discontinuities.

Today's wars did not spring full-blown onto the scene in the Nineties. Their nature was well established during the post-World War II period. Moreover, many of the changes turn out to be not in the conflicts themselves but in the response of international actors to them. In this sense, the post-Cold War world has not necessarily become a more brutal place. What is new is the wider awareness of the extent of the prevailing brutality and of the difficulties of gainsaying the forces of inhumanity. A brief and

Figure 1: Numbers of Conflicts, Worldwide, 1945-1997

SIPRI Total Conflicts
Holsti Total Conflicts

Data is drawn from the SIPRI Yearbook 1998: Armaments, Disarmaments, and International Security, Oxford University Press, 1998, 17; and Kalevi J. Holsti, The State, War, and the State of War, Cambridge: University Press, 1996, 210-224.

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Figure 2: Interstate and Internal Armed Conflicts, 1945-1995

Interstate Conflicts
Internal Conflicts

Data adapted with
permission of the author from
Kalevi J. Holsti, The State,
War, and the State of War ,
(Cambridge: University
Press, 1996), 210-224.

Internal Armed Conflicts
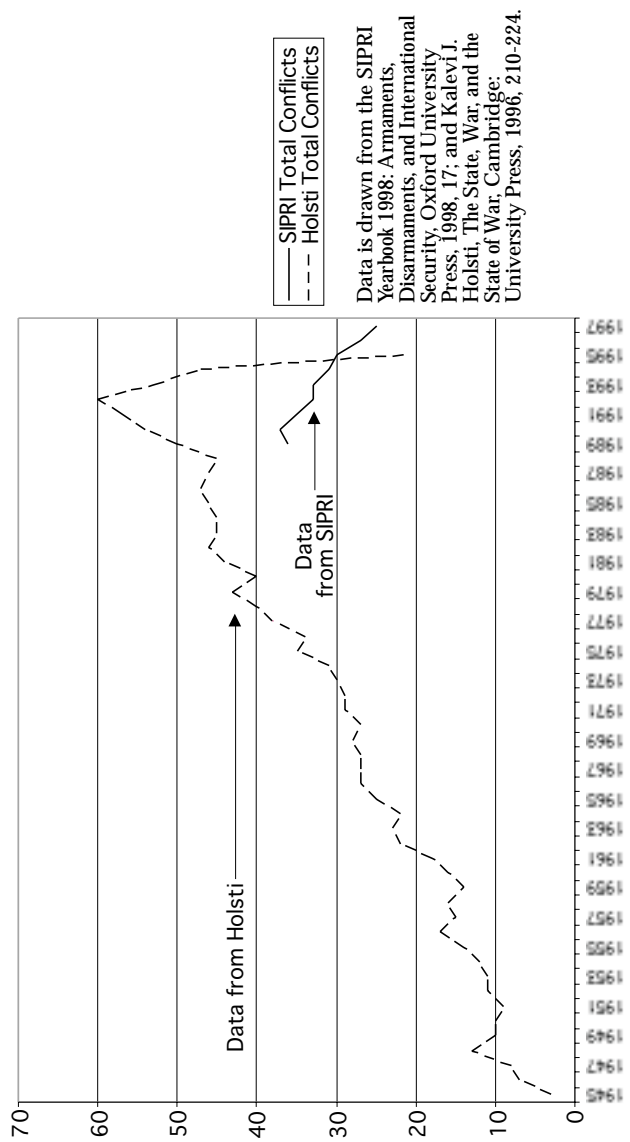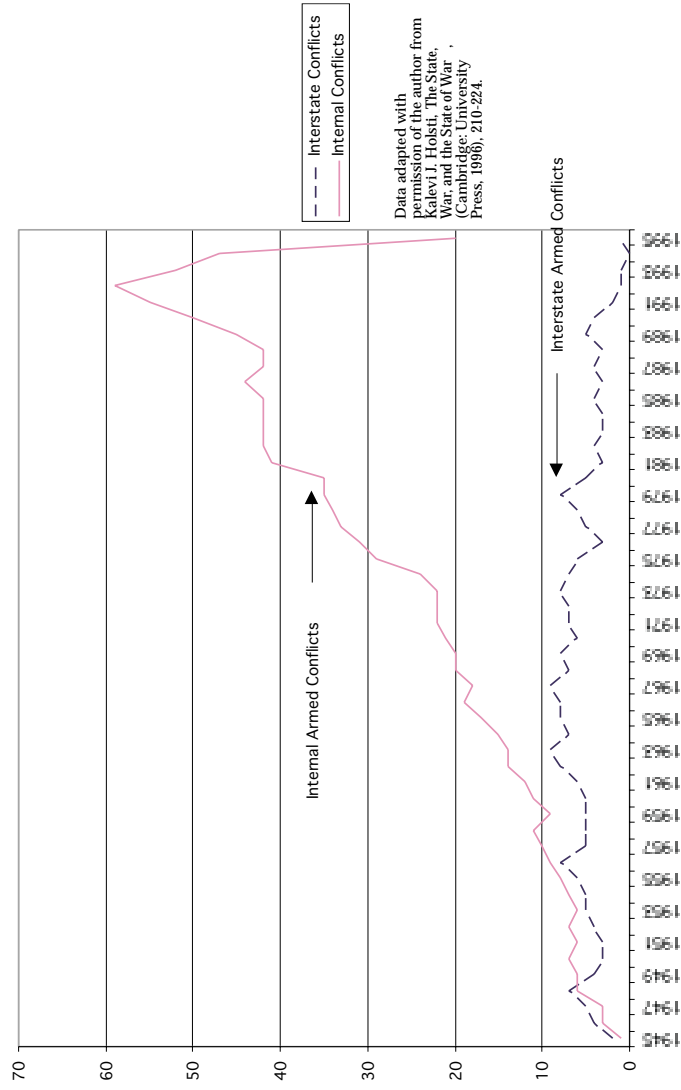
Interstate Armed Conflicts

non-technical review of the data and trends follows. Appendix II provides resources for further reference.

First, data compiled by researchers suggests that there has been no sustained increase in *the number of conflicts* during the initial post-Cold War decade. Their number has been declining since the early 1990s.[12] Figure 1 shows the number of conflicts as compiled by two separate sources. Data from the work of Kalevi Holsti, covering the years 1945-1995, details the downward trend in the number of conflicts over the past half-century. Data from the Stockholm International Peace Research Institute (SIPRI) for the more recent period, 1989-1997, confirms that trend. A third set of research, however, based on a definition which includes smaller scale conflicts, shows increased incidence.[13]

Second, *the causes of conflict* in the Nineties evidence no radical departure from the earlier era. To be sure, war today is more likely to spring from conflicts internal to a given country than from external threats by other nations. Yet the "intra-national" origins of conflicts have been a distinguishing feature of the decades since World War II.[14] In fact, as Figure 2 shows, internal conflicts have outnumbered interstate conflicts since the early 1960s. For half a century, there has been a high correlation between conflicts and a recurrent set of internal factors: the existence of distinct "ethnic, language, and/or religious communities," "government exclusion and often persecution of distinct social groups," "rule by kleptocrats or entrenched minorities," and "weak government legitimacy."[15]

Throughout this more extended period, the quest for independence has been a precipitating factor in conflict. During the early post-World War II decades, scores of nations were taking up arms to throw off colonial masters. In the 1990s, internal ethnic conflicts were sparked by the disintegration of multi-ethnic states in the former Soviet Union and the former Republic of Yugoslavia. Reviewing 17 selected cases beginning in the Sixties, Holsti has concluded that "it is usually the policies of governments, often lacking legitimacy and therefore highly insecure, rather than random or spontaneous violence between communities that precede most humanitarian emergencies."[16] In other words, the trend

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toward the growing importance of internal combustion as a precipitating factor in conflict was well established during the Cold War.

One earlier constant that has disappeared in the post-Cold War era for many aid-recipient countries is their geopolitical value in a bi-polar world. Thus, outside political actors may be less interested these days in tamping down, or fanning, tensions in a given area. Yet they do still function as actors—in fact, paradoxically, they may feel freer to do so now. In places such as Rwanda, the Democratic Republic of the Congo, and Sierra Leone, continuing outside manipulation has fueled civil strife. In fact, as many analysts observe, it is not the existence of tensions, but rather their manipulation—whether by inside or outside forces—that creates armed conflict.

Third, the *characteristics* of post-Cold War conflicts show both continuity and discontinuity with their predecessors. Data does not substantiate the view that civilians are increasingly targeted by today's belligerents. While the line distinguishing combatants from civilians is now blurred and civilians bear an extremely high proportion of the total casualties of today's wars, that trend, too, was already well-established during the Cold War.[17] The idea that such casualties are often considered not "collateral damage, but measures of strategic gain" had its antecedents in the treatment of civilians by belligerents in Ethiopia, Mozambique, Angola, and other Cold War cockpits.[18] Recent conflicts that place civilians in the crosshairs—Northern Iraq (1991), Rwanda (1994), and Kosovo (1999)—recall earlier bloodshed in Biafra, Vietnam, and Afghanistan. Turning the clock back further still, the following chapter references the protection needs of civilians during World War II in what is called the Rape of Nanking and the Holocaust.

There is more truth, however, in the prevailing impression that the Nineties have witnessed an upsurge in targeting humanitarian personnel and operations. The UN reports 152 non-accidental deaths of international and local staff from January 1, 1992 through June 1, 1999, almost half in areas where there was no de facto government at the time. "For local civilians to be killed

is nothing new," explains a UN official, "but for outsiders who are there to help to be targeted is a new development." Officials date the current pattern of killing and hostage-taking from the early 1990s, the first of many incidents being the killing of a United Nations Children's Fund (UNICEF) doctor in Somalia in 1992. They connect the development to "a very definite change in the perception of the UN." In the post-Cold War climate, they observe, "the UN flag is no longer a security blanket." They also note, however, that expectations that the UN will be present in such crises has itself raised the element of risk.[19]

Changes in the nature of the weaponry and the number of actors have also affected today's conflicts. Widespread availability of high-powered weapons in Somalia placed the behavior of gun-toting youth beyond the traditional restraints exercised by clan elders. In Sierra Leone, antigovernment rebels employed youngsters, many of them stimulated by drugs, to commit acts of atrocities against civilians, although machetes and other primitive weapons were often the chosen instrument of mayhem. The indiscriminate use of land mines has also increased in the present decade. A recent ICRC study "shows a strong link between high levels of arms availability and high levels of civilian casualties, both during and after periods of conflict."[20]

Once again, however, the contrasts are not black and white. Inventories of small weapons and landmines were well stocked and poorly secured at the end of the Cold War. The Cold War itself saw the diffusion of small arms "throughout virtually all layers of society, [which] has made the recourse to violence more likely; requiring less central organization, this has aided the proliferation of actors in violent confrontations."[21]

The multiplicity of actors in today's conflicts is itself something of a recent phenomenon. According to one analyst, "we now see a proliferation of actors, as both government and guerrilla armies tend to splinter, as local or regional warlords rise in prominence, [and] as there is an increased blurring and blending of various forms of violence, whether political (overthrow of government or separatism as motivation), communal (ethnic,

religious, and other identify-based factors), and criminal (organized crime, drug trafficking, etc.)."[22] The proliferation vastly complicates the orchestration of activities by aid organizations.[23]

Finally, has there been an upswing in <u>the number of civilians</u> in need of protection and assistance? One tally of internally displaced persons (IDPs) places the number at some 11.5-14 million in twenty countries in 1986, with more than 20 million in 31-45 countries a decade later.[24] But again the evidence is uneven. During the Cold War, data was generally lacking from large parts of the world that were inaccessible to international institutions. Now it is more readily available although not necessarily consistent or comprehensive. Thus it remains unclear whether the apparent increase is a function of better information or of actual circumstances: in short, whether the incidence of need belongs in the continuity or discontinuity column.

The preceding analysis suggests that the heightened challenges faced by humanitarian actors in the post-Cold War period should be understood more as functions of the changed global environment than of radical shifts in the number and frequency of the conflicts. Here a number of factors require review: the revised notion of state sovereignty and improved humanitarian access; the flourishing of nonstate actors; a heightened international awareness of the claims on international action; and a new availability of international military assets.

First, state sovereignty, traditionally a device employed to deflect international concern regarding treatment of civilian populations and to rationalize nonintervention, is now less impenetrable and more infused with humanitarian obligation.[25] The waning fear of heightening superpower tensions or of sparking international conflict has dramatically expanded the opportunity to respond to human need. Action may now be directed toward need imbedded within conflicts as well as on their periphery, without fear of affecting major power relations. Aid agencies have indeed ridden the crest of a popular rejection of the notion that state sovereignty places distressed populations beyond international reach. They have capitalized on the dysfunction and

collapse of states to step forward with their own resources and services.

Second, recent years have witnessed a flourishing of nonstate actrs. There has been a notable increase in the number and vitality of NGOs. One study has recorded an increase in international NGOs from 1,600 in 1980 to 2,970 in 1993.[26] NGOs in crisis countries themselves have burgeoned as well. Included in the increase is a significant number of organizations committed to mobilizing public support for government and private sector initiatives on humanitarian and human rights concerns.[27] The dramatic increase in international interest in human rights is demonstrated by the frequency of use of the term "human rights" in the world media, beginning in the 1980s.[28]

The upsurge in NGO activism has had uneven benefits for those in need of protection and assistance. Changes in the humanitarian marketplace have heightened generic difficulties in coordination and have blurred the advantages of NGOs in relation to other actors. Competing for newly available funding with intergovernmental organizations and governments of crisis countries, some NGOs have taken on functions normally considered governmental. Some have thrust themselves into the midst of conflicts where governments have feared to send their own aid operatives and troops. In taking on a wider role in more precarious surroundings, some NGOs have outdistanced their own training and other support functions.

UN organizations and donor governments, too, have felt the pressure to plant their respective flags in major humanitarian crises. At a time when the complexity of the humanitarian enterprise has required high levels of political and technical expertise, professionalism and accountability have often been conspicuous by their relative absence. The formulation and adoption of codes of conduct, still early in the implementation process, suggest that aid agencies are taking such criticisms seriously.

Third, breakthroughs in the media that have heightened public awareness of threats to humanity represent another important change in the international environment. Round-the-clock

news programming has brought human suffering into the world's living room, confronting people across the globe—and policymakers in governments—with disturbing images of starvation, displacement, and abuse. There are few places these days in which patterns of blatant violations of human decency remain unpublicized. Televised images of relief workers from developed nations helping war and famine victims have conveyed a sense of international engagement on the front lines. Communications breakthroughs have also linked remote field staff more closely and securely with headquarters.

The media's impact on public constituencies that support humanitarian activities has also been pronounced. Dollars for emergency and refugee relief increased from $1 billion to $3 billion during the years 1990 to 1996, a remarkable development given a simultaneous decrease in funding in real terms for development activities.[29] In the view of one recent analysis, "[M]ost NGOs have come to rely heavily on the media as a fundraising aid."[30] The extent of its influence on policymaking, however, is the subject of considerable debate. Like the conventional wisdom about post-Cold War conflict, the impacts of the so called "CNN factor" may themselves be overstated.[31]

More negatively, however, aid responses, closely covered for a time by the media, have served to assuage guilt and divert public pressure from governments and other organizations in a position to address the underlying causes of such disasters. Consequently, the political influence and resources of states—whether as patrons, trading partners, or diplomatic interlocutors—have not been fully brought to bear on analyzing and tackling the roots of conflicts. Nor has the complicity of such states in the conflicts been fully exposed and addressed.

A final new element on the post-Cold War horizon has been the availability of international military resources, adding new potential to efforts designed to protect and assist civilian populations. Unencumbered from tasks performed during the time of East-West confrontation, they have been "looking for work" to ward off imminent downsizing. The early post-Cold War years

have seen military contingents from various nations more available for service in reinvigorated UN peacekeeping undertakings and in unilateral or bilateral initiatives.

The initial and trendsetting deployment of such assets involved the use of U.S. and other coalition forces, with the UN's blessing, in a 1991 mission of protection and assistance in northern Iraq. Operation Provide Comfort created a security and no-fly zone in northern Iraq that enabled the return of tens of thousands of Kurdish refugees trapped in inhospitable mountains on the Turkish border. Although some commentators were critical of the operation for undercutting the right to seek asylum, coalition forces provided indispensable physical security in Iraq to returning Kurds.

As with other post-Cold War resources, however, international military forces have had their own inherent limitations and vulnerabilities. The largely positive experience in northern Iraq was followed by debacle in Somalia, including well-publicized deaths of U.S. and Pakistani soldiers. During the course of the Nineties, the idea of international military involvement in humanitarian operations has lost momentum, giving way, in the case of the United States, to a zero-casualty policy for such undertakings.[32] The retrenchment could not have been come at a worse time for hundreds of thousands of Rwandan victims of genocide or for civilians from all ethnic groups who were displaced in the former Yugoslavia. More recently, the use of NATO military forces in a bombing campaign avowedly to stem human rights abuses in Kosovo marks a return to greater assertiveness. Whether the campaign mounted was the most effective approach, however, and whether it will reverse the recent trend away from the commitment of military assets to humanitarian crises is a matter of some dispute.

Indeed, across a range of crises during the first post-Cold War decade, international military forces have built a highly uneven record in meeting protection and assistance challenges.[33] They have shown themselves most willing to provide the kind of emergency assistance that aid agencies have traditionally delivered themselves, as long as the associated risks are low. Con-

versely, they have proved <u>least</u> willing to protect civilian populations, a task beyond the capacity of humanitarian organizations themselves in the circumstances.[34] Like their humanitarian counterparts, international military forces have often suffered from the lack of political will and the "attention deficit disorder" of states.

In sum, the post-Cold War landscape for humanitarian action is significantly different from its Cold War predecessor. Yet the differences lie less in changes in the incidence of conflict or perhaps even in the numbers of persons affected than in the greater accessibility of human need to international action. That increased accessibility reflects changes of a wide variety of sorts, political and military, technological and institutional.

Increased Priority for Protection

The changed geopolitical landscape and the altered circumstances of humanitarian action and actors in the post-Cold War period have major implications for the relative importance of protection. For a number of reasons, the priority for protection looms larger than in earlier decades.

First, increased accessibility to human need has confronted humanitarian actors firsthand with the vulnerability of civilian populations. During the Cold War, most humanitarian activities were located outside of the countries in conflict, often in refugee camps. Refugees from El Salvador and Guatemala were attended to in Honduras, from Afghanistan in Pakistan, from Cambodia in Thailand, from Mozambique in Malawi, and so on. While there were protection needs within such camps and in outlying areas of host countries, the emphasis was on basic assistance such as food, medical care, education, and skills training.

In the Nineties, however, the numbers of IDPs worldwide—those in need of assistance and protection who have not crossed an international border—has come to exceed those of refugees. While the assistance needs of IDPs are often comparable to their refugee counterparts, their protection status is often more perilous. Thus, unlike the situation in the Sudan's previous civil war from

1955-1972, when southern Sudanese sought refuge in surrounding countries, most of those displaced by the Sudan's conflict in the civil war that resumed in the late Eighties have stayed within the country's borders, whether in the three provinces of the south or seeking refuge in the north. In Liberia, Sierra Leone, East Timor, and Sri Lanka, displaced persons have become a major part of the aid caseload. In all of these settings, they are vulnerable to injury, whether from the conflicts or from political authorities who doubt their loyalties.

Having succeeded in inserting themselves into hot-war situations, humanitarian agencies have developed a heightened awareness of the priority for protection. The need for material assistance in the form of emergency food and shelter is often critical. However, the need for protection of civilian populations from abuse by the political-military authorities is overriding. In once food self-sufficient southern Sudan, for example, the bombing of market towns on market days by the Khartoum authorities or the holding of the inhabitants of cities hostage by the insurgents require that protection go hand-in-hand with assistance. In Sierra Leone, farmers anxious to grow their own crops need protection from the intimidating tactics of the insurgents. Again, the need for protection of such populations is not new but their relative accessibility and aid agency awareness of their vulnerability create new possibilities. Being present as conflicts rage has dramatized the protection challenge.

Second, as the theater of humanitarian action has shifted from areas adjoining conflicts to the cockpits of conflicts themselves, the challenges faced by agencies with humanitarian mandates have changed. The Caucasus experience provides an apt illustration. Earlier in the Nineties, the region was wracked by a series of wars involving Georgia (including Abkhazia and South Ossetia), Nagorno-Karabakh (including Armenia and Azerbaijan), and Russia (including Chechnya and Prigorodnyi Raion). The urgent humanitarian need generated by the displacement of large numbers of people was soon met. Over time, however, the conflicts have become frozen and "prospects for the return of displaced

persons remain slim," with some one million persons remaining in limbo.[35] Although aid agencies are proceeding with welfare programs, the highest priority is to find political solutions that will allow the uprooted to return safely and voluntarily to their homes. Several false starts, with ensuing loss of life, have underscored the importance of protection relative to ongoing assistance.

The new profile of humanitarian action has also highlighted

Post-Cold War Humanitarian Challenges

Because internal displacement did not become noticeable until after the cold war, it is often viewed as a post-cold war phenomenon. The fact of the matter is that some of the major cases of internal displacement over the past two decades are related to conflicts that either took place during the cold war or were significantly affected by cold war policies.[1]

Roberta Cohen and Francis M. Deng

1. *Masses in Flight: The Global Crisis of Internal Displacement*, 19.

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tensions between traditional assistance activities and the need for protection. The experience in Bosnia during the early Nineties of the international community in general, and of the UN High Commissioner for Refugees in particular, offers a rich example. For UN personnel to have been present where and when "ethnic cleansing" was taking place would have been unlikely in earlier decades; the dilemmas faced as a result of being on hand were excruciating. In a policy of "preventive protection," UNHCR at first sought to assist people where they were. Over time, however, it gave higher priority to facilitating people's departure from life-threatening circumstances. The Bosnia experience led some to

question whether the same agency should be expected to deliver assistance and to protect human rights, given the tendency for aid operations to seize center stage.[36]

International aid agencies are thus struggling with the challenge of assessing better the threats to human rights and orchestrating more effective protection strategies. They are seeking to understand more holistically the connections between social and economic rights and civil and political rights. They are also exploring new ways of collaborating across institutional lines to ensure that the humanitarian challenges in both their protection and assistance dimensions are met. Subsequent chapters provide illustrations.

Third, priority for protection is one of several dimensions of the humanitarian enterprise that have necessarily increased during the post-Cold War period. Assistance work—whether in response to natural disasters, development challenges, or conflicts—has an inherently political context and content. However, the need to ensure that civilian populations are protected from abuse confronts humanitarian organizations with a particularly political task. Conflicts represent a time when societies are more politicized than usual. In addition, engagement in conflict-related activities are potentially more adversarial for humanitarian actors vis-à-vis host political authorities and, by extension, donor agencies and states.[37]

The manipulation of aid by local leaders for political or military ends has forced many relief organizations to rethink their strategies for delivering assistance in complex emergencies. The reality that aid sometimes exacerbates violations of human rights has led relief workers to reconsider the basic humanitarian reflex: to relieve immediate suffering without thought to the consequences. Also under review is the validity of a long-standing organizational axiom that withholding emergency aid injects inappropriate conditionality into the humanitarian enterprise.

In addition to dealing with local politics, humanitarian action is situated on a global political landscape, and must deal with global politics, as well. During the Cold War, relief personnel had the benefit of working within the protective cover of powerful and

engaged donor states, whatever drawbacks this had for their neutrality. Now they routinely find themselves in situations in which states do not or cannot control the political-military aspects of conflict, including the targeting and forced displacement of civilian populations. In attempting to provide food, medical care, and other services, humanitarian actors have found themselves in conflict zones where humanitarian law and principles are ignored.[38]

Yet once again, post-Cold War challenges differ in degree rather than in kind from their predecessors. International assistance, provided to relieve and protect civilians caught in war zones, has always had difficulty maintaining its apolitical integrity, often becoming an element in the conflicts themselves. Thus highly politicized U.S. and Soviet assistance to Afghanistan in the 1980s, operated through proxies, are the precursor of current aid programs in areas controlled by the Taliban and the Northern Alliance, where international actors, security permitting, interact first-hand with the several parties to the conflict.[39] In short, politicization is not an exclusively Cold War feature of humanitarian action. Politics infuses the post-Cold War enterprise as well.

Has the increased priority for protection required by post-Cold War conflicts received the attention necessary from governments and policymakers? They have adopted a number of new legal instruments, including the Convention on the Rights of the Child. They have confirmed the existence, universality, and indivisibility of basic human rights. They have established a balance that gives more weight to international humanitarian action and less to the domestic jurisdiction of sovereign political authorities.[40] The world's highest political body, the UN Security Council, has begun to take humanitarian concerns more fully into account in its deliberations and pronouncements.

However, governments have yet to shoulder their responsibilities to monitor the implementation of and ensure compliance with international conventions to which they are a party. Some major governments, moreover, are conspicuous in their failure to ratify key conventions and protocols. Governments have yet to

resolve among themselves the issue of how to respond effectively to what are essentially human rights emergencies, often still opting for assistance rather than protection measures. Even in the assistance component, they have yet to provide the resources, as requested in UN consolidated appeals. The negative as well as the positive features of the new profile of humanitarian concerns have been reflected in individual Security Council deliberations themselves. In sum, the changes in the circumstances in which humanitarian action is set have yet to be matched by changes in the prevailing approach to protection priorities.

Conclusion

If action is to move beyond current political and organizational limitations, humanitarian agencies will need to contextualize their activities more knowledgeably in the post-Cold War environment. That will require making analytical links where appropriate to Cold War precedents while responding to newer post-Cold War dynamics as well.

The characteristics of today's conflicts were by and large well-established prior to the fall of the Berlin Wall. Most wars are now within states and not between them, and often within states in which authorities do not exercise effective control over the warring parties or, for that matter, perform normal state functions. The causes of today's conflicts lie within the fabric of societies, often rooted in ethnic, class, religious, or cultural differences, not in a global confrontation of ideologies or in a brutality inherent in the human condition.

Like their Cold War predecessors, today's belligerents blur the distinction between civilians and combatants, often making civilian displacement and death a strategic goal and seeking to press humanitarian actors and activities into the service of their own political objectives. At the same time, today's conflicts also involve a wider array of actors, a targeting of humanitarian operations, and a proliferation of small arms, which all increase the level of violence and complicate the work of aid groups.

Direct access to conflict zones is now possible for both

humanitarian actors and the media. The increased number and vitality of NGOs, while posing challenges of coordination, also offer opportunities for collaboration between agencies with different mandates and comparative advantages. In addition, the availability of military forces in their several roles adds a new, if unpredictable and politically fraught, element.

For all of their capacity and promise, humanitarian organizations should not expect, or be expected, to provide the comprehensive action needed in today's crises, which have undeniable political and security, as well as humanitarian, dimensions. If past is prologue, however, uncertainty will continue to characterize the engagement of states with the underlying causes of suffering and abuse. Therefore, humanitarian actors will need to proceed without reliance on the political reinforcement upon which their success may ultimately depend.

CHAPTER 2

THE CHALLENGE OF PROTECTING
POPULATIONS IN DANGER

- In Budapest during World War II, relief workers and diplomats worked together to set up safe houses and to increase international presence through the strategic placement of feeding programs, saving thousands of lives.
- During the war in Bosnia, a Jewish community leader helped Muslim, Serb, and Croat neighbors escape persecution. For some, he provided certificates of Jewish heritage; for others, he walked across the divided city during a siege, bringing food and messages to prisoners on both sides.
- In Guatemala, El Salvador, and Sri Lanka, the presence of unarmed witnesses from Peace Brigades International prevented disappearances and arrests through accompanying those at risk.
- In Tajikistan, Croatia, Thailand and elsewhere, "protection letters" issued by UNHCR prevented many arrests and forced returns.
- A dozen UN peacekeepers, "armed only with bluff, hand weapons, and barbed wire," saved the lives of several thousand Hutus and Tutsis at Amahoro stadium in Kigali, Rwanda in 1994.[1]

Despite positive examples such as these, the record of the international community in the protection of imperiled populations has been highly unsatisfactory. The changed geopolitical landscape described in Chapter 1 and the unwillingness of states to apply and enforce the provisions of international human rights, humanitarian, and refugee law (see Occasional Paper #34) help account for the difficulties experienced. The humanitarian enterprise itself has emphasized the delivery of relief assistance rather than the protection of vulnerable populations from abuse.

Yet international and local actors have, even under the most difficult circumstances, devised and carried out effective protection strategies and activities. These have mitigated, and in some instances prevented, violations of human rights. This chapter identifies from the crucible of on-the-ground experience the three essential elements of an effective approach: assessment, planning, and implementation. It notes the leadership dimension involved in each of these elements. The chapter examines seized and failed opportunities, with special attention to innovations by humanitarian actors at the macro- and micro-levels, concluding with some lessons to be learned.

The experience reviewed, drawn from post-Cold War and earlier experience alike, suggests that given their essentially stop-gap character, protection strategies and programs, no matter how innovative or courageous, are not a substitute for the international political will necessary to deter the intentional harming of civilian populations. They are nevertheless an indispensable element in a concerted humanitarian response.

Essential Elements of a Concerted Approach to Protection

The three critical components of a successful protection strategy are assessment, planning, and implementation. None of these elements is static; each is part of a dynamic process that evolves throughout a given crisis in the light of changes in the political landscape and in the human rights and human needs picture. Each of the three components is reviewed here, with particular attention to the comparative advantages enjoyed in each by the various actors. The desirability of strong leadership among the organizations involved in protection is also examined and, more specifically, the utility of a clearly designated lead person or reference point for protection in each emergency.

Assessment

The first step in effective humanitarian programming involves

a thorough assessment of the needs of an endangered population for assistance and protection. "A clear picture of the nature and extent of human suffering," an earlier review by the Humanitarianism and War Project found, "is the basis for effective humanitarian action."[2] Such an assessment includes a review of needs, local capacities, and the outside resources required to meet them.

The UN Department of Humanitarian Affairs since its creation in 1992 and its successor, the Office for the Coordination of Humanitarian Affairs (OCHA), established in 1998, have been the focal point for needs assessment and resource mobilization. DHA/OCHA have functioned as the coordinating nexus for the UN system, with links through the Inter-Agency Standing Committee (IASC) to a wider circle of non-UN actors, including NGOs and the ICRC. They have taken the lead in mounting interagency assessment teams, typically including officials from the major organizations (UNICEF, WFP, NGOs, and donor governments) likely to be involved in the international response.

Until recently, such teams focused on emergency relief needs in such sectors as food, water and sanitation, and health and nutrition. They did not normally address issues of physical safety or the human rights status of civilian populations. In fact, at the time of its creation, human rights concerns were explicitly placed outside of DHA's portfolio. Only with the advent of OCHA were such concerns folded into the coordinating mandate. That wider portfolio reflected one of the lessons learned during the years 1992-1997 about the integral nature of protection and assistance. The IASC forum itself, thanks to the membership of the UN High Commissioner for Human Rights and the Representative of the UN Secretary-General on Internally Displaced Persons, has brought higher visibility to human rights concerns in relation to the assistance mandates of the agencies.

At the field level, assessment teams have shown a similar evolution, although protection concerns have yet to receive systematic attention. The Advanced Humanitarian Team that DHA quickly assembled and dispatched to Rwanda moved with alacrity to assess the emergency relief needs of the population at

the onset of the violence in April 1994. In the slow-paced world of bureaucracies, putting an interagency team with expertise in multiple sectors on the ground within a week was a major accomplishment. Yet the team "did not include a human rights expert, even though protection problems were paramount."[3] Its report interpreted the bloodshed as the next chapter in a long-running civil war rather than the onset of a meticulously planned genocide. The UN peacekeeping mission on the ground at the time had no human rights component, leaving the military poorly informed on critical protection issues as well.

In an effort to be more sensitive to human rights indicators, assessment teams now sometimes draw not only on outside expertise but also may incorporate professionals from the population in danger. Their knowledge of the terrain, sensitivity to the needs of victims, and articulation of the perspectives of the population at risk and of the perpetrators of abuses can be invaluable. Yet representatives from the threatened population are often excluded on the grounds that participation may jeopardize their own security, undermine the team's neutrality, or compromise confidentiality. In fact, the failure to enlist them often impedes the development of effective programs.

In assessing protection needs, it is important to determine how and why abuses are committed and by whom. Do the authorities commit abuses, exert any control over the perpetrators, or act in collusion with them? (Abuses are often blamed on "rogue elements" that are in reality under the de facto control of local police and civilian authorities.) If the authorities are responsible for abuses or have failed to stop them, how may they be held accountable? Which individuals are most complicit and how might their power base be eroded? Which are most susceptible to pressure or influence and who might exert influence over them? What approaches are most likely to succeed in stopping abuses? What organizations or persons are potential allies in seeking mechanisms for accountability? What combination of pressure and influence might be most effective? Effective strategies should not only concentrate on the locus of power but also exploit

weaknesses in the chain of command.[4] Assessment of protection needs is complicated in today's chaotic situations in which perpetrators of abuses are unaligned forces, ragtag militias, or bandits without a political agenda or clearly defined chain of command.

Assessment teams have an indispensable role to play in establishing the protection needs of civilian populations. Their mission should include reviewing the conditions relating to the physical security or vulnerability not only of the already uprooted but also of those at risk of future displacement. The presence of the team may itself discourage abuses. The inclusion of protection specialists on the assessment team enhances the likelihood that the tensions between the delivery of relief and the protection of human rights will be well managed. While there is growing acceptance of the importance of including protection within needs assessments, however, that approach is only lately becoming standard operating procedure.[5]

Planning

The effective planning of humanitarian activities is based on the assessment of need and of the resources required. It involves the formulation of broad strategies and specific tactics. It also requires hammering out a workable division of labor among major actors that maximizes the comparative advantage of each.

Planning a concerted strategy for protecting populations in danger—and any approach that is less than concerted is likely to be less than fully effective—requires engaging the widest possible range of international actors. Some, notably the ICRC and UNHCR, have explicit protection mandates and track records. Others such as UN human rights bodies and human rights NGOs, while engaged in monitoring the human rights situation and in advocacy work, do not generally play a direct role in field-level protection. Still others such as peacekeeping personnel, civilian police, and relief organizations do not regularly focus their actions on the physical security of at-risk persons. Still others such as representatives of diplomatic missions and the media may have important

information to contribute to the planning process. Forging this diffuse community of information and interests into a common and focused planning exercise that respects the distinct competencies and constraints of its members is a major challenge.

Political Will and Humanitarian Action

Genocide, "ethnic cleansing," attacks on humanitarian personnel and the repudiation of the principles of humanity, impartiality, independence and neutrality have become increasingly prevalent. At the same time, the politicization, "instrumentalization" and devaluation of humanitarian action are making it more difficult than ever for us to assist all victims. This insidious trend has been observable in the Great Lakes region, in West Africa, in the Balkans, in the Caucasus and in certain Asian countries. The full horror of the consequences is familiar to us all....

What is needed...is to remind all States and all parties to conflicts of their duty to protect civilians from the effects of war. And we must not overlook the major responsibility of the Security Council in this domain.

Cornelio Sommaruga
ICRC President[1]

1. Remarks to the UN Security Council in its consideration in open session of Protection of Civilians in Armed Conflict, February 12, 1999 [3977th meeting].

There is another reason that planning for protection is more complicated than organizing the delivery of food or essential

social services in a non-conflict situation. It must take into account the motivations of human rights abusers and the degree to which they are prepared to use terror as an instrument. In many post-Cold War settings, "terror is, in fact, a rational choice made by strategic thinkers. . . . To policy makers [in abusive regimes], terror may seem no more immoral than other strategic choices in a war against an enemy. And, as with other military or strategic policies, states study the successes and failures of other states, perfecting the tool."[6]

Those planning humanitarian activities ignore such political/ military realities at their own peril. Reviewing its response to the crisis in Bosnia, seasoned expert Fred Cuny tied the United Nations' failure to the absence of strategic planning: "The UN system failed to develop effective strategies to prevent forced population transfers, gross human rights abuses, and campaigns of murder and terrorism aimed at ethnic minorities throughout the country."[7] He added, "There was never an overall plan in Geneva and New York, a concept of what [the UN agencies] wanted to accomplish. As a result, an agency like UNHCR reacted to events instead of trying to shape them."[8] Humanitarian actors do not dispute the reality of the failure but locate the onus of responsibility for it with governments.

Planning efforts in more recent days are building a clearer set of human rights indicators into the monitoring of potential crises. As a result of the Rwanda and other experiences in which important tip-offs were missed or ignored, practitioners are now developing methodologies that identify indicators that may provide early warning of impending tragedy. These include the movement of small arms, increased virulence in radio and print media, and the growth of paramilitary forces. Organizations already on the ground providing emergency or development assistance are seeking to determine the extent to which they will become involved in monitoring such indicators.

In planning humanitarian action, attention also needs to be paid to transition points in a given conflict. Of particular importance from a protection standpoint are shifts from armed conflict

to cease-fire, from cease-fire to peace agreement, and from legal impunity to the rule of law. Each transition poses special challenges for those committed to protecting vulnerable populations. Rapidly changing environments, while involving risks to civilians, may offer significant openings for international influence, which, if missed, are difficult to retrieve. During periods of spontaneous or planned return, for example, the failure to take protective action on behalf of returnees or marginalized groups may result in long delays or even scuttle the repatriation or resettlement process altogether.

In Rwanda in 1995, as noted in the following chapter, efforts to establish conditions that would increase confidence in official processes and encourage the return of displaced people and refugees were set back when the Rwandan government and troops from the United Nations Assistance Mission for Rwanda (UNAMIR) failed to prevent the IDP massacre during the forced closure of the Kibeho camp. In Bosnia-Herzegovina, the failure by the parties to adhere to the Dayton agreement and the international community to create a secure environment—despite the presence of tens of thousands of international personnel—has resulted in few minority returns to majority areas in the three-plus years since December 1995.

As with the links between protection and assistance, so, too, the relationships between protection and development must be better understood by planners. Effective development programs represent a long-term investment in avoiding the need for short-term assistance and protection. One recent study of the disintegration of states found that "whilst development programs may not make massive changes to countries' economies, they can have a substantial effect on reducing the probability of violent change and hence the need for classical humanitarian relief action."[9] As pointed out in the next chapter, however, assistance that benefits the wrong people can seriously undermine respect for human rights and undercut sustainable development.

The following guidelines, based on experiences such as those reviewed in the following sections, may be useful in planning practical protection strategies.[10]

- It is important early in a crisis to establish a point of contact on protection issues that can raise the profile of protection and facilitate action that respects the varying mandates and capabilities of international and local actors.
- Early warning systems need not only warn but also spark development of specific practical—that is, field-based—protection strategies as political or other interventions are decided. Early identification of potential allies in protection is important, including humanitarian organizations (relief and human rights groups alike), civilian police operations, human rights monitoring missions, local actors, and peacekeeping forces.
- Information-sharing arrangements should be quickly put in place among the wide array of institutional actors. Their absence has led both to failure to share important information and to indiscriminate dissemination. Information pertinent to the protection of civilians (for example, advance knowledge of planned attacks on civilian areas, reports of roundups, detention camps, massacres, and the existence of "target lists") should not be kept secret by peacekeeping forces or by the intelligence operations of external actors.
- Field-based humanitarian staff who observe violations of human rights, humanitarian, or refugee law should be clear about their organization's expectations and their own obligations for reporting such abuses. They should be familiar with such law as it applies to the situations in question and aware of gender issues in protection.[11] Those with extensive field experience should be provided with opportunities to share insights with new or less experienced staff. Shared training sessions between organizations have proved a valuable tool.
- Contingency planning should consider the failure of the international community to muster the political will to resolve a given crisis quickly or to act decisively to protect civilians under threat. Worst case scenarios should be considered. Emphasis should be placed on prevention of further abuses and prioritization of response.[12]

Implementation

Implementation involves translating assessment and planning into sustained operational activities. Doing so requires mobilization of protection allies, use of strategic presence as protection, consideration of protection implications in the design of relief programs and facilities, and in some cases the creation of zones of safety. Each activity is briefly illustrated.

Mobilization of protection allies. Given the political sensitivity of human rights issues and the often intimate involvement of the political authorities, implementation of protection strategies benefits from as united a front as possible. One device for achieving concerted action is the vehicle of protection working groups, organized locally and linked, where possible, to the regional or headquarters levels of the agencies involved on the ground. Such working groups differ from human rights coordination groups, which collect information for reporting purposes rather than to guide field-level response. While working groups have been created during some crises, they are often informal and ad hoc, reflecting individual initiative rather than planning and generating results that are uneven and short-lived.

In Bosnia following the signing of the Dayton agreement, a protection working group was created at the suggestion of a human rights worker. It functioned under the supervision of a Civilian-Military Affairs (CIMIC) Officer from the Canadian contingent of the NATO implementation force (IFOR). Well-attended by international organizations working in the Prijedor area of Republika Srpska, the working group met weekly to discuss specific protection cases and practical responses. One of the primary benefits was clear decisionmaking regarding responsibility for specific cases, ensuring follow through.

Locally based protection teams focus on day-to-day issues of protection in field operations, covering specific areas such as neighborhoods, towns, villages, and refugee or IDP camps. Tasks such as the systematic monitoring and reporting of abuses, infor-

mation sharing, development and implementation of specific field-level strategies, and the training and support of field staff and local partners can be included in weekly or daily meeting agendas. These may be linked to analogous efforts at the headquarters or interagency level, where developments in the field are monitored and broader institutional and political support orchestrated. Activities such as contingency planning engage actors at both levels.

During the recent crisis in Kosovo, an emergency ad hoc working group on protection was convened by Francis M. Deng, Representative of the UN Secretary-General on Internally Displaced Persons. The group brought together in Washington for a single meeting a diverse gathering of professionals from the humanitarian, human rights, diplomatic, and military communities to discuss urgent protection matters, especially relating to IDPs. UNHCR and the ICRC were represented. The group reached a consensus on various protection issues, with recommendations shared with high-level UN and US representatives.[13] While the group brought attention to specific protection problems such as arbitrary arrest, detention, disappearance, and the need for increased international presence in Kosovo, it did not meet further. To follow up on such an initiative, an ongoing Washington-based protection working group could have served as a catalyst for action had one organization taken responsibility for convening it and for connecting it closely to field operations.

Protection working groups may include the full complement of actors described above. Organizations with specific protection mandates such as UNHCR and ICRC, as well as UN and NGO human rights bodies, civilian police monitoring missions, peacekeepers, and humanitarian relief NGOs working in the region, would be important members. Resettlement staff and others such as representatives of diplomatic missions, and perhaps representatives of civilians under threat, could be included as well. Effectiveness of such working groups is enhanced if they meet regularly in a secure environment with agreed rules of information-sharing.

Protection working groups—for the sake of discretion they may at the field level be given a less provocative name—allow for

effective division of responsibilities among actors. They also offer a vehicle for planning how to provide information about violations of human rights or humanitarian law to the public in a way that respects the need for discretion on the part of some members. A group may determine that the most effective approach is for a given agency to speak out publicly on abuses in order to protect working relationships and the perceived neutrality and impartiality of other members. However, a "united front" approach may on occasion be more effective. A working group may provide a vehicle for planning and action that allows for differing opinions and that takes into account the specific mandates and expertise of members. Also, membership can comprise a core group that brings in different players as needed. In particularly sensitive situations, the group might choose to meet without public notice.

Presence and protection. A second element in the implementation of effective protection involves deterrence of abuses through the use of humanitarian, human rights, civilian police, military and other personnel and a wide variety of activities. The presence of such people in and of itself does not constitute protection. In fact, some belligerents have developed an apparent immunity to international presence, or worse still, have interpreted "passive presence" as permission to commit abuses. Indeed, as noted in Chapter 1, the rising numbers of casualties among humanitarian personnel in recent years suggests erosion of the special status enjoyed in earlier times.

It is dangerous to assume that the presence of aid workers alone will deter human rights abuses. "The equation 'presence equals protection' does say the right thing," observes Bill Frelick of the U.S. Committee for Refugees, "but it doesn't say enough. International presence alone will not bring protection. The presence must be conscious, forceful, courageous. It must be an engaged presence that is not afraid to resist injustice and cruelty."[14] Yet international presence remains a critical component of most protection strategies. Certainly the absence of international witnesses has contributed to the occurrence of large-scale massacres or abuses.

Examples of situations in which international presence alone was sufficient to stop abuses abound. A former Israeli soldier told of an incident in southern Lebanon in which an Israeli interrogation team had placed a man against a wall, either to execute him summarily or to terrify him. When a UN peacekeeping soldier appeared and stood quietly some distance away, the Israelis let the captive go. As noted earlier, a UN relief worker in Kosovo in early 1999 was encouraged by villagers to remain with them since his presence, thanks to a conspicuously large food delivery truck, was seen to offer protection from physical attack.

One specific form of presence as protection involves the strategy of accompaniment. Expatriates provide unarmed presence among those threatened by political or other violence at the workplace or home, in demonstrations or other confrontational settings. Peace Brigades International (PBI) has made this strategy its hallmark, employing it in Guatemala, El Salvador, Sri Lanka, Colombia, Haiti, North America, and, through joint projects with other NGOs, in the Balkans and Mexico. In Sri Lanka, PBI volunteers accompanied human rights activists, trade unionists, students, and civilian returnees. In fact, PBI began its work in response to a request to help prevent the killings of lawyers who had accepted cases concerning disappeared and detained people.[15] Local human rights activists have often sought to prevent abuses through their presence at rallies, demonstrations, or other public events.

Activists from one country with similar problems can provide counterparts elsewhere with invaluable advice and moral support on accompaniment and other tactics. The Committee for the Mothers of the Disappeared and Assassinated (COMADRES), a group that contributed to stopping human rights abuses and highlighting the plight of the "disappeared" in El Salvador, offered guidance to a group in Guatemala. COMADRES encouraged mothers in Guatemala through a message transported by PBI, which also offered support through accompaniment. The message read:

You can start, as we started, by making a definitive decision to *do* something. Don't just think about it; try to make it happen. This drive that you feel to struggle for your children: put it into practice!...One of the first things you should do is visit the government and try to establish yourselves as a legal committee, so your work is not clandestine. That's how we earned our credibility, visiting the Legislative Assembly, the Supreme Court, the Ministry of Justice, even the directors of the National Police and the wardens of the prisons. You visit them so they know that someone is watching, someone is looking for these disappeared. . .There are so many things you can do. Our committee has taken over the Red Cross, the public parks, churches, embassies, even the Ministry of Justice...We also forced improvements in the conditions and feeding of political prisoners in jail...We hold press conferences for both the national and international media...[16]

The risks for such groups is very high. Members in El Salvador and Guatemala were killed for ferreting out and publicizing information about the disappeared. Ultimately, however, both groups played major roles in bringing about significant progress in human rights conditions. PBI's presence was itself helpful in preventing further killings and disappearances.

Enhancing Protection Through Relief. A third element in the implementation of practical protection strategies involves the design, placement, and content of relief activities so as to deter human rights abuses. Programs with a home-visit component or a strong community-based service delivery system may facilitate daily contact with isolated elderly, minorities, or other vulnerable people.

Projects that may be used as a rationale for presence in areas where protection is needed include soup kitchens, senior citizen centers, programs that provide meals or medical care to elderly people or invalids in their homes, women's centers or clubs, kindergartens or day care centers, and special health clinics for the elderly, women, or children. International staff should be present, on a daily basis if possible, in areas where protection problems exist. The response of local populations in Abkhazia to the presence of a UN military observer group demonstrates the reassurance value of regular driving through imperiled areas. Routine foot patrols also put actual or would-be perpetrators on notice.

Because programs of social services to the elderly, women, or children often are less threatening to the authorities, relief programs can sometimes be used as points of entry to areas where populations are at risk. The presence of medical personnel, social workers, mental health professionals, clergy, and others in social service or health-related fields is often accepted by authorities or combatants. Frequent visits by relief personnel to food and medicine distribution points may be tolerated due to "trust capital" they have built up, whereas visits by human rights monitors would be blocked. Where minorities are at risk, meeting the legitimate needs of vulnerable persons in the majority population nearby can also provide additional opportunities for contact. Relief organizations are currently reviewing the extent to which the information on human rights violations generated in the process of assistance activities should be shared throughout the wider family of agencies.

Zones of Safety. A fourth and much more controversial implementation device involves the creation of areas in which vulnerable populations are placed out of harm's way. These may take the form of individual safe houses at the micro-level or, at the macro-level, open relief centers, neutralized zones, or safe havens. Safe zones are not possible in every situation of actual or potential human rights abuse. Yet in circumstances in which the vulnerable cannot

be or are not rescued and removed from peril, safe zones may be useful in saving lives if certain conditions are met. Several examples are presented here.

Safe houses are buildings in which people at risk can be protected during periods of high tension. Their location may be secret, especially when the homes of private individuals are involved, or they may be known to the public, in which case they usually require management by an international organization. Safe-house strategies may involve formal agreements with the authorities to respect them or even to provide security.

During the Holocaust, thousand of Jewish lives were saved in Budapest by virtue of claims of extraterritorial status for safe houses by diplomatic missions and through the use of the Red Cross emblem on selected buildings. Swedish diplomat Raoul Wallenberg designated whole apartment buildings as protected territory of the Swedish government. Signs in German and Hungarian, warning that the houses had extraterritorial status and could not be entered, were generally respected by both Nazi and Hungarian authorities. Wallenberg's compelling personality and courageous presence were clearly factors, yet his efforts drew on strategies such as the use of protective passes that have since been successful elsewhere.

In Haiti, the monitoring mission of the UN and Organization of American States decided not to set up safe houses due to the numbers of persons at risk and already in hiding. (It made one exception.) However, mission personnel did assist some persons under direct threat in finding secure places to stay. In some settings, safe houses have been connected with assistance programs, such as soup kitchens, clinics, or schools. NGOs engaged in emergency relief activities may play an important supportive role in the day-to-day operations of safe houses.

The presence of international workers on site significantly increases the chance for success but does not guarantee it. Those staffing such houses need to be assertive and quick-thinking. Reliable communications equipment is a necessity, and the protection of the safe house must be strongly supported by international

organizations and diplomatic missions. The cooperation of the authorities also increases the likelihood of success but may be difficult to obtain.

At the more macro-level, the Geneva Conventions authorize establishing neutralized zones to shelter wounded and sick combatants or noncombatants and civilians who take no part in hostilities and are not involved in the war effort from the effects of war. Once the parties agree upon location, administration, supply, and supervision of the proposed zone, they confirm the groundrules in writing. They may also elect "to establish, in their own territory and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven."[17] Although waning respect for the rules of war and the Red Cross emblem may have reduced the viability of neutralized zones, the device under certain conditions may still be useful.

An early example involves the creation of an international safety zone by fewer than a dozen internationals in Shanghai during what has been called the Rape of Nanking by Japanese soldiers in late 1937 and early 1938. There were numerous and serious violations of the zone, including the takeover of three out of four Red Cross hospitals, from which disarmed soldiers were removed and summarily executed. Yet "[t]he zone eventually accommodated some 200,000 to 300,000 refugees–almost half the Chinese population left in the city....If half the population of Nanking fled into the Safety Zone during the worst of the massacre, then the other half–almost everyone who did not make it to the zone–probably died at the hands of the Japanese."[18]

In 1990, the ICRC reached an agreement with the Sri Lankan military and the Tamil Tigers to declare the Jaffna Teaching Hospital in the northern peninsula an "ICRC protected area." No military activity would take place from within or near the hospital area, the border of the area would be clearly identifiable from the air and the ground, and no military weapons or personnel would be permitted inside it. Not two days after the signing of the

agreement, however, the Sri Lankan military attacked the area. The ICRC publicly condemned the attack. The area military commander denied knowing the area was protected. Thereafter, however, the designated area was respected by both sides.[19]

An open relief center (ORC) is broadly defined as "a temporary place where displaced people on the move can freely enter or leave and obtain essential relief assistance in a relatively safe environment."[20] In Sri Lanka during a mass exodus of asylum seekers, UNHCR devised a plan to provide a "relatively safe" alternative to flight, opening several ORCs in late 1990. While the provision of emergency food, shelter, and medical care to displaced people was a large part of the mission, protection was an equally important function. UNHCR field officers staffed the ORCs; several major international NGOs provisioned them. Although NGO staff had specific relief roles assigned, they essentially provided protective accompaniment, which UNHCR saw as fundamental to ensure fulfillment of the accords and safety in the camps.[21]

Access agreements were negotiated with government security forces. Ongoing radio contact with UNHCR in Colombo enabled fast, high-level intervention when local commanders failed to respect agreements. There were nevertheless threats to ORC neutrality, including efforts to militarize them, interference with freedom of movement, and manipulation of relief assistance by the government. The army occasionally entered to conduct roundups and interrogations but no deaths resulted.[22] Overall, however, the ORCs endured and continue to offer a modicum of protection to Sri Lanka's displaced.

Effective implementation of protection strategies require ongoing monitoring and course-corrections in response to rapidly changing events. Since perpetrators of abuses can be expected to try to defeat any strategy that prevents them from achieving their objectives, planners must seek to stay one step ahead. The perpetrators have the advantage of not playing by the rules.

Ongoing human rights monitoring has too often been unsystematic in data collection and follow-up. Data regarding the type

and severity of abuses, however, can be important in guiding prioritization of responses. Data regarding the methods of selecting victims can help identify persons at extremely high risk of arrest, disappearance, or summary execution. The creation by the authorities of lists of persons or the issuance of identity cards along ethnic or religious lines, for example, are serious warning flags. Data regarding patterns of violations may be helpful in devising and revising containment or prevention strategies for particular towns, refugee or IDP camps, checkpoints, roads, or crossing points. Establishing a firm database and monitoring developments are key to effective protection.

Leadership

Given the multiplicity of actors and protection tasks, the need for field-level cooperation among organizations is indispensable.[23] Recent studies have concluded that in countries where there was no lead agency to animate and orchestrate protection, efforts suffered. As noted in the following chapter, leadership might have avoided or reduced loss of life in the closing of the IDP camp at Kibeho, Rwanda. Primary responsibility for orchestrating protection varies from place to place. The lead may be assumed by the ICRC, UNHCR, OHCHR, OCHA, the UN Resident or Humanitarian Coordinator, or an NGO or even an independent individual.

In Kosovo, no single agency, either before or after the NATO bombing, was charged with pulling together organizations in the field to develop a joint protection strategy. While before the bombing the ICRC played the most prominent role, the Kosovo Diplomatic Monitoring Mission (KDOM), UNHCR, non-governmental human rights groups, and others were also concerned about detention and related issues.[24] There was need for a plan that identified protection gaps, developed practical approaches, and formulated an advocacy strategy. That need was clear during 1998-99 when international organizations were present in, and then absent from, Kosovo.

The need remains during the transition from armed conflict to reconstruction and the rule of law. From their arrival in mid-1999, NATO troops in the Kosovo Force (KFOR), with some exceptions, acted quite vigorously to intervene when individuals or groups of civilians were attacked. Yet key questions remain. As protection challenges evolve, how will KFOR develop its approach to protection, especially if its troops lack the training to address what are essentially law enforcement tasks? How will KFOR's role relate to the protection roles of the ICRC, UNHCR, and the Organization for Security and Cooperation in Europe (OSCE)? How will persons detained by KFOR be afforded due process?

In such situations, where multiple agencies and individuals are involved, leadership requires a strong individual with a clear institutional mandate. A "protection facilitator" would orchestrate appropriate protective action and ensure effective liaison with those providing aid. The individual would have and draw on extensive field-level protection experience. Based in the field, he or she would play a key role in ensuring the posting staff in sufficient numbers away from the capital or major cities. (Urban-centered activities may be of equal importance in certain human rights emergencies.) The person would arrange memoranda of understanding between organizations with protection mandates and keep the policy community apprised of developments and of the financial requirements of protection programs.

A protection facilitator or "lead agency in protection"[25] should operate as independently of political processes as possible, "guided by core principles relating to the protection of threatened people and by experts in refugee law, humanitarian relief and development, and human rights."[26] Efforts should be made to anticipate and avoid political interference that limit the capacity to provide protection. Only through close and constant contact at the field level with civilians, military, and civil authorities can those responsible for protection assess conditions and achieve the full benefit of international presence.

The existence of a protection facilitator might have enabled a more effective response to the mutilation tactics employed by

insurgents in Sierra Leone in 1998-99. Rebel forces and members of the former army committed brutal atrocities such as amputations and forced rape against civilians. Such tactics had the ostensible purpose of warning off Economic Community of West African States Monitoring Group (ECOMOG) troops, who had driven them from the capital, and of demonstrating to the government the control of certain areas. Reports of these atrocities, with few exceptions, did not produce strategies to discourage such attacks such as increased international presence, the evacuation of villagers, or the setting up of zones of safety.[27] A protection facilitator might have assisted in the development and implementation of practical field-level steps to prevent further abuses and advocacy plans to engage the international community more fully.

A case can be made for incorporating protection coordination into the portfolio of the resident coordinator, normally the ranking UN official in a given country. However, the job may require a different knowledge base and set of skills than the coordinator possesses. Moreover, the resident coordinator must maintain constructive working relationships with host political authorities across a wide range of issues, relationships that may not lend themselves to the assertiveness needed on protection matters.[28]

In sum, an integrated approach to protection requires needs assessment, planning, and implementation, all carried out with the strong leadership of key individuals and agencies. A solid field base and orientation is essential, reinforced by action at other levels. To the extent that leadership is lacking or that one of the functional elements is weak, the chances of effective protection are reduced. That is amply illustrated by the recent experiences with opportunities seized and missed, the subject of the following section.

Seized and Missed Opportunities

Recent experience has witnessed both seized and missed opportunities to provide protection to populations in danger.

Examples of successes in Tanzania, Bosnia, and Kuwait and failures in Bosnia and Rwanda are examined here, with particular attention to innovative elements.

Protecting Rwandan Refugee Women in Tanzania

In the Mukgwa camp in the Kigoma region of Tanzania, Rwandan refugee women in 1994-95 were routinely the object of sexual violence by government soldiers and security forces. In this, as in other refugee and IDP camps, abuses often occurred at night, when few internationals were present to observe or intervene. Although it took some time to develop an effective response, UNHCR staff sought to deter such attacks by cutting protective grass on a route which women frequently traveled and by placing latrines in more protected locations. An information campaign that sought to inform women about ways they could protect themselves also contributed to an improved security situation.[29]

One UNHCR protection officer in the Mukgwa camp discussed the situation with an interviewer. "Protection responses rely on social services programming," she observed. "Early in the life of the camps women were being assaulted as they walked to and from the latrines and from collecting water. One woman was killed by her assailant. We responded by providing women with torches [flashlights], educating them to walk in groups, and assisting communities in setting up neighborhood watches." She recommended training that included bringing community-based service workers and protection officers together to discuss strategies and that made use of the Guidelines on the Protection of Refugee Women.[30]

The Protection of the Serb Minority in Sarajevo

In early 1996, UNHCR staff posted in Sarajevo were frustrated by the failure of international troops and police to halt the burning of residential areas and to buffer the pressure on Serb citizens to leave the city's suburbs. In response, they set up a safe

house (actually, an apartment) for elderly Serbs too frightened to remain in their apartments. Loaned by a resident of a suburb expressly for this purpose, the house operated for a number of days with round-the-clock UNHCR international presence. While it served relatively few people, it prevented the forced departure of those living in one particular block of apartment buildings.

It is noteworthy that the safe house itself did not come under attack. Implementation Force in Bosnia (IFOR) troops eventually responded to UNHCR requests to station a guard outside the house for additional protection. The success of this limited initiative suggests that a modest network of safe houses might have encouraged other Serb civilians to remain despite pressure from Bosnian Serb leaders and police (and later the Federation authorities themselves) for them to leave.

Protecting Palestinians in Kuwait City

Following the expulsion of Iraqi forces from Kuwait in early 1991, Kuwaiti Palestinians, suspected of having been Iraqi collaborators, were in serious danger of human rights abuses at the hands of the Kuwaitis. Senior Kuwaiti officials did not hide their anger toward the Palestinians; one acknowledged plans to deport half of the population that remained after some had fled during the conflict.

During the Gulf War, a special U.S. army unit, the Kuwait Task Force (KTF), was formed to promote reconstruction efforts in Kuwait. Its executive officer, Lt. Col. Andrew Natsios, and two American civilian advisors, Fred Cuny and Joe Gettier, realized as early as mid-December 1990 the potential for serious human rights abuses following the liberation of Kuwait from Iraqi forces.[31]

In developing an operations plan that was later approved by the Kuwaiti authorities, the KTF sought to avoid the concentration of Palestinians in closed-in areas where they could be the target of mass violence. IDP camps were therefore discouraged as they made people, especially women, more vulnerable to attack.

The final plan included a total curfew for the first 72 hours; a dusk-to-dawn curfew for two weeks; Allied military patrols in Palestinian neighborhoods; denial of access to Palestinian neighborhoods by Kuwaiti civilians, resistance members, and regular army soldiers; assignment of Allied troops to guard entrances to the Palestinian neighborhoods to enforce the curfew and control access; and access for humanitarian agencies into Kuwait immediately following liberation. The rules were announced by leaflets and local radio in ways that avoided drawing attention to Palestinians, emphasizing instead the importance of public safety and the potential for lawlessness on the streets.

Learning of plans by the Kuwaiti military to organize large-scale weapons searches in Palestinian neighborhoods, the KTF visited Palestinian leaders in Kuwait City neighborhoods and found them close to panic. At the KTF's suggestion, the U.S. military requested that the Kuwaiti commander call off the searches and withdraw Kuwaiti forces from the neighborhoods. The Kuwaitis complied. Meanwhile, the KTF began to document and analyze abuses occurring at checkpoints. The presence of the team in the Palestinian neighborhoods began to have a calming effect.[32] Young men were warned to stay home until tensions ebbed.

A growing list of detained or missing persons compiled by the KTF was given by the US Ambassador to the Crown Prince with a request for information on their disposition. The list "put the Kuwaitis on notice that we were watching them and would hold them accountable for their actions."[33] The team began to make visits at night (when most of the interrogations were rumored to be taking place) to suspected detention facilities. A protocol on the arrest and treatment of prisoners was issued, designed to "reduce abuse at the lower levels of the command structure, increase accountability, and provide some limits on random arrests....By looking at the lists of those arrested at each level of transfer to higher headquarters, we could tell where prisoners were disappearing while being transferred to headquarters."

The KTF kept the U.S. ambassador informed of protection concerns. His angry demarches resulted in severe reprimands by

the Crown Prince, who told senior Kuwaiti officers "that the abuses were severely damaging relations with the United States; that the Americans were very angry these incidents were taking place, and they were to stop."[34]

The KTF's decision to speak openly with journalists about the problem offset exaggerated claims of abuses and executions of Palestinians and helped impress upon the Kuwaitis the need to show restraint. While an estimated 400-500 Palestinians were arrested and 40-50 killed, according to Natsios, the work of the KTF is believed to have decreased the number of summary executions that might have occurred had there been no intervention and increased the number of releases from detention.

In each of these examples of seized opportunities, the initiative for protection activities came from determined individuals. However, the undertakings eventually garnered essential institutional support, whether from UN agencies or the U.S. military. The actions themselves were based upon concepts that have been applied elsewhere: international presence, clear-eyed analysis of the perpetrators' modus operandi, anticipation of vulnerability to abuse, issuance of clear instructions and guidelines, and education of vulnerable populations in self-protection and risk avoidance.

The examples of missed opportunities for providing protection are drawn from Bosnia and the Great Lakes. Equally powerful illustrations are available from crises such as those in Sierra Leone, Liberia, the Sudan, and elsewhere.

The Failure to Protect Civilians in Bosnia and Herzegovina

The Sarajevo suburbs. The earlier example of the successful UNHCR safe house in Sarajevo occurred within the context of a larger missed opportunity to protect citizens following the Dayton agreement of late 1995. In early 1996, Bosnian Serb authorities in the Republika Srpska (RS) conducted a campaign to convince Serbs that it would be impossible to live with Muslim and Croat neighbors following the transfer of Serb-controlled suburbs to Federation authority. Local thugs with suspected connections to

the Bosnian Serb police terrorized citizens into leaving their homes. They burned down apartment buildings, some with residents still inside, and threatened those wishing to remain. Following the transfer, Federation police (who were mostly Bosniak or Muslim) continued the harassment and failed to restore order to the degree necessary to convince residents to stay. The direction of population movements represented a serious blow to hopes for Sarajevo's return to a multiethnic capital city.

As the violence took place, international officials remained passive, with UN civilian police from the International Police Task Force (IPTF), civilian police monitors, and NATO troops essentially standing by. Granted, the IPTF was understaffed and new to the scene, yet it failed to address police misconduct even minimally. IPTF offices were also virtually inaccessible to citizens, who feared as well that complaints would be shared with local police who were perpetrating offenses. NATO troops themselves, with few exceptions, watched as buildings with elderly residents inside were set on fire, taking no action to stop readily identifiable perpetrators. The UNHCR safe house and the actions of a few journalists who took up temporary residence with endangered persons were exemplary but meager substitutes for what NATO troops and IPTF monitors could have accomplished.

Jacje. In August 1997, nearly two years after the signing of the Dayton agreement, Bosnian Croat mobs set up roadblocks and forcibly expelled hundreds of Bosnian Muslims from villages around the town of Jajce in Central Bosnia. One man was killed and his house burned down around him. While those expelled were able to return home with support by NATO troops and IPTF personnel shortly following the expulsions, the international resolve mustered during the return itself suggests that the expulsions in early August might have been prevented had firm action been taken earlier on.

On August 1, for example, a single roadblock set up on a main road was not removed by NATO troops, despite a clear mandate to ensure freedom of movement. The following day, Bosnian

Croat protesters parked cars across the road, forming a second roadblock. The police and the Federation's Deputy Interior Minister ignored IPTF directives to remove roadblocks. Again, the NATO Stabilization Force (SFOR) did not remove the checkpoint, although a spokesperson later claimed that SFOR troops and vehicles had been "positioned in the villages to closely monitor the situation, remove a roadblock, and set up checkpoints to facilitate freedom of movement." The next day the protesters turned violent, descending on a number of villages around Jajce and expelling around 500 Bosniaks, murdering the man mentioned earlier.

An IPTF investigation led to the demand for dismissal of the Jajce police chief and his deputy and for disciplinary measures against another eight police officers. The investigation was thorough, but the follow-up was poor. Dismissals came nearly three months later. Afterward, the IPTF was not sure of the job status of the dismissed officers or of the actions taken against the other eight officials despite SFOR statements that the perpetrators would be punished.

The Failure to Protect Tutsi Refugees within Rwanda

In 1996-1997 a group of ethnic Tutsis who had lived for years in the Masisi area of Zaire (about 50 kilometers from Goma) were forced to flee Zaire to Rwanda due to an effort to expel all Tutsi from Zaire. They eventually landed in a camp at Mudende about five miles from the border of Zaire (now the Democratic Republic of the Congo). At least 425 people from this camp lost their lives in attacks by the Hutu militia, or *Interahamwe*.

From the outset, aid organizations recognized that camp security was a serious issue given the camp's proximity to the border in an area subject to incursions by the Hutu militia. They strongly urged the Rwandan government to move the camp. In June 1996, the UN Human Rights Field Operation in Rwanda expressed concern that Mudende and other camps were located along the Rwandan border with Zaire, within sight of camps for Rwandan Hutus just across the border in Zaire.

On August 22, 1997 an attack on the camp by Hutu militias killed an estimated 148 refugees. The camp was attacked again in December 1997 with some 300 deaths resulting. Following the first massacre and prior to the second, UNHCR and the ICRC had pressed the Rwandan government to relocate the camp into the interior, but no action was taken until after the second massacre.

The December 1997 attack was the worst attack on a refugee camp in Rwanda. In Kigali, the Rwandan government criticized the international community for its indifference to the slaughter: "They failed to recognize the genocide in 1994, and now they are again failing to recognize that [the Hutu extremists] never abandoned their plans to carry out the genocide."[35]

Had the problem of continuing cross-border attacks by Hutu insurgents been addressed by the international community, that massacre and others might not have occurred. The ICRC had identified a new location and offered assistance to the Rwandan government in moving the refugees, and the government failed to act. UNHCR, too, reported having "repeatedly urged local and national authorities to move the refugees from Mudende."[36]

Inhabitants in the Mudende camp in May 1998 suffered a third attack, with dozens murdered, and, in June, a fourth following the transfer of the Tutsi refugees to a camp at Nakamira, itself subject to frequent incursions by Hutu militias. The Nakamira camp was located a short distance from a Rwandan military barracks, but action by the troops was again ineffective. Upon hearing about the Nakamira attack, a local official replied, "It's not particularly alarming, because we know we can solve all these problems in time."[37] The Rwandan Prime Minister lectured the survivors on the need for better self-defense but did not propose to move the refugees. A Rwandan government official remarked in June 1998 that there were no plans to evacuate the Nakamira camp.

Several common threads run through these examples of missed opportunities in Rwanda. Those killed or injured were incapable of protecting themselves or were placed in the position of being unable to protect themselves. There was an abject failure

of early action by both international and local actors with authority or some ability to prevent attacks. In fact, warning signs and direct attacks were repeatedly ignored. Finally, impunity for past abuses represents a recurrent feature. The same perpetrators who initially attacked or ethnically cleansed the populations involved were able to attack them again, sometimes several years later, again with impunity.

In short, not only did international will never materialize to stop the genocide in 1994, but the international community also failed to do all it could to help resolve the residual problems of the new government in Rwanda and of the camps for Hutu refugees in neighboring Zaire, as discussed in the following chapter. For its part, the government of Rwanda did not take action well within its capacity to prevent further violence by relocating the refugees or establishing better security around the camp. The violence has continued, reclaiming international attention only in early 1999 with the killing of foreign tourists in Uganda by Hutu *genocidaires*.

Lessons to be Learned

This review of opportunities seized and missed, combined with the earlier analysis of the essential elements of an integrated approach to protection, suggests several lessons that should guide future protection efforts. These include the clear analysis of the data with an eye to determining patterns of abuse, the development of "hands on" strategies to protect people at risk, the indispensability of international presence in sufficient numbers, the need for adequate resources for protection programs, the early mobilization of protection allies, and the importance of leadership and advocacy.

Without leadership to guide protection efforts, the same mistakes and oversights are likely to be repeated. There is a need for professionals with a detailed knowledge of protection strategies used over time, the skills to consider how to apply them to new challenges, the determination to engage others in the effort to save lives, the patience to weigh the risks being taken in the process, and the wisdom to adapt strategies as needed.

An overarching conclusion is that for protection to be effective, the approach devised and implemented must be practical, taking into account not only existing law but its application to real-world situations. Those in the field should concentrate on how to save as many lives as possible, weighing the effects of each available strategy. Meanwhile, their efforts need to be reinforced by actions taken at higher political and agency headquarters levels.

International presence is an essential element in protecting populations in danger. Yet presence alone represents an insufficient response. It must involve active engagement and strategic thought and follow-through. Presence unaccompanied by assertive action in the face of serious abuses conveys the clear message that violations will be tolerated or even condoned. Organizations without explicit human rights mandates, no less than those whose terms of reference include protection tasks, have expanded roles to play.

There is arguably a role in protection for everyone in the field.

HUMANITARIAN OPERATIONS
AMONG BELLIGERENTS AND CRIMINALS

This chapter examines a subset of the practical protection challenges reviewed in the last chapter: the need to provide protection in circumstances in which belligerents and criminals constitute a significant segment of the aid-recipient population. Belligerents in many post-Cold War settings are warring parties which in the conduct of their activities commit violations of the laws of war and crimes against humanity. In addition to criminal behavior of this sort, humanitarian actors must also cope with other kinds of criminality: theft, corruption, extortion, and threats to personal safety and security that do not rise to the level of crimes against humanity.

After reviewing the specific challenges posed by belligerence and criminality, this chapter highlights innovative strategies to reduce the influence of those elements. The assertion of control that is necessary for effective protection requires consensus among international actors at the local level regarding common strategies, reinforced by higher authorities in aid agency headquarters and among political decisionmakers in governments and intergovernmental organizations.

The two situations reviewed involve assistance to Rwandan refugees and IDPs from August 1994 to October 1996 and reconstruction assistance in Bosnia-Herzegovina since the signing of the Dayton Accords. The Rwanda case focuses primarily on the influence of belligerents on camp populations but also addresses issues related to the criminal status of many of the camp leaders as a result of their involvement in the genocide. In the Bosnia-Herzegovina case, the main focus is on belligerent activities which qualify as war crimes or crimes against humanity, as well as on other crimes that make political leaders dubious interlocutors for international humanitarian actors. Other humanitarian crises in which belligerent or criminal elements have played major roles

suggest that these two cases, while perhaps extreme, are not unique. In each, protecting the human rights of aid recipient populations without strengthening the hold of abusive elements has proved a formidable task.

The Humanitarian Conundrum

One feature of the internal armed conflicts of the post-Cold War era has been an increase in the number of non-state actors vying for control of territory and populations. Rules of war are often either ignored by or unknown to many such belligerents, who have shown their willingness to use brutal tactics to accomplish their goals. The Rwanda and Bosnia experiences confirm that the vast majority of casualties are civilians, often the intended victims of conflict rather than innocent bystanders.

A parallel development has been an increase in the number of actors in the humanitarian sphere, including not only private relief agencies but also international military forces. More actors with humanitarian portfolios has not meant greater success in buffering civilian populations from the ravages of conflict. In fact, relief workers are increasingly disturbed by the fact that their assistance often appears to have little effect upon the level of violence to which aid recipients are exposed, or, worse still, that it may sometimes play into the hands of those responsible for the violence. The phenomenon of the "well-fed dead" in Bosnia-Herzegovina dramatizes the ability of aid organizations to feed but not protect civilian populations. In such situations, the manipulation of food distribution by belligerents can result in not only well-fed combatants but also malnourished women and children.

Until recently, aid organizations maintained that they had a responsibility to assist those in need irrespective of the implications of doing so on the political or military situation. Now, after a series of complex emergencies in which previously unimaginable abuses of relief assistance have taken place, many agencies are reconsidering this position. The payment of large sums of hard

currency in Somalia for the protection of local warlords—in some cases from theft by the warlords' own men—and the expropriation of large amounts of aid agency resources (including vehicles) in Sierra Leone illustrate the degree to which assistance can be abused.

A particularly vexing conundrum involves whether, in the interest of saving innocent lives, the guilty should receive assistance and how, amidst efforts to reach those in need of such aid, the legitimization of illegitimate actors may be avoided. With respect to saving the innocent, the intensely political motives of the principal players can eventually turn virtually any contribution to political ends, the determination of aid organizations to remain neutral notwithstanding. As the numbers and types of non-state actors who control access to distressed populations increase and their methods become increasingly violent and repressive, some organizations have come to question the effectiveness—and even the possibility—of an apolitical approach to humanitarian aid. Indeed, part of the solution to this problem—reducing the control that local powers have over relief distribution—necessitates action in the political arena. Such action, in turn, requires a common strategy among agencies on the ground and support from those higher up.

The practice of providing assistance through belligerents in order to gain access to civilians has been called into question in recent crises such as Somalia and Liberia. These situations have made clear that such aid can actually preclude, rather than facilitate, the protection of those in greatest need, particularly in cases where assistance is used by combatants or criminals to maintain control over civilian populations. The price paid may be quite disproportionate to the gains achieved.

In his article "Feeding Refugees, or War?," analyst Ben Barber comments that "Humanitarian sentiment being what it is, any guerrilla movement can co-opt international refugee aid for military purposes so long as refugees are languishing in camps." In the dozen conflicts Barber has analyzed in Asia, Africa, Europe, the Middle East, and Latin America, "guerrilla leaders resorted so

frequently to...strategies for co-opting aid that they all seemed to have studied the same handbook."[1] The strategy of Somali belligerents in 1992-1993 became fairly typical: controlling distressed populations as a means of establishing a claim to resources designated for such persons and to the international recognition that accompanies such control.

A range of entities, including weak governments, insurgents, warlords, and criminals who may have difficulty holding territory, may nevertheless seek to increase their power and influence through controlling relief assistance to a particular population, effectively holding that population hostage. The post-Cold War textbook case for such a strategy, the Rwandan refugee camps in Zaire from 1994 onwards, had precedents during the Cold War in the camps for Cambodian refugees along the Thai border. Comparing Goma to other situations in which belligerents controlled assistance, Robert DeVecchi, then-President of the International Rescue Committee, commented that "this was more egregious than Cambodia. The way the camp was organized, it was militiamen who determined food distribution, access to hospitals. [Militia] police ran the camp. The refugees were more like hostages than refugees getting direct aid."[2] The longer such a situation is maintained, the more dire the consequences for the non-criminal recipient population.

The problem of reaching civilians is further complicated by the fact that assistance in such circumstances helps legitimize illegitimate actors. Aid agencies face a dilemma when belligerents who have demonstrated disregard for international human rights standards or international humanitarian law seek to assert authority over a particular area or people and control over assistance. If the agencies refuse to negotiate, they lessen their chances of reaching the population under threat and of promoting increased respect for international norms. Negotiating, however, confers a certain legitimacy and may increase the power and influence of such elements.

Tacit recognition of illicit actors as the controlling authorities or, by implication, as the legitimate representatives of the civilian

Protection and Assistance in Post-Cold War Conflicts

Contemporary armed conflict is seldom conducted on a clearly defined battlefield, by conventional armies confronting each other. Today's warfare often takes place in cities and villages, with civilians as the preferred targets, the propagation of terror as the premeditated tactic, and the physical elimination or mass displacement of certain categories of populations as the overarching strategy. The acts of warring parties in recent conflicts in the former Yugoslavia, Sierra Leone and Afghanistan bear testimony to this.

Breaches of human rights and humanitarian law, including mutilation, rape, forced displacement, denial of the right to food and medicines, diversion of aid and attacks on medical personnel and hospitals are no longer inevitable by-products of or collateral damages of war. They have become the means to achieve a strategic goal. As a result, even low intensity conflicts generate enormous human suffering. Humanitarian needs are disproportionate to the scale of military conflict. Meeting these needs has become more difficult, as the dividing line between combatants and civilians has grown blurred.

Sergio Vieira de Mello
U.N. Under-Secretary-General for Humanitarian Affairs[1]

1. A Briefing for an Open Session of the Security Council on Promoting Peace and Security: Humanitarian Activities relevant to the Security Council (January 21, 1999): 1.

population can jeopardize the integrity of relief operations. In post-war Bosnia, willingness to meet and negotiate with persons who had taken control through murder legitimized not only their authority but, in the eyes of many, the methods by which they had seized power. That international imprimatur later undermined implementation of the peace accords by allowing those most opposed to the agreement to remain in positions of authority.

During April 1992 in the Bosnian Serb-controlled town of Prijedor in northwestern Bosnia, a surrogate "mayor" came to power when the elected mayor was interned in a detention camp and subsequently disappeared. The "mayor," along with the police chief and other town "officials" under investigation for war crimes and crimes against humanity by the International Criminal Tribunal for the former Yugoslavia, maintained their official positions following the Dayton accords. The international community interacted with them as the legitimate authorities, sometimes negotiating reconstruction projects with them. The police chief was implicated in Mafia-type activities and reportedly threatened to burn down legitimate businesses if they received reconstruction contracts from international donors. Rather than address the real problem—the continuing influence of the "warlords"—IFOR, as implementing agent of the international community, agreed to provide enough contracts to the local authorities so that they would not interfere with assistance to others.[3]

While few would maintain that persons clearly implicated in war crimes should be granted reconstruction contracts or other assistance, there is great disagreement about how situations should be managed when the alleged perpetrators remain in authority. Aid officials are often placed in the impossible position of having to carry out programs when there is clearly a lack of political will to prosecute or otherwise remove from influence those believed responsible for misdeeds. The tension between the need for accountability for past actions as a prerequisite for turning the corner from violence, on the one hand, and the need for prompt and demonstrable physical progress in rebuilding social infrastructure, on the other, is often neither clearly understood nor well managed.

The issue highlights the need for aid agencies to develop a common plan for dealing with belligerent or criminal elements, lest inaction, discord, or malfeasance strengthen their hand. Some strategists take a realpolitik stance: there is no real option but to make the best of a bad situation in hopes that the authorities can eventually be persuaded to observe the law. They argue that it is impractical to exclude key figures from reconstruction and that including them provides them a stake in the success of post-conflict arrangements.

Yet persons who have committed international crimes are ill-suited to the task of equitable social reconstruction. Their authority is based on a system of lawlessness and impunity. They gained positions of power precisely because of their willingness to employ illegitimate and often brutal tactics and continue to use methods of control antithetical to the rule of law. Failure to address the issue of impunity and past crimes may derail or severely hamper the peace process, as the Dayton experience demonstrates, particularly as regards interference by such persons with the returns of uprooted populations. Progress may be particularly slow and painful when those in control have a vested interest in preventing change.

Assistance to Rwandan refugee camps in eastern Zaire from 1994 through 1996 represents another classic case of the manipulation of aid providing legitimacy to belligerent or criminal elements. What made the Rwandan case somewhat exceptional was that assistance was channeled through a leadership that was not just a government-in-exile but was responsible for having planned and conducted genocide. Providing such persons with refuge and using their administrative structure to deliver aid reinforced the leadership of former government forces and sustained their popular support base. The camp population provided cover for those implicated in the genocide and ensured that those launching insurgency campaigns into Rwanda to destabilize the new government could count on well-fed recruits.

Outside aid, in turn, lent a degree of legitimacy to denials by former government forces of criminal behavior. If the killings they

had orchestrated in Rwanda were not self-defense but heinous crimes against humanity, the contention ran, why would the world provide massive aid through mainstream relief organizations in UN-sanctioned camps? If the leaders were criminals, why were they not in hiding but rather exercising authority and providing succor for their people? Provision of massive amounts of international aid in the absence of visible efforts to investigate or detain that leadership lent credibility to an elite that had convinced people to kill their neighbors and was now preparing them to return to Rwanda to finish the job.

The Goma camps were not the first or only example of the abuse of aid to strengthen recidivist elements. There are striking parallels between assistance to Rwandan *genocidaires* and to Cambodia's Khmer Rouge in camps along its border with Thailand. Evidence unearthed in the months following the Vietnamese occupation left no doubt about massive and systematic killings by the Khmer Rouge when they governed the country. Yet long after these findings had been reported in international news media, the Khmer Rouge, too, enjoyed substantial support and legitimacy.

Massive international assistance was poured into Cambodian refugee camps, both in sympathy for those who had survived four years of Khmer Rouge brutality and to support those fighting against the Vietnamese occupation of Cambodia. Humanitarian assistance was pressed into the service of a highly political agenda. "In order to drive out the Vietnamese, it was deemed necessary to give new life, new legitimacy, and new weaponry to the Khmer Rouge."[4] While the states intent on a Vietnamese defeat in Cambodia provided weaponry and legitimacy by allowing the Khmer Rouge to keep its UN seat, aid agencies contributed sustenance and legitimacy.

There are, of course, significant differences between aid to the Khmer Rouge along the Thai-Cambodian border and aid to the former Rwandan military and militia in Zaire. In the world of Cold War geopolitics it was not surprising to see aid channeled to camps controlled by either Khmer Rouge or the anti-communist Khmer Serei (Free Khmer), as they both fought against a common enemy

in the Vietnamese. As mentioned in Chapter 1, refugees created by Cold War politics were maintained by the international humanitarian community.

Within the geopolitical rubric of the day, however, little scrutiny was given to the use of humanitarian assistance in the service of political objectives. In Cambodia, the prevailing wisdom was to support humanitarian aid until geopolitical goals had been achieved. In eastern Zaire, where the same major donor states kept on with assistance to those responsible for genocide and for continued destabilization of the region, the controlling impetus was not geopolitical but rather an unwillingness to devise alternative strategies.[5] In both situations, the protection of those in need of assistance could not be assured by humanitarian organizations, nor was it a priority of state interests.

Humanitarian Response

In responding to problems created by belligerence and criminality, humanitarian actors have devised a number of innovations—and also missed opportunities for doing so. Examples of positive responses are drawn from the emergencies involving Rwandan refugees in Zaire, Cambodian refugees in Thailand, and civilians within Liberia. Missed opportunities are illuminated in reviews of the responses to IDPs within Rwanda and to reconstruction challenges in Bosnia. Effective strategies to provide protection and assistance require finding ways to avoid playing into the hands of belligerent and criminal elements who lack serious commitments to human rights.

Innovations

Rwandan refugees in Zaire. As early as mid-August 1994, the level of threat directed at those Rwandan refugees in camps in Goma who had even intimated a wish to return home was manifested in mob attacks on vehicles designated for the repatriation operation. By October, UN High Commissioner for Refugees Sadako Ogata was

warning that ex-Rwandan army and militia personnel were endangering refugees and relief staff and disrupting the relief effort. "The aim appears to be to control the refugee population, block their voluntary return to Rwanda and build resistance against the government in Kigali."[6]

By November, UNHCR and NGOs had stabilized the precarious health emergency in the Goma camps. The cholera epidemic was rapidly fading, and nutrition levels were slowly improving. Once the emergency eased, aid organizations in the camps were better able to take stock of the activities of the militia and former Rwandan government and military personnel and of the threat posed to the refugee security. Aid officials witnessing firsthand the brutal and often fatal attacks on refugees feared for their own safety.

UNHCR and other agencies realized that military elements would have to be removed from the camps to maintain the camp's civilian nature and to "decrease the violence that was a daily feature of life."[7] In September 1994, a team of Zairian and UN officials explored the possibility of moving, to locations away from the border, some 20,000 troops from the former Rwandan army who lived in military encampments near the refugee camps, which they frequented. The team recommended using UN peacekeepers to accomplish the move and to maintain the security of the camps. UN Secretary-General Boutros Boutros-Ghali suggested using them for security alone and having them train local personnel in the camps.

After the UN Security Council had showed little interest in the idea and valuable time had been lost, Ogata arranged for deployment of a 1,500-member Zairian Camp Security Contingent (ZCSC), selected from the Zaire government's Division Speciale Presidentielle. Operating with limited success, the ZCSC arrested a dozen persons who intimidated people in the camps—only one of whom, the ex-Prefect of Kigali, was of any importance. Even those who were arrested were eventually released by the ZCSC.

The ZCSC is credited with achieving "a reasonable degree of security in the camps, but without the control of the former

Rwandan authorities being broken. Moreover, the Zairan Security Contingent had neither the will nor the capacity to stop the flow of arms, military training, and cross-border incursions into Rwanda."[8] The ZCSC also had no effect on Hutu extremists who, operating outside the camps that it was policing, orchestrated the propaganda and coercion campaign carried out through their agents in the camps, conducted a war in Masisi and infiltrated Rwanda. Zairian officials were reluctant to take a more forceful approach, and the international community did not insist that they do so.

In the absence of robust action by states or the UN, NGOs developed several innovative strategies to deal with an excruciatingly difficult situation. While the experience of the Goma camps has become something of a shorthand within the humanitarian family for ineffective and counterproductive action, those positive elements merit attention.

First, many of the agencies working in the Goma camps signed a joint declaration on November 3, 1994 demanding that the UN address the dangerous security situation. This was the first time that a broad coalition of NGOs had threatened to withdraw emergency assistance from such a large-scale refugee population unless political actors took certain actions. When their demands were not met, two of the ten signatories left in protest. The agencies that remained viewed the humanitarian imperative as requiring continued presence, even in the midst of criminal and belligerent elements. Leaving, in their judgment, would hurt the vulnerable more than the Hutu leadership.[9]

Second, the coalition that had spearheaded the joint statement was expanded to include other NGOs and met regularly, often with UNHCR present, to address continuing problems in the camps. These meetings served as a forum for discussing ethical issues involved in continued assistance and practical measures to limit the control of camp leaders and the violent measures they employed.

The coalition also continued to work through the headquarters of member agencies, as it had done in negotiating the joint

statement. In a February 9, 1996 meeting in Amsterdam organized by MSF-Holland, representatives from organizations involved in the Goma coalition and UNHCR discussed issues such as reducing aid and staffing levels in the camps to a bare minimum and advocacy in Europe and the U.S. for stronger international action. Although there was general agreement on the dangers of repatriation to Rwanda, coalition members in the camps eventually visited their counterparts in Kigali to explore ways in which repatriation might become more feasible. This included improving information flow on the situation in Rwanda back to the camps so that refugees could make more informed decisions about returning to their home communes. The establishment of a coalition of aid groups in Goma, the regular meetings to discuss problems, the Amsterdam gathering, contact between groups in Goma and Kigali, and especially the joint declaration of November 3, 1994 confirmed the feasibility and desirability of formulating a common strategy.

One coalition member that took the lead in addressing the repressive control of the camp leadership was MSF-Belgium. After much deliberation among field staff, it decided to remain as long as it could have a positive influence on the precarious condition of the refugees by reducing the influence of the militia and former government forces. MSF-Belgium articulated 10 criteria to monitor and evaluate the effects of its presence in the Goma camps.[10] They dealt with impunity, camp control, food aid, refugee security, aid abuses, direct access, security of local and expatriate teams, the press, political advocacy, and other coalition concerns. One of the principal goals was to cut aid to a bare minimum, reducing the amount of assistance that might be used to control the camp population. This approach also encouraged refugees to return home, if they chose to do so. The criteria identified activities that would address priority challenges but did not include a specific methodology for weighing the importance of one factor in relation to another.

The MSF team, together with other members of the NGO coalition, successfully pressured UNHCR to carry out a census that

led to a reduction of one quarter in the distribution in Kibumba camp. Recognizing that a large, well-paid local staff discouraged repatriation and probably contributed to the finances of the regime-in-exile, MSF took the difficult step of cutting personnel and salaries. The agency also pressured UNHCR to establish a new salary structure and pay local workers in local currency rather than U.S. dollars. Such efforts reduced the scope for abuse of assistance.

MSF insisted on direct access to the population to assess needs and modify interventions. Regular nutritional evaluations created the opportunity to close all of its supplementary and therapeutic feeding facilities, except for a 24-hour intensive center. Access extended into individual homes through MSF's home visitor program, which counted the population in Kahindo camp. The headcount was later used by WFP to reduce food distribution by one quarter.[11] MSF also documented injuries from violence in the camps and reported them to the UNHCR security officer.

For the MSF-Belgium team, the premise for remaining was straightforward: it would stay as long as the team could have an overall positive effect. Once it did not, the team should pull out. When an assessment carried out in May-June 1995 indicated that its presence could no longer be justified, it made the decision to leave the camps in July and did so in mid-September. MSF-Holland followed five weeks later.

MSF-Belgium's decisionmaking strategy required field staff continuously to evaluate work in terms not only of its primary aid contribution but also of the broader use and implications of its assistance. The inclusion of impunity in the assessment criteria ensured that field staff kept in perspective both the scale of the Rwandan refugee problem in Zaire and the importance of efforts to reduce diversion of aid by those violating the most basic rights of the refugee population.

Assistance and Protection along the Thai/Cambodian Border. As noted earlier, the refugee camps in Zaire were not the first camps in which civilians to be assisted were controlled by belligerents responsible for genocidal and other crimes against humanity. Such

was also the case among Cambodian refugees in camps along the Thai-Cambodian border and further inside Thailand itself.

In the fall of 1979, many Cambodians felt threatened by continued fighting between Vietnamese troops and the Khmer Rouge and the possibility of famine due to a poor harvest. As word spread of the availability of food from international aid organizations in eastern Thailand, large numbers of Cambodians fled to the border in search of food and refuge. Some aid officials and analysts read the dynamic as a U.S. initiative to give the insurgents a pool of recruits and further destabilize the Vietnamese-installed government in Phnom Penh.[12]

As the number of Cambodians crossing the border to find assistance in camps inside Thailand increased dramatically in late 1979, Thailand closed its border, forcing those who continued to flee to take refuge in camps along the border. These camps were controlled by various factions of Khmer combatants, both Khmer Rouge and Khmer Serei. Although the latter had previously fought to free Cambodia from the former, they now shared the goal of removing the Vietnamese from their country.

The Khmer Rouge, like their Hutu extremist counterparts, were intent on controlling the civilian population, partly to extract material assistance from relief agencies but more importantly to gain status as the legitimate government of Cambodia. Maintaining such status required a following of Cambodian citizens, however reluctant. To accomplish this, Cambodian militants brutalized camp inhabitants, as Hutu extremists did in Goma. Khmer Rouge soldiers tortured and murdered many civilian refugees.[13]

It was probably inevitable that a certain amount of aid going into camps controlled by the Khmer Rouge would end up in their hands. In some camps 30 percent of such aid went to Khmer Rouge troops rather than civilians; in one camp, the figure was reportedly as high as 84 percent.[14] Complicating matters, many civilian refugees were families of the soldiers who ran their camps. UNICEF, the ICRC, and UNHCR were heavily involved in the relief effort. UNICEF and the ICRC established a joint mission to

deliver relief, especially among refugees in camps along the northwestern border of Cambodia. UNHCR did not work in the border camps, focusing instead on Khmer refugee camps inside Thailand.

One such UNHCR camp was at Sa Kaeo in western Thailand. Although the Khmer Rouge in the camp were not armed like their counterparts on the border, they controlled the population through intimidation and violence. Unlike Goma, the camp was too far from the border to serve as a base for cross-border insurgency. In its early days, morbidity and mortality rates were exceptionally high, although short of the levels reached in Goma. Once the health crisis had been stabilized, camp leadership was determined to move people back into areas controlled by Khmer Rouge soldiers along the Thai-Cambodian border. As in Zaire, military elements in the camp had the support of the host government. With a seasoned Vietnamese military occupying neighboring Cambodia, the Thai military began pushing for repatriation in early 1980.

Sa Kaeo was one of the first sites from which repatriation would be launched. Thai military officials on the border, who had been assisting the Khmer Rouge in moving people out of refugee camps inside Thailand clandestinely at night explained the choice of Sa Kaeo. "The Sa Kaeo refugees who entered Thailand under the control of Pol Pot's guerrillas late last year will be the first to return because they are physically stronger and healthier than those in other camps."[15] Adding to Thai military pressure to begin repatriation, the Khmer Rouge in Sa Kaeo began circulating rumors and propaganda threatening those who might stay in Thailand.[16]

There are often questions about the voluntary nature of repatriations; that is, about whether the right of civilians to asylum and non-refoulement is respected. In this instance, UNHCR decided that it could have a much stronger influence by being fully involved and began to plan with Thai authorities. UNHCR involvement gave refugee families in Sa Kaeo camp the opportunity to refuse return to the border and instead to move to a new

camp in Thailand. The agency countered Khmer Rouge propaganda by assuring refugees in Sa Kaeo that no one who chose to remain in Thailand had to return to the border. It organized a screening process that gave refugees the opportunity, once an interview had been conducted, to board trucks for immediate departure to other camps rather than to the border. This was the crucial element of the exercise, permitting separation of refugees from belligerents. Out of approximately 31,000 refugees in Sa Kaeo, 7,500 returned to the border, either voluntarily or through coercion, while the remainder chose to be transported to other camps.[17]

The UNHCR initiative represented one of the few generally successful examples of aid agencies that worked in Thailand or along the Thai-Cambodian border protecting Cambodian refugees from intimidation by the Khmer Rouge. One of the safeguards introduced involved screening procedures that protected thousands of Cambodians from coerced return to areas controlled by the Khmer Rouge.

UNICEF and the ICRC appear to have been less successful, perhaps reflecting the location of their work. Unlike UNHCR, their activities were located in the Khmer Rouge-dominated surroundings of the border camps. When the two agencies sought to reduce aid to three known Khmer Rouge camps, the Thai government threatened to halt the entire border relief operation, which was also providing aid to over 200,000 Cambodians not under the Khmer Rouge control. UNICEF resumed aid to the camps, believing that continued efforts to withdraw aid weakened the overall situation of the civilian population.[18] In an effort to assume greater control, the ICRC first replaced bulk food with food exclusively for supplementary and therapeutic feeding, then ended food distribution altogether. It continued to provide emergency medical assistance and to carry out tracing and other activities.

Other protection initiatives at the time included efforts by NGOs to get Cambodian refugees off the border and into official holding centers run by UNHCR and the employment by the UN

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Border Relief Operation of a private security force to bring order to the camps. To address the critical protection problems of the Vietnamese refugees, ICRC was able to work with the Thai military in establishing a small secure area on the border—the only one with overnight international presence—to protect them from Khmer combatants and refugees. These various efforts helped reduce the vulnerability of some refugees to violence in border camps.

In sum, international relief operations were one element in a political-military strategy of the non-Communist West to make life difficult for the Vietnamese-installed authorities in Phnom Phen. The camps themselves provided refuge for soldiers and places from which to launch guerrilla attacks and otherwise complicate the tasks of the regime. "The principal aims and the defining focal points of the humanitarian aid program were both to foster conflict and to relieve its victims," observes one analyst. "Put another way, the border camps, at one and the same time, fostered refuge and prolonged the need for it."[19] The purposes were political as well as humanitarian, with the former trumping the latter when the two collided.

It is difficult to imagine that humanitarian organizations will find durable solutions for the victims of such crises without the full weight and wealth of states' support. In this instance, given the political objectives being advanced, the protection provided to Cambodians on the Thai-Cambodian border could hardly evolve beyond minimal levels.

The Liberian Challenge. From its onset in 1989, the civil war in Liberia posed very different problems for humanitarian organizations from those encountered in Zaire or Thailand. Because aid operations took place around the countryside rather than simply in refugee camps, aid agencies had to deal with the belligerents in much less controlled circumstances. Their interlocutors respected few if any international norms and observed few if any agreements. Internecine fighting put relief workers at risk of theft and harassment. The tactics of those engaged in the conflict, including their

common demand that agencies pay "taxes," led UN organizations and NGOs on several occasions to curtail activities. Some NGOs withdrew temporarily from the country in 1990, 1992, and 1994, although the most serious threats to humanitarian operations began in April 1996.

When the war entered Monrovia in April 1996 with full-scale house-to-house combat between rebel factions, aid agencies experienced a level of violence and looting unprecedented in the seven years of civil war. Offices were ransacked, warehouses looted, and vehicles stolen. The losses, exceptional even by Liberian standards, helped forge a new agency determination to develop a joint strategy.[20]

The strategy represented an innovative response to the challenges of providing protection and assistance without contributing to the conflict. Catholic Relief Services (CRS) staff in Baltimore and Geneva initiated the first of a series of conference calls among representatives of eight international NGOs in Liberia and their headquarters in Europe and United States.[21] A meeting in Geneva in late May 1996 laid the groundwork for the joint strategy, with CRS itself proposing conditions to guide resumption of activities. The coalition later accepted a more action-based proposal by Oxfam-UK, which provided that "NGOs implement only minimal activities that would sustain life as a means of highlighting the violations done to the Liberians and to the NGOs in Monrovia." NGOs pledged not to "resume full-scale operations until the warring factions abided by humanitarian principles."[22]

By August, the NGOs had reached basic agreement on a Joint Policy of Operation (JPO), articulating a set of guiding principles for humanitarian activities. It represented an innovative response not only to the looting which had taken place in April but to the growing recognition that relief was contributing to the conflict and deepening the very suffering that it sought to stanch. Signatories committed themselves to "promoting peace through an advocacy campaign and working with local structures; using strategies that minimize the harmful effects of humanitarian assistance; limiting...import of capital assets to those essential for

the needs of vulnerable populations in order to minimize the risk of fueling the war;... and continuing to support local structures where appropriate to ensure continuity, sustainability, and self-sufficiency in communities in Liberia."[23]

Fleshing out a comprehensive strategy that included advocacy as well as operational elements, the group also agreed on a joint statement on Liberia to the UN Security Council, the European Union, United States Agency for International Development (USAID), and the international community more broadly. "We will neither resume nor support full operations," the group said, "until the faction leaders agree and demonstrate commitment to the Humanitarian Assistance Guiding Principles."[24]

The advocacy component of the JPO was particularly innovative, both in building support for a more tough-minded humanitarian response and in serving as an integral part of that response. In fact, at a CRS-sponsored conference on peace-building with local religious leaders in August 1996, Liberian Archbishop Michael Francis and Pentecostal Bishop Nah Dixon encouraged NGOs to give advocacy in support of the peace process precedence over relief activities. In contrast to the hesitancy of many relief organizations working in the Goma camps, NGOs in Liberia came to believe that successful advocacy efforts, both locally and by their headquarters, supported rather than endangered their aid activities. The idea that bringing the conflict to an end claimed a higher priority on the humanitarian agenda than the delivery of relief assistance was noteworthy.[25]

Missed Opportunities

The first post-Cold War decade also contains less innovative or effective responses to the challenges of humanitarian operations among belligerents and criminals. Failures to protect IDPs in Rwanda and ethnic minorities in Bosnia-Herzegovina are reviewed here.

IDP Camps within Rwanda. The humanitarian challenges associated

with the 1995 closure by the Rwandan authorities of IDP camps in southwestern Rwanda provides a negative example of the importance of an institutional approach to resolution of major crises. The IDPs were Rwandans, largely Hutus, who fled during the genocide of 1994 but remained within the country rather than crossing into Zaire, Tanzania, or Burundi. With their refugee counterparts across the border, however, they shared a fear that in returning to their home communes in the wake of the genocide, they would be subject to reprisals.

In early January 1995, the United Nations Assistance Mission in Rwanda (UNAMIR), the United Nations Rwanda Emergency Office (UNREO), and other UN agencies and NGOs launched Operation Retour, an effort to return IDPs to their homes and successfully closed several camps. When the operation came to a standstill in February because IDPs refused to return, aid agencies suggested alternative strategies to restart the resettlement process. The remaining IDP population numbered approximately 200,000, spread throughout eight different camps. The two camps of greatest concern were Kibeho, with over 100,000 IDPs, and Ndago, with some 40,000.

UNAMIR and UNREO field personnel had concluded, in consultation with other agencies, that the last camps to be emptied would be by far the most difficult. They had the highest percentage of militia or former government soldiers, many of whom had fled from previously closed camps rather than returning to certain arrest in their home communes. Through propaganda and intimidation, this hard-core element was keeping the remaining IDPs from leaving the camps.

There was little doubt that the camps, containing both belligerent and criminal elements, were a major national security concern of the Rwandan government. Nettled by these strongholds of political opposition and centers of criminal activity, the authorities made no secret of the urgency they attached to closing them.[26] While many involved in Operation Retour understood the government's anxiety, strategies proposed by international actors for addressing the security situation in the camps tended to be

narrow-gauged and slow-paced: for example, containing the problem by reducing the number of camps while increasing their size. Bolder ideas were not accepted, such as reorganizing the camps according to commune populations with an eye to making them a stepping stone toward reintegration into home areas.

The problem of insecurity within camps might well have been addressed by reorganizing the camps so as to place all IDPs from a given commune in the same camp, with no camp larger than 20,000. The key administrative figure could then have been not a representative from the former government or the militia but someone from the current administration in the home commune, who would also have been responsible for registration and food distribution. The operation could have been carried out by informing IDPs which camp they would have to go to in order to receive their next food distribution. Given the distances involved, most could have walked to their new camps; the infirm and those with small children could have been provided with transportation. During these transfers, most of the hard-core militia or former government forces might have opted to slip away as they had done in the dismantling of the northern IDP camps.

Once established in the new camps with control of food distribution in the hands of the current Rwandan authorities, communal reintegration could have begun on a more informed and individual basis. Security problems would have been of far less concern to the military in camps controlled by officials from their own government. No longer a major security threat, the camps could have served as a vehicle for resolving the reintegration impasse, already difficult on its own terms.

There were many reasons why this plan was not implemented. The major complaint—and the concern that ultimately killed it—was the relocation of expensive infrastructure from existing to new camps. While the new camps would have had a more even and manageable population distribution, the infrastructure in existing camps supported populations that ranged from a few thousand to more than one hundred thousand. More importantly, pressure for an immediate solution limited consideration of longer-term plans.

Consequently, an opportunity to mount a relief operation that supported the development of those institutions responsible for moving a country from war to peace and stability was lost.

More serious still was the effect that this failed operation had on the potential for spontaneous return from Rwandan refugee camps in Tanzania, Burundi, and Zaire. The confusion associated with IDP camps in Rwanda had a negative effect on efforts to encourage refugees outside the country to return. News broadcasts of thousands of casualties from the violent closure of Kibeho reinforced the propaganda used by former Rwandan government leaders to hold a significant refugee population in check and within their control. Voluntary return from refugee camps outside of Rwanda remained at a virtual standstill for months after Kibeho was closed, never to regain significant momentum until the forced closure of camps in Burundi in July of 1996.[27]

"Ethnic cleansing" in Bosnia. The international response to ethnic cleansing in Bosnia-Herzegovina illustrates the extent to which humanitarian action, in the absence of strategic safeguards and firm external support, may reinforce and even institutionalize forces of belligerence and criminality to the detriment of the human rights of civilian populations.

During 1992-1995, the non-Serb population of Bosnia-Herzegovina was systematically stripped of its resources. Large sums of money and personal property were stolen or expropriated, the wealthiest and most influential members of society being targeted first. During the latter phase of the war, the process became bureaucratized. Persons who wished to leave Bosnian Serb-controlled areas, often due to systematic persecution and terror, were forced to sign over all their possessions and to pay numerous "fees," including levies by the "Serbian Red Cross" for transportation out of those areas.[28]

The same Bosnian Serb individuals believed to have organized the brutal takeover of the town of Prijedor mentioned earlier and to have established infamous detention camps at Omarska, Keraterm, and Trnopolje continued to control nearly all economic

activities in the town long after the Dayton peace accords were signed in December 1995. In fact, one of the greatest challenges to durable peace and the rule of law in Bosnia was the fact those who had orchestrated the war remained in power. Like the "mayor," many former warlords and nationalist hard-liners continued to control key social and economic institutions.[29]

The need to stimulate the economy to create jobs for ordinary people and for demobilized soldiers was beyond dispute. However, aid donors and reconstruction agencies appear to have failed to consider the extent to which reconstruction aid might undermine human rights principles—and, ultimately, durable reconstruction itself—by supporting persons believed responsible for having organized ethnically motivated violence.

One major NGO engaged in reconstruction projects complained that it had received no guidance from donor governments regarding how to avoid awarding reconstruction contracts to those believed responsible for wartime or post-war abuses. Another, by contrast, confessed that the possibility that alleged war criminals would be involved in companies receiving contracts "never even entered our minds."[30]

One donor government aid agency justified awarding reconstruction projects to persons of questionable backgrounds by claiming that the persons involved had not yet been indicted by the International Tribunal and therefore should not be barred from receiving reconstruction assistance. Yet there were substantive allegations from credible organizations indicating their involvement in crimes against humanity and war crimes, as well as evidence that they were engaged in activities that directly violated the terms of the Dayton peace accords. The Bosnia experience underscores the need to exercise great caution in awarding contracts for relief and reconstruction and maintain a certain distance from individuals and organizations that have violated international norms.

Human rights groups working in Bosnia have often argued that the reconstruction of housing for persons who are not owners or lawful tenants encourages "ethnic engineering" of territory and

interferes with the right to return and the legal ownership or tenancy rights of the original inhabitants, many of whom left under duress. Aid agencies, however, are not unanimous in embracing this approach. "It has become common practice for these [abandoned] houses to become occupied by the incoming refugees," notes one NGO. "This is normally done with consideration for the owner of the property, with legal limitations and conditions placed on the new occupants....We feel that the renovation and [temporary] occupation actually improves the condition of the houses for the owners who retain their rights to the property.[31]

Yet local authorities in Bosnia-Herzegovina often deliberately resettled refugees and displaced persons in the homes of persons of other ethnic groups precisely to prevent their return, passing laws in violation of international human rights standards which seek to make property rights null and void on the grounds that such property has been "abandoned." The success of minorities in regaining their properties to date has been negligible. Failure to address the property issue until very recently has deterred the return of people to their homes, the precondition for serious reconstruction.

Efforts by the human rights community to encourage economic conditionality—the concept of granting non-emergency assistance only to those cooperating with the peace accords and observing the human rights provisions incorporated therein—has had mixed results in Bosnia-Herzegovina. For reasons of expediency, non-essential humanitarian and reconstruction assistance has continued to flow into areas where leadership flouts the Dayton accords. There has been some progress, however, in raising awareness of the dangers of supporting individuals who are undermining the peace agreement and increasing the length of time necessary for international military and humanitarian personnel to remain in the country.

The issue was dramatized in June 1999 when President Clinton announced that no U.S. reconstruction funding would go to Serbia as long as Slobodan Milosevic was president of the

Federal Republic of Yugoslavia. At the time, Milosevic and four others had been indicted by the International Tribunal. A similar tension has emerged as other conflicts have wound down. In Sierra Leone, for example, where efforts to negotiate a settlement to the war between the government and the insurgent forces were gaining momentum in mid-1999, should members of rebel forces that used mutilation as a weapon of war be integrated into a new governing coalition and national police force? Should aid agencies collaborate on reconstruction projects with the very leaders whom they so resoundingly and courageously denounced for perpetrating barbarities against Sierra Leone's civilians?

As a general rule, in order to exercise "due diligence," funding agencies and aid groups should endeavor to avoid strengthening persons or institutions suspected of violating international human rights or humanitarian law. In Bosnia, human rights groups encouraged donor agencies to provide assistance at the individual, family, or community levels rather than at the macro or national levels, where it might strengthen political authorities opposed to the implementation of the peace accords. Organizations newly arrived in a post-conflict situation could avoid mistakes by consulting with human rights groups and others with in-country experience, historical knowledge, and cultural sensitivity. Such consultations could facilitate a common strategy for circumnavigating pitfalls.

Conclusion

The problems surrounding humanitarian operations in conditions of belligerence and criminality can be reduced to issues of control: control of civilian populations and of humanitarian resources intended for them. The greater the control exercised by belligerent and/or criminal elements, the greater the potential for the abuse of the basic rights of those in need of protection and assistance.

In the situations reviewed in this chapter—eastern Zaire and Rwanda, Thailand, Liberia, and Bosnia—two major factors influ-

enced the degree to which humanitarian interests maintained or lost that control. These were the degree of ground-level consensus among organizations on a common strategic approach and the extent of support from higher authorities at agency headquarters and among governments. These are recurrent elements in effective protection responses, even though in volatile situations they are no guarantee of success.

Consensus among Humanitarian Actors on the Ground

Consensus on humanitarian strategy is an issue, of course, only where two or more organizations are involved in protection and assistance. It was of little importance in the case of Sa Kaeo, where UNHCR was responsible for coordinating assistance and was recognized as the primary organization with mandate and capability to carry out protection activities, whether screening refugees before their departure to the border or establishing new camps for them within Thailand. Agreement and support of higher authorities such as the Thai military and the U.S. government greatly simplified UNHCR's tasks of planning and implementation.

In the case of Rwandan IDPs, the situation was considerably more complex as several organizations were involved in Kibeho and other camps. Further, as there was no clearly mandated UN organization responsible for IDPs, consensus involved not only NGOs on the ground but intergovernmental agencies such as DHA (present locally in the form of UNREO), UNHCR, UNAMIR, and the International Organization for Migration. The fact that a single organization could delay urgently needed action created a worst-case scenario in which the inability to achieve consensus not only precluded initiation of an innovative protection strategy but also held up the implementation of any plan, setting the stage for heavy-handed action by the Rwandan military.

An interesting footnote to the case of the Rwandan IDPs is that one of the most successful protection actions undertaken involved no attempted consensus with aid agencies working in the camps. The joint cordon and search operation conducted by

UNAMIR and the Rwandan military to clear Kibeho of criminal elements in December 1994 was more of a surprise to those providing assistance in the camps than to many IDPs. Rwandan Army commanders and UNAMIR interlocutors believed that maintaining an element of surprise was critical to a successful operation. UN agencies and NGOs voiced strong protests against the operation as they had not been informed of it until after it had begun. Yet many who protested the operation and might have opposed it if consulted praised the effort once it had dramatically diminished the presence of former military and militia in the camp.

In Bosnia, the lack of consensus between those who saw prompt reconstruction as a priority for the rehabilitation of post-conflict society and those who viewed the reestablishment of the rule of law as central to such efforts has left the outcome in the hands of those who controlled the political agenda and the material resources. Many donor governments and implementing agencies have accelerated the reconstruction process through programs unhampered by human rights considerations. Organizations more concerned with the inclusion of human rights protection mechanisms were easily ignored as they were not operationally involved in the reconstruction process and lacked significant political influence.

What was lost in the divergent views of these two groups was an opportunity for valuable exchange of information, ideas, and strategies. While full consensus on priorities may not be possible, information gathered by rights organizations could help guide reconstruction efforts so as not to reward criminal activity. Despite initiatives by the Office of the High Representative to advise donors and by USAID to hire a human rights specialist, donors often ignored the safeguards proposed.

The contrast between organizations working in the Goma refugee camps and those providing assistance during the Liberian civil war is instructive. The consensus reflected in the joint statement regarding an NGO pullout from the Goma camps in November 1994 was difficult to achieve, even though most of signatories did not follow through and leave the camps when their

demands were not met. In Liberia, aid organizations that signed a statement showed their determination to follow-through with joint action by taking specific steps, e.g., reducing levels of assistance and focusing on local purchases rather than expensive imports. Further, while the coalition of NGOs working in the Goma camps that designed the joint statement functioned as little more than a vehicle for information exchange, participation in the Liberian coalition signified endorsement of common strategies and concrete actions in protection and assistance.

Support from Higher Authorities

The second factor linked to effective measures to control the impacts of belligerence and criminality involves the degree of support from higher authorities. These include political or military authorities of either the host government or influential states, intergovernmental organizations such as UN peacekeeping forces, and aid agency headquarters.

In the Sa Kaeo case, such support came from the U.S. government, whose political interests in the region were strong and were reinforced through close ties to the Thai military. It is clear that without military backing, the screening of individual families would have been hampered by Khmer Rouge combatants in the camp. Even though the scale of these operations was not comparable—a similar screening process would have taken years in the Goma camps—support from higher authorities in Sa Kaeo was critical to successful UNHCR operations.

In the case of Rwandan IDPs, both the Rwandan military and the UNAMIR authorities were supportive in the early stages of the operation. In January and February 1995, several IDP camps were successfully cleared, with criminal elements departing Kibeho as well. By March, however, although UNAMIR maintained involvement in the relief operation, it no longer afforded military or security reinforcement. Without UNAMIR support, the results were disastrous when the Rwandan military decided to close Kibeho forcibly on its own. Had UNAMIR maintained a close

relationship with the Rwandan Army or at least remained committed to proactive security operations, its support might have broken the deadlocked planning of other UN agencies and NGOs and protected IDPs from the resulting violence.

In Bosnia, higher authorities such as the Group of 8 major industrialized countries appeared to support the most expeditious and least confrontational approach to reconstruction, avoiding, for example, pressure on the parties to arrest persons indicted for war crimes. International consensus placed a premium on visible changes on the ground at the first possible moment. Without strong and high-level support for a process that would accord higher priority to improving protection mechanisms for at-risk populations and to nurturing slower-paced changes in the administration of law and justice, there is little chance the situation will change.

In Goma, there was inadequate international political interest in, and political-military support for, aid organizations working in the camps. The UN Security Council and member states proved unresponsive to urgent pleas from the agencies. However, more concerted and energetic efforts to support field teams were evident in aid agency headquarters. For example, the meetings hosted by MSF-Holland in Amsterdam for headquarters staff from organizations working in Goma resulted in a good exchange of information and some coordinated efforts such as information-sharing with counterpart organizations in Rwanda.

In Liberia, headquarters support was taken a step further. Consultations between field and headquarters started in a series of conference calls and evolved into more regular meetings between headquarters staff and field teams in Liberia. This frequent interaction provided essential support for the development of the Joint Policy of Operation. Field teams in Goma, by contrast, had to extract authorization from their headquarters to sign a joint statement to which few senior executives were committed. Later meetings between organizations at headquarters and field personnel were sporadic and not particularly interactive. As a result, the opportunity to influence the evolving situation on the ground was largely lost.

The level of headquarters coordination and organizational support for NGO staff in Liberia was impressive, although this may have been driven more by loss of humanitarian assets and security risks to staff than by the protection and assistance needs of the local population.

In sum, it has proved difficult across a series of post-Cold War conflicts for humanitarian organizations to protect civilians from the negative effects of belligerence and criminality. Essential to successful efforts are joint strategies that ensure adequate control of humanitarian operations for purposes both of access and of resource distribution. Consensus among field teams and support of higher authorities are two critical factors in the development and implementation of such strategies.

A LOOK TO THE FUTURE

This chapter draws together themes from the foregoing analysis with an eye to future efforts by humanitarian organizations.

Post-Cold War Dilemmas

Humanitarian actors greeted the end of the Cold War with widespread euphoria. At last, they were convinced, geopolitical fissures would no longer distort responses to abuses of human rights and to life-threatening human need. Badly politicized by four generations of East-West conflict, assistance and rights organizations, as well as political decisionmaking structures at the United Nations and in regional organizations, would be freer to proceed in depoliticized fashion. Humanitarian values, forever the geopolitical bridesmaid, might for once become the bride. With governments more accountable and sovereignty more porous, human needs would become more accessible and abuses of human rights more addressable. Such was the prospect a decade ago.

With the approach of a new millennium, however, a widespread sense of failure and foreboding prevails. The global landscape is littered with the residue of botched interventions. Failures outnumber successes. Changes in political-military dynamics have outpaced innovations in the responding humanitarian institutions. Heady optimism occasioned by the geopolitical thaw has given way to disillusion bordering on cynicism. Humanitarian action remains the lady-in-waiting, her figure etched in bold relief against the bruising brutality of internal armed conflicts.

The Kosovo experience does not much change the prevailing despondency. To be sure, NATO's military action against Serb forces, justified on human rights and humanitarian grounds, brings the century to a close on something of a positive note. "Think of all the millions of innocent people who have died in this

bloody century because democracies reacted too late to evil and aggression," observed President Clinton in a statement on the end of fighting in Kosovo. Because of our resolve the twentieth century is ending not with helpless indignation but with a hopeful affirmation of human dignity and human rights for the twenty-first century."[1]

Yet the refugee outflow to which the international community responded in Albania and Macedonia was the result of human rights violations within Kosovo which went unchecked. Parallels to the Rwanda crisis are haunting, where failure to respond to the genocide within Rwanda laid the groundwork for the outflow of refugees to Tanzania and Zaire, where humanitarian agencies concentrated their efforts. Moreover, serious problems in the division of labor in the political, diplomatic, military, and humanitarian spheres provide a confused landscape for protection and assistance activities in the Kosovo crisis and a dubious model for future such crises.

As richly demonstrated by the preceding chapters, humanitarian action in the post-Cold War era is replete with dilemmas. The term "dilemma" is apt given its popular meaning of "any difficult or perplexing situation or problem." Yet it is particularly applicable in its more technical sense, "a situation requiring a choice between equally undesirable alternatives."[2] Humanitarian actors— not to say civilian populations whose well-being is their raison d'être—are confronting tough trade-offs involved in every available option.

- Access to civilians necessary for the delivery of relief supplies can be jeopardized by criticism of the human rights practices of the belligerents that cause the need for outside succor. Yet effective assistance efforts may not themselves prevent the abuses and may, in fact, exacerbate them.
- Post-conflict rebuilding require prompt and visible changes in shattered societies, yet durable reconstruction is sustainable only if and when those responsible for the destruction are removed from power and brought to justice.

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- A framework of international laws and norms supportive of humanitarian action exists but is often ignored by belligerents and, if insisted upon by practitioners, can limit access and activity. Laws and principles exist in tension with the rough-and-tumble world of lawlessness and impunity.
- Common strategies for dealing with belligerent and criminal elements increase the potential for effective action, yet differing understandings of the desirable blend of principle and pragmatism render joint approaches elusive. Common approaches are a necessary but not a sufficient condition for successful humanitarian action among such elements.
- Despite a growing sense that common action across the traditional divide between assistance and protection is urgent, mandates and frameworks among and within institutions and an unevenness in the professionalism of humanitarian actors make common action difficult to achieve and sustain.

Lessons from the Past

Faced with dilemmas such as these, the understandable reflex of many humanitarian actors is to simplify the challenge and focus narrowly on particular tasks. Aid agencies seek to deliver relief essentials more efficiently; human rights organizations hone their advocacy skills. Each group functions like the newspaper reporter who, dispatched to cover the Kosovo crisis and overwhelmed by its political complexities, opted to present readers only with vignettes of the displaced. Protection strategies can no more be formulated in a political vacuum than can human displacement can be understood in isolation from its larger context.

As tempting as an either/or approach might be, the experiences examined suggest the problems inherent in resolving dilemmas in that fashion. Protecting civilians in conflict situations demands a both/and strategy. Rather than being sidestepped, tensions between seemingly disparate elements and impulses need to be more fully understood and better managed. Managing the tensions is a formidable challenge for the many single-mandate

agencies with either protection or assistance tasks that must somehow contextualize their efforts within a broader field. The challenge is also substantial for dual-mandate organizations, which, while they may have a less obvious stake in how other agencies accomplish their tasks, must nevertheless find ways within their own institutions of holding protection and assistance functions in creative and productive tension.

Certainly the inherent limitations on humanitarian action are better grasped now than a decade ago. Perhaps the most fundamental limitations to humanitarian action are *conceptual* ones. What is the relation between human rights and humanitarian action? How do human rights, humanitarian, and refugee law relate? To what extent are humanitarian crises at root human rights emergencies?

In recent years, aid practitioners have come to view assistance activities as having a human rights dimension, implicit if not explicit, inasmuch as their efforts are intended to put flesh on acknowledged economic, social, and cultural rights. Conversely, human rights organizations have moved beyond their well-known interest in civil and political rights and their traditional activities of fact-finding and denunciation to develop a more nuanced approach to their tasks and greater collegiality with their aid counterparts.

Yet how the two sets of activities and institutions, laws and mandates relate to each other is still under active discussion.[3] Holding the various elements in creative tension at the level of theory is proving difficult, quite apart from the evident institutional disconnects at the level of mandates and operations. One of the major challenges involves reintegrating the two baskets of rights (economic/social/cultural and civil/political) that were sundered by Cold War tensions.

Progress to date at the conceptual level is already resulting in advances on the ground. The UN's advance humanitarian team that was dispatched to the Great Lakes region so quickly after the outbreak of bloodshed in Kigali in early 1994 included no human rights specialist, although the Rwandan genocide was first and

foremost a human rights crisis. Five years later, the first UN team dispatched to the Federal Republic of Yugoslavia in anticipation of an end to the NATO bombing included human rights, as well as assistance, experts. Policymakers who had studiously avoided applying the term "genocide" to the events unleashed in April 1994 in Rwanda showed no reluctance, five years later, to describe Serb treatment of Kosovar Albanians as precisely that.[4]

Today, a better balance with assistance exists in the assessment, planning, and implementation of protection strategies. Efforts are underway to develop a set of human rights indicators for use by aid agencies in monitoring potential crises and a set of guidelines for planning practical protection strategies. Yet there is still room for improvement as, for example, in more systematic exchanges of information between assistance and rights organizations to enhance the capacity of each to understand and address the problems faced by endangered populations.

One continuing conceptual blind spot concerns the habitual approach to each new humanitarian crisis as unique. At first glance, emergencies in the Great Lakes, Bosnia, Liberia, and elsewhere do indeed appear highly idiosyncratic. In a more fundamental sense, however, no such crisis is unique. Each pits the same institutions (the United Nations, governments, NGOs) against the same interlocutors (government and insurgent groups, civilian and military host officials) in a continuing effort to find solutions to recurring problems (the obstruction of humanitarian access, the manipulation of relief, inequitable economic relationships, the absence of viable and accountable local structures).[5] Indeed, belligerents in conflicts around the world seem to be attending the same school, learning from each other how to frustrate international actors. Some of those who make war their business are proving quicker studies than their opposite numbers on the humanitarian side.

In fairness, humanitarian actors have begun to identify common challenges and adapt strategies tried elsewhere. Indeed, ignoring the prevailing political-military disdain for humanitarian values can be dangerous. Goma was not the first time that refugee

camps were controlled by belligerent and criminal elements who used aid resources to advance their political agendas. Yet the experience in earlier situations along the Thai/Cambodian border provided little guidance. Nor did the protection problems associated with the return of populations under the Dayton agreement inform the Kosovo agreement a few short years later.

A second set of challenges is somewhat more *institutional* in nature. This occasional paper and the companion *Humanitarian Practitioner's Guide to International Human Rights Law* situate protection and assistance activities within the supportive framework of international law. That framework has been strengthened in recent years by the Convention on the Rights of the Child, the Guiding Principles on Internal Displacement, and the international tribunals on Former Yugoslavia, Rwanda, and now the new International Criminal Court.

Yet the disdain of belligerents for international norms and their failure to meet their legal responsibilities points toward the urgency of clarifying a number of specific provisions. These include the applicability of human rights law to non-state actors and of humanitarian law to internal armed conflicts. There is need for further work on the application of the "exclusion" provision in refugee law and how it may be applied in chaotic situations to distinguish criminals and belligerents from bona fide refugees. The *Practitioner's Guide* also comments on the need for additional work on the measurement and protection of economic, social, and cultural (as distinct from civil and political) rights. Researchers could make a significant contribution by examining the extent to which, in situations of armed conflict, assistance activities framed in a human rights context are more effective than aid programs approached in a more traditional service-delivery mode.[6]

The gap between law and practice also reflects the unwillingness of other governments, including donors and key regional players in crisis theaters, to meet their own obligations. The discussion of safe areas demonstrated the sizeable limitations encountered by humanitarian actors in ensuring physical safety to at-risk populations and in mobilizing the necessary political will

for effective protection efforts. While these limitations must be taken seriously, it might be useful to review experience with "safe areas" and the political as well as diplomatic reinforcement necessary for their success. The short attention span of policymakers is also a reality that humanitarian actors need to take more seriously into account.

Institutional limitations such as these have two major implications for protection efforts. First, humanitarian actors should be increasingly wary of assuming functions, including protection, security, and basic welfare, that are primarily a government's obligation. While funds may be provided for high visibility assistance activities, these should not substitute for the tougher political steps by governments that effective protection strategies require. Humanitarian organizations may temporarily fill selected gaps, but action by the political authorities remains indispensable. What foreign governments can do when they act with determination and dispatch was demonstrated in the protection of Palestinian endangered populations arranged by the Kuwait Task Force.

NGOs in particular are beginning to take a tougher approach in deciding what services to provide and, in a broader sense, whether to engage in settings where political will seems limited or wavering. They are also becoming aware of the need to pay greater attention to strengthening the capacity of local institutions to respond to humanitarian crises.[7]

Second, stepped up advocacy efforts have become key to expanding the range of the politically feasible.[8] Higher priority is being given to promoting fidelity to international law by belligerents and other political actors. Examples cited include NGO efforts to address insecurity in the Goma camps and, with greater success, in Liberia. Liberia also contains a special lesson to be pondered: the recommendation of local religious leaders that, in the interest of hastening an end to the conflict, advocacy with governments should take precedence over delivery of relief supplies. There may indeed be circumstances in which assistance should not remain the automatic and overriding priority.

Humanitarian actors face a continuing dilemma in situating themselves in relation to broader political initiatives. Positioning

themselves as part of peacekeeping and peace building activities lends greater political impetus and reinforcement to their work. Yet a more neutral and independent profile, which may leave them more exposed, may also free them from the vagaries of political decisionmaking over which even the most energetic advocacy may have little influence. In this respect, the decision of the International Criminal Tribunal for the Former Yugoslavia in mid-1999 to indict President Slobodan Milosevic, criticized though it was for complicating efforts to reach a negotiated agreement to the Kosovo conflict, affirmed the independence of human rights considerations from political exigencies. The decision, some believe, may also have played a role in his decision to come to terms.

In other situations, protection activities may benefit from closer association with peacekeeping or peace building activities than assistance actors would wish for themselves. While physical security is a problem for both protection and assistance personnel, there may be a higher element of risk for those who tackle the more overtly political and sensitive protection challenges and thus more to be gained from closer association with political/diplomatic actors. In this respect, the access provided by the Kosovo agreement for human rights investigators and forensic specialists, and the tasking of NATO troops to protect their investigations, was appropriate. At the same time, relief groups may have good reason for keeping their distance from KFOR.

Organizational cultures represent another source of tension between protection and assistance. These were on full display in early 1999 at a UNHCR conference on strengthening collaboration on protection with "humanitarian" and "human rights" NGOs. Human rights organizations provocatively categorized aid agencies alongside states as among the major threats to the core principle of non-refoulement. That is, relief groups were viewed by their human rights counterparts as more interested in maintaining access to needy populations than in challenging rights abuses. Significant differences were also articulated by the two sets of agencies on such matters as transparency vs. confidentiality and discretion vs. advocacy. The rifts between the two sets of agencies,

and between NGOs as a group and UNHCR, were sufficiently deep to impede the greater collaboration sought by the UN.

Stress Factors in Today's Conflicts

Today's conflicts are typically not driven by great power rivalries, but rather by a multitude of pressures and instabilities that threaten to shred the social fabric of societies. A toxic brew of growing disparities in wealth, increasing unemployment and job insecurity, population growth, and environmental degradation is provoking more social discontent and polarization, leading to political strife in many countries and to devastating violence in some. Although developing countries are the most affected and most vulnerable, richer industrial nations are by no means immune to some of the same stress factors.

Michael Renner[1]

1. Michael Renner, *Ending Violent Conflict*, 34.

A third set of challenges to humanitarian actors is more *operational* in character, though clearly linked to conceptual and institutional issues. The fact that post-Cold War conflicts engage a wider array of international actors with protection and assistance tasks than did their predecessors puts a higher premium on coordination, while at the same time rendering it more difficult to achieve. Thus a more strategic division of labor among agencies is needed. Coordination arrangements at every level must be equal to the tasks of facilitating the mobilization of protection allies and promoting the fullest possible utilization of resources as part of a concerted strategy of diverse activities.

There is nowadays a new realism about political and military forces that are beyond the power of humanitarian actors to control. The decline in triumphalism is accompanied by the realization that humanitarian interests must become more insistent in responding in concerted fashion to violation of humanitarian norms. The experience in November 1994 in Zaire, where NGOs signed a joint declaration threatening to withdraw assistance in the absence of improvements in the security situation, demonstrates how individual agencies that go their own way may undercut joint action. Likewise, the violence in Kibeho in 1995 reflected a breakdown of effective coordination between military and humanitarian actors. Consensus on the ground benefits from reinforcement from headquarters authorities, although reinforcement itself is no guarantee of success.

The operational dilemma faced by assistance agencies as regards field presence is also receiving needed attention. The position of the agencies on the frontlines makes them an early warning device against impending crises and, as crises evolve, a potential monitor of human rights abuses. Yet the mere fact of presence confers neither mandate nor capacity. Functioning as astute observers requires skills, and acting on such information raises potential problems. In short, operational presence, an accomplishment in its own right, creates tough choices for those with privileged access.

Recent experience shows both the potential and the limitations of what individuals, acting on their own authority or even with the blessing of their agencies, may accomplish in the area of protection. The examples cited of effective protection by individuals underscore rather than obviate the necessity of institutional leadership. Indeed, there is a need to examine how organizations may more fully encourage individual initiatives and lend institutional weight to field-driven protection undertakings. The limitations on what energetic individuals may accomplish in the absence of institutional mandate and support is explored in a forthcoming occasional paper on operational coordination.[9]

One practical limitation that has emerged from recent experience concerns the lack of clarity about agency protection man-

dates. This is particularly true of the mandate for IDPs; however, it also applies to others who for their own safety and welfare seek to exercise their right to seek asylum. One suggestion may be worth further study: that in each major crisis and in each major agency, a "focal point for protection" be identified. Such an individual might provide a clearer sense of specific action points across a crowded field and help avoid the frequent imbalance that develops in favor of assistance to the detriment of protection. The person might also help realize some of the essential synergies between micro- and macro-level activities. The creation within the UN Office for the Coordination of Humanitarian Affairs of a senior advisor for IDPs is clearly a step in the right direction. At the field level, the decision of one family of NGOs to base a point person for protection in Pristina, Kosovo is also a positive development.[10]

Greater sensitivity among aid practitioners to human rights promises to produce discernible gains for vulnerable populations. Positive examples of Rwandan women in Tanzanian refugee camps, the Serb minority in Sarajevo, and Palestinians in post-liberation Kuwait contrast with protection failures elsewhere in Bosnia-Herzegovina and Rwanda. The initiative of MSF-Holland, born of the Goma experience, in clarifying criteria by which to monitor the effects of its assistance and to keep under regular review its continued presence, may also bear fruit over time.

The Shape of the Future

What the future holds in terms of the nature and frequency of conflicts and the associated need for protection is difficult to anticipate. It is generally assumed that the trend of the first post-Cold War decade will continue into the new century, with internal conflicts still outnumbering international ones. Whether the numbers of affected persons will increase or decrease is unclear.

"If a preponderant number of situations of internal displacement are related to external political developments such as the cold war or its end," concludes one analysis, "then internal displacement

could decline as the world gradually adjusts to a new post-cold war equilibrium." "On the other hand," the authors continue, "if deep-rooted issues of collective identity are at the base of many conflicts, then the number of internally displaced persons might rise as the demand grows for local or regional autonomy and independence."[11]

Notwithstanding the uncertainty about the future and the sobering experience of the past decade, humanitarian actors on the brink of the new millennium have grounds for hope. Violations of human rights and incidents of egregious human need now receive higher priority on the international agenda and exercise a higher claim on the resources and attention of governments. Moreover, key policy questions have been identified and are being addressed, including those concerning tensions between protection and assistance, the appropriateness of the use of force in support of humanitarian action, and the need for a more effective division of labor among institutions with humanitarian mandates.

The dialogue on protection and the search for practical protection strategies needs to be intensified in the coming years. Given the multiplicity of actors likely to be involved in protection, humanitarian organizations have a stake not only in increasing their own competence but in promoting efforts to equip the wider family with greater protection expertise. The array of actors includes diplomats and other international personnel, both military and civilian, involved in peacekeeping undertakings. The wider family also includes national contingents that assume international responsibilities (in the case of the United States, for example, military and civil affairs personnel and special forces) and whose training should include human rights doctrine and guidelines. The serious limits on the extent to which aid organizations can provide physical security for endangered populations points toward more systematic and effective liaison with such other actors.

The quantity and quality of available training should also be augmented. It needs to include the fundamentals of applicable international human rights, humanitarian, and refugee law. It

needs to be pragmatic rather than theoretical, grounded in case studies and institutional experience. While individual agencies have their own training courses, there is also need for joint training that bridges the divides between protection and assistance agencies, between civilian and military actors, and between policymakers and practitioners. Greater priority to the lessons learning process, both within and among agencies, is needed to render recent experience more accessible to those charting future action.[12]

While much of the focus these days is on international capacity, local protection mechanisms also need more attention and support. Local people are the best judge of their own protection needs and are often experienced in coping with difficulties as they arise. Activities grounded in local institutions are invariably more sustainable than those driven by international agencies and resources, which tend to have a more limited attention span. At the same time, the vulnerability of local actors points to the need for well-considered strategies of outside presence and support to identify indigenous protection mechanisms and find creative ways to reinforce their efforts.

Given the rich experience from the Cold War and post-Cold War decades and the growing sense of urgency that effective strategies be devised and implemented, humanitarian actors are better positioned now than ever before to make protection a reality.

Notes

Introduction

1. These are paraphrased from a list in Roberta Cohen and Francis M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement* (Washington, D.C.: The Brookings Institution, 1998): 256. The list was contained in a document prepared for UNHCR's Executive Committee (EC/SCP/87), dated August 17, 1994. Reflecting UNHCR's limited mandate for addressing the needs of IDPs, emergency relief activities do not figure prominently in the list. The material cited is part of a helpful discussion by Cohen and Deng on "Clarifying Protection as a Concept" (pp. 255-257).

2. The following discussion of protection activities draws upon earlier work by one of the authors. See Diane Paul, *Beyond Monitoring and Reporting: The Field-level Protection of Civilians Under Threat* (New York: Jacob Blaustein Institute for the Advancement of Human Rights and the Center for the Study of Societies in Crisis, forthcoming).

3. Ibid., 157.

4. For further elaboration of this typology of aid activities in the protection arena, see Larry Minear, "Partnerships in the Protection of Refugees and Other People at Risk: Emerging Issues and Work in Progress," *New Issues in Refugee Research*, Working Paper No. 13 (Geneva: UNHCR Centre for Documentation and Research, 1999).

Chapter 1

1. Kofi Annan, *Annual Report of the Secretary-General on the Work of the Organization*, (NY: United Nations, 1997), paragraphs 14, 15.

2. William G. O'Neill, *A Humanitarian Practitioner's Guide to International Human Rights Law* (Providence: Watson Institute, 1998): 10-11.

3. Article 1, A, 2 of the Convention Relating to the Status of Refugees, Adopted by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons on July 28, 1951 convened under United Nations General Assembly resolution 429 (V) of 14 December 1950. The Convention entered into force on April 22, 1954. African and Latin American conventions provide more encompassing definitions.

4. Gil Loescher, *Beyond Charity: International Cooperation and the Global*

Refugee Crisis (New York: Oxford University Press, 1993): 57.

5. For a detailed discussion of post-Cold War changes in Cold War institutions and practice, see Kathleen Newland, "The Decade in Review," *World Refugee Survey* (Washington, D.C.: U.S. Committee for Refugees, forthcoming): 14-21.

6. The ICRC's susceptibility to state agendas during World War II, however, has become the subject of considerable debate.

7. Robert F. Gorman, *Mitigating Misery: An Inquiry Into the Political and Humanitarian Aspects of U.S. and Global Refugee Policy* (Lanham, MD: University Press of America, 1993): 173.

8. The 1951 Convention excludes from refugee status those who have committed war crimes or crimes against humanity. Article (1)F says that "the provisions of the Convention shall not apply to any person with respect to whom there are serious reasons for considering that. . .he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee. . .[or] has been guilty of acts contrary to the purposes and principles of the United Nations." The Lawyers Committee for Human Rights is currently conducting a study reviewing the procedures by which individuals are excluded from protection as refugees under the Convention.

9. The authors are indebted to Roberta Cohen for this idea, conveyed in written correspondence.

10. Donor governments have differed among themselves since UNHCR's inception regarding the centrality of it protection mandate and the relative importance of assistance. See Loescher, *Beyond Charity*, 56.

11. For a review of discussions among U.S. NGOs of the politics of humanitarian action during the Cold War, see Larry Minear, *Helping People in an Age of Conflict: Toward a New Professionalism in U.S. Voluntary Humanitarian Assistance* (New York and Washington, D.C.: InterAction, 1988).

12. Data is drawn from the *SIPRI Yearbook 1998: Armaments, Disarmament, and International Security* (Oxford: Oxford University Press, 1998): 17, and Kalevi J. Holsti, *The State, War, and the State of War* (Cambridge: University Press, 1996): 210-224.

13. See the work of the PIOOM Foundation in Leiden, The Netherlands, which publishes annual world conflict maps.

14. Kalevi J. Holsti, *The State, War, and the State of War* (Cambridge: Cambridge University Press, 1996): 102.

15. Kalevi J. Holsti, *The Political Sources of Humanitarian Emergencies* (Helsinki: The United Nations University World Institute for Develop-

ment Economics Research, 1997): vii, 3-4.

16. Ibid., 23. Humanitarian organizations will take consolation in Holsti's finding that "insecure and weakly-legitimate governments rather than primordial hatreds or spontaneous communal strife" are typically implicated in conflicts.

17. Dan Smith, *The State of War and Peace Atlas* (Oslo: International Peace Research Institute, 1997): 24.

18. Michael Bryans, Bruce D. Jones, and Janice Gross Stein, *Mean Times: Humanitarian Action in Complex Political Emergencies—Stark Choices, Cruel Dilemmas* (Toronto: University of Toronto, 1999): 8.

19. Interview of senior official in the Office of the United Nations Security Coordinator in New York on July 14, 1999. Reflecting heightened concern about the vulnerability of personnel, an International Convention dealing with the Safety and Security of United Nations and Associated Personnel was approved Dec. 19, 1994.

20. "ICRC report calls on States to strengthen controls on arms availability," ICRC Communication to the Press No. 99/41. The report, "Arms Availability and the Situation of Civilians in Armed Conflict," estimates a 25 percent increase in the number of manufacturers of small arms between 1985 and 1995.

21. Michael Renner, correspondence with the authors, July 2, 1999.

22. Ibid.

23. For a discussion of the difficulties of dealing with non-state actors on humanitarian issues, see Larry Minear, "The Evolving Humanitarian Enterprise," in Thomas G. Weiss, ed., *The United Nations and Civil Wars* (Boulder and London: Lynne Rienner, 1995): 89-108.

24. U.S. Committee for Refugees, "State of the World's IDPs," a paper prepared for the Brookings Institution, quoted in Roberta Cohen and Francis M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement* (Washington, DC: The Brookings Institution, 1998):3.

25. See Larry Minear, "Humanitarian Intervention in a New World Order," (Washington, D.C.: Overseas Development Council, 1992). Also Thomas G. Weiss and Jarat Chopra, "Sovereignty Under Siege: From Humanitarian Intervention to Humanitarian Space", in Gene Lyons & Michael Mastanduno, eds. *Beyond Westphalia? National Sovereignty and International Intervention* (Baltimore: Johns Hopkins University Press, 1995): 87-114.

26. International Federation of Red Cross and Red Crescent Societies, *World Disasters Report 1995* (Geneva: IFRC, 1995): 13.

27. Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders:*

Advocacy Networks in International Politics (Ithaca: Cornell University Press, 1998): 11. For a detailed review of NGO contributions in the area of human rights, see William Korey, *NGOs and the Universal Declaration of Human Rights: "A Curious Grapevine"* (New York: St. Martin's Press, 1998).

28. James Ron, "Varying Methods of State Violence," *International Organization* 51, no. 2 (Spring 1997): 280-281.

29. Ian Smillie, *Relief and Development: The Struggle for Synergy*, Occasional Paper #33 (Providence: Watson Institute, 1998): 51. See also Smillie's Table 3.1, 37.

30. Ibid., 39.

31. See Larry Minear, Colin Scott, Thomas G. Weiss, *The News Media, Civil War & Humanitarian Action* (Boulder, Colo.: Lynne Rienner, 1996).

32. A policy directive issued by President Clinton in April 1994, following the withdrawal of U.S. forces from Somalia "implied a sharp curtailment of American involvement in future armed humanitarian interventions." Walter Clarke and Jeffrey Herbst, "Somalia and the Future of Intervention," *Foreign Affairs* 75, no. 2 (March/April 1996): 70.

33. See Thomas G. Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises* (Lanham, Maryland: Rowman & Littlefield, 1999).

34. The response of military personnel to the Kosovo crisis in 1999 was a case in point. NATO troops constructed camps for refugees in Albania and Macedonia quickly at a time when traditional aid agencies were overwhelmed, yet the troops lacked the expertise of the agencies in dealing with displaced populations and soon became a competitor for aid resources. For further elaboration of the global experience, see Larry Minear and Phillipe Guillot, *Soldiers to the Rescue: Humanitarian Lessons from Rwanda* (Paris: OECD, 1995), especially chapters 2 and 8.

35. For a detailed analysis, see Greg Hansen and Larry Minear, "Waiting for Peace: Perspectives from Action-oriented Research on the Humanitarian Impasse in the Caucasus," *Disasters* 23, no. 3 (Fall 1999): 259.

36. For a discussion of the issues, see Larry Minear et al., *Humanitarian Action in the Former Yugoslavia: The U.N.'s Role 1991-1993* (Providence, RI: Watson Institute, 1994), in particular Chapter 2 (The Operational Landscape for Humanitarian Action) and pp. 63-70 (Coming to Terms with Ethnic Cleansing).

37. For an elaboration of this point through a comparison between the Sudan's drought-induced famine of 1983-86 and its conflict-related famine of 1987-91, see Francis M. Deng and Larry Minear, *The Challenges of Famine Relief: Emergency Operations in the Sudan* (Washington, D.C.: The

Brookings Institution, 1992).

38. *SIPRI Yearbook 1998*, 3.

39. For an examination of the political impacts of international aid to refugees from Afghanistan during the Cold War, see Helga Baitenmann, "NGOs and the Afghan War: The Politicisation of Humanitarian Aid," *Third World Quarterly* (January 1990): 62-85.

40. See UN General Assembly Resolution A/Res/46-182, Dec. 17, 1991. For a discussion of the changing role of sovereignty, see also Joanna Macrae, "The Origins of Unease: Setting the Context of Current Ethical Debates, Background Paper for the Forum on Ethics in Humanitarian Aid," (Dublin Dec. 9-10, 1996).Also, Minear, "Humanitarian Intervention."

Chapter 2

1. The Amahoro quotation is from Lionel Rosenblatt and Larry Thompson, "The Door of Opportunity: Creating a Permanent Peacekeeping Force," *World Policy Journal*, Spring 1998, 37. While UN peacekeepers protected Tutsis and Hutus alike, it should be noted that some Hutus were removed from the stadium by Rwandan Patriotic Front forces and "disappeared." See Human Rights Watch and Fédération Internationale des Ligues des Droits De L'Homme, *Leave None to Tell the Story: Genocide in Rwanda* (New York: Human Rights Watch, 1999), 710, 712, 717.

2. Larry Minear and Thomas G. Weiss, *Mercy under Fire: War and the Global Humanitarian Community* (Boulder, New York, and Oxford: Westview Press, 1995): 106.

3. Roberta Cohen and Francis M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement* (Washington, DC: The Brookings Institution, 1998): 163.

4. Conversation with the late Fred Cuny, September 1994.

5. The five-year period since the Rwanda debacle has been a time of growing awareness among humanitarian organizations of protection needs. The UN Inter-Agency Mission Needs Assessment Mission to the Federal Republic of Yugoslavia, dispatched while NATO bombing was still being carried out in May 1999, included an official from the Office of the High Commissioner for Human Rights. In his briefing of the UN Security Council, head of mission Under-Secretary General Sergio Vieira de Mello noted that while "the humanitarian needs of the internally displaced and civilian populations in Kosovo are urgent and immense...more

important [still] is the need for physical security." Briefing, 5.

6. Liam Mahoney and Luis Enrique Eguren, *Unarmed Bodyguards: International Accompaniment for the Protection of Human Rights* (West Hartford: Kumarian Press, 1997): 89.

7. Frederick C. Cuny, "Refugees, Displaced Persons, and the United Nations System" in Charles William Maynes and Richard S. Williamson, eds., *U.S. Foreign Policy and the United Nations System* (New York: W.W. Norton and Company, 1995): 197.

8. Quoted in David Rieff, *Slaughterhouse: Bosnia and the Failure of the West* (New York: Simon and Schuster, 1995): 198-99.

9. Peter Walker, "Chaos and Caring: Humanitarian Aid Amidst Disintegrating States," *Journal of Humanitarian Assistance*, http://www-jha.sps.cam.ac.uk/a/a020.htm (posted October 13, 1996): 2.

10. Several of these, and also other, guidelines are suggested in Cohen and Deng, *Masses in Flight*, especially in Ch. 7, "Strategies and Recommendations."

11. For a more extended discussion, see Julie Mertus with Julie Benjamin, *Assistance and Protection: The Gender Connection* (Providence: Watson Institute, 1999 forthcoming).

12. The need for contingency planning that takes into account the likely absence of the necessary international political will was one of the themes of a recent report, "Strategic Humanitarian Coordination in the Great Lakes Region 1996-1997: An Independent Study for the [UN] Inter-Agency Standing Committee" by Sue Lautze, Bruce D. Jones, and Mark Duffield (New York: OCHA, 1998).

13. See "Meeting of the Ad Hoc Working Group on the Protection of Persons Under Threat in Kosovo," minutes from meeting held in Washington, D.C. at the Brookings Institution chaired by Francis M. Deng, Representative of the UN Secretary-General on Internally Displaced Persons, September 21, 1998.

14. Bill Frelick, "Assistance without Protection: Feed the Hungry, Clothe the Naked, and Watch Them Die," *World Refugee Survey* (Washington, D.C.: U.S. Committee for Refugees, 1997): 26.

15. Information on PBI's activities in Sri Lanka can be obtained at its web site <http://gopher.igc.apc.org/pbi/lanka.html>.

16. Mahoney and Eguren, *Unarmed Bodyguards*, 19-20.

17. Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949, Art. 14.

18. Iris Chang, *The Rape of Nanking: The Forgotten Holocaust of World War II* (New York: Basic Books, 1997): 139.

19. Mahoney and Eguren, *Unarmed Bodyguards*, 213.

20. William D. Clarance, "Open Relief Centers: A Pragmatic Approach to Emergency Relief and Monitoring during Conflict in a Country of Origin," *International Journal of Refugee Law* 3 (1991): 325.

21. William D. Clarance, "UNHCR's Role in Ethnic Conflict," *Refugees* (August 1993): 12.

22. UNHCR, *The State of the World's Refugees* (Geneva: UNHCR, 1995): 128.

23. The issue of coordination has figured prominently in the reviews of humanitarian action conducted by the Humanitarianism and War Project since its inception. For a definition of coordination, including the need for strong leadership, see Larry Minear, U.B.P. Chelliah, Jeff Crisp, John Mackinlay, and Thomas G. Weiss, *United Nations Coordination of the International Humanitarian Response to the Gulf Crisis 1990-1992*, Occasional Paper #13 (Providence: Watson Institute, 1992): 3, and Marc Sommers and Larry Minear, *The Dynamics of Coordination*, (Providence: Watson Institute, 1999 forthcoming).

24. KDOM later became the Kosovo Verification Mission (KVM).

25. The concept of a lead agency for protection as suggested here does not imply an authoritative or directive role but rather a collaborative function.

26. For a set of recently approved principles, see "Guiding Principles on Internal Displacement," in Cohen and Deng, *Masses in Flight*, 305-316.

27. See, for example, Médecins Sans Frontières, "Atrocities against Civilians in Sierra Leone," (New York: MSF , May 1998). An otherwise excellent report fails to provide concrete recommendations, and MSF staff apparently did not ask the wounded for suggestions about how to prevent further abuses. A report by Refugees International made suggestions relating to the relocation of Sierra Leonean refugees in Liberia away from the border to prevent conscription and militarization of refugee camps and the initiation of a human rights monitoring mission to a specific area of the country.

28. Progress has been made in recent years to clarify responsibility within the UN system at the headquarters level for the protection and assistance of IDPs. That responsibility is now lodged with the UN Under-Secretary-General for Humanitarian Affairs, who also functions as the Emergency Relief Coordinator (ERC). The ERC recently designated an individual to serve as IDP point person at the headquarters level. For the evolution of institutional arrangements regarding IDPs, see Cohen-Deng, *Masses in Flight*, 143-148.

29. Women's Commission for Refugee Women and Children, "Refugee Women in Tanzania, Report of Delegation Visit to Rwandan and Burundian Refugee Camps" (May 27-June 1995): 14.

30. Ibid., 15.

31. Andrew Natsios, "Preventing Human Rights Abuse in Kuwait in the Aftermath of the Gulf War," from *Civil Affairs in the Persian Gulf War: A Symposium* (October 25-27, 1991): 2. The directives were issued through the Public Security Annex to the Civil Affairs Operations plan, but precise measures to be taken by those commanders were not clear. Natsios points out that civil affairs doctrine is not well developed in terms of understanding human rights abuses, nor is there much practical information available on how human rights might be protected in conflict situations. Natsios was Director of AID's Office of Foreign Disaster Assistance in the Bush Administration and more recently a senior official of World Vision.

32. Ibid., 5-6.

33. Ibid., 6.

34. Ibid., 7.

35. "Hutu rebels in Rwanda massacre also freed comrades in local jail," *The Baltimore Sun* (December 13, 1997): 10A.

36. See UNHCR, "Great Lakes Crisis at a Glance," Relief Web, http://wwwnotes.reliefweb.int/files/rwdomino.nsf/ 4c6be8192aef259cc12564f500422b3c/ d7089f5cab941644c125657000329136?OpenDocument

37. "The Killing Season," *IPS* (June 22, 1998).

Chapter 3

1. Ben Barber, "Feeding Refugees, or War?: The Dilemma of Humanitarian Aid," *Foreign Affairs*, 76, no. 4 (July/August 1997): 11.

2. Ibid., 11.

3. For a detailed analysis of the Prijedor situation, see Human Rights Watch, "The Unindicted: Reaping the Rewards of 'Ethnic Cleansing'," *Human Rights Watch/Helsinki Report* 9, no. 1 (D) (January 1997).

4. W. Courtland Robinson, *Double Vision: The History of Cambodian Refugees in Thailand* (Bangkok: Asian Research Center for Migration Institute of Asian Studies, Chulalongkorn University, 1996): 13.

5. An exception to the absence of prevailing geopolitical agendas in the Great Lakes region among the major powers was France, which provided military, political, and humanitarian support to the former Hutu

government and to Hutus fleeing the advance of the Tutsi-led army.

6. Statement by Sadako Ogata to the Executive Committee of UNHCR, October 3, 1994, quoted in Dennis McNamara, "Rwanda: Genocide and the Continuing Cycle of Violence," Presentation to the House International Relations Committee's Sub-Committee on International Operations and Human Rights, May 5, 1998, 4-5.

7. Joel Boutroue, *Missed Opportunities: The Role of the International Community in the Return of the Rwandan Refugees from Eastern Zaire*, monograph (July 1998): 41.

8. Ian Martin, "Human Rights and Political Failures in Rwanda," in Jonathan Moore, ed., *Hard Choices: Moral Dilemmas in Humanitarian Intervention* (Lanham, Boulder, New York, and Oxford: Rowman & Littlefield, 1998): 160. In Martin's judgment, "either the U.N. member states should have faced up to the secretary-general's recognition that military action was necessary to remove the leadership from the existing camps, or international assistance to the camps should have been progressively cut off, then reprovided for those who chose not to return to Rwanda in camps to which arms and leading genocide suspects could have been denied admission." (p. 172).

9. For a more detailed discussion, see Hugo Slim, *Doing the Right Thing*, Studies on Emergencies and Disaster Relief No. 6 (Uppsala, Sweden: Nordiska Afrikainstitutet [Studies on Emergencies and Disaster Relief No. 6] 1997).

10. MSF-Belgium, *Evaluation de la Presence MSF-B à Goma*, (Brussels: unpublished internal assessment, 1995): 1.

11. Interview with Alex Parisel, former Coordinator for MSF Belgium Teams in Eastern Zaire, Brussels, December 19, 1997.

12. William Shawcross, *The Quality of Mercy: Cambodia, Holocaust and Modern Conscience* (New York: Simon and Schuster, 1984): 203. The Shawcross volume, which explored the intrusion of politics into the work of humanitarian agencies, stimulated some discussion at the time of its publication of the challenges that were to recur in the Goma camps.

13. Ibid., 228, 309-10, 341.

14. Ibid., 342, 230.

15. Bangkok Post, June 11, 1980, quoted in Robinson, *Double Vision*, 74.

16. One song chanted by the Khmer Rouge in Sa Kaeo to encourage immediate return to the border went as follows: "Those who go back first will sleep on cots. Those who go back second will sleep on mats. Those who go back third will sleep in the mud. And those who go back last will

sleep under the ground." Robinson, ibid., 76.

17. Interview by the authors on June 4, 1998 with Lionel Rosenblatt, President, Refugees International (formerly with U.S. Embassy in Thailand). Rosenblatt participated in the screening exercise at Sa Kaeo.

18. Robinson, *Double Vision*, 86.

19. Ibid., 13.

20. The value of items looted from NGOs was estimated at $400 million over a seven-year period. Matt Van Geest with Shelley Beirouk and Lynne Gilliland, *Liberia: Lessons Learned* (Catholic Relief Services, internal review, June 18, 1998): 16.

21. Ibid., 11.

22. Ibid., 13.

23. "International Non-governmental Organization Joint Policy of Operation" in Liberia (final text agreed Nov. 22, 1996).

24. "International Non-governmental Organization Joint Statement on Liberia," addressed to United Nations Security Council, European Union, United States Agency for International Development, and the International Community at Large.

25. Agencies in neighboring Sierra Leone were working on a similar set of principles in late 1998 before fighting broke out at year's end.

26. Two months earlier, UNAMIR had conducted a joint military exercise with the Rwandan military forces in which Kibeho was cordoned off and searched for arms and criminals. The operation was successful when it became known beforehand that teams of UNAMIR soldiers, escorted by RPA liaison officers, would enter the camp and search dwellings at will, many of the hard-core fled the night before the operation.

27. For a more extended discussion, see Larry Minear and Randolph C. Kent, "Rwanda's Internally Displaced: A Conundrum within a Conundrum," in Roberta Cohen and Francis M. Deng, eds., *The Forsaken People: Case Studies of the Internally Displaced* (Washington, DC: The Brookings Institution, 1998), 57-96.

28. The "Serbian Red Cross," operating in the Republik Srbska, is not a recognized national Red Cross society. Human Rights Watch and others have documented allegations of abuses by it in a number of reports.

29. Human Rights Watch, "The Unindicted," 3.

30. Conversation with an NGO representative in April 1997 in Mostar, Bosnia-Herzegovina by Diane Paul, Human Rights Watch, Washington, D.C. April 15, 1998.

31. This statement was made in April 1997 to a Human Rights

Watch researcher by an official of a major NGO working on reconstruction activities in Bosnia who requested anonymity.

Chapter 4

1. *New York Times* (June 11, 1999): A11

2. *Webster's Encyclopedic Unabridged Dictionary of the English Language* (New York and Avenel, NJ: Gramercy Books, 1989): 403.

3. For an elaboration of the debate, see Larry Minear, "Partnerships in Protection of Refugees and Other People at Risk: Emerging Issues and Work in Progress," *New Issues in Refugee Research*, Working Paper No. 13 (Geneva: UNHCR Centre for Documentation and Research, 1999).

4. The readiness of the U.S. government to allege "genocide" well before data had been complied on which to document the charge led some human rights groups to express concerns regarding the ostensible politicization of the issue.

5. For an elaboration of this point, see Larry Minear, "Learning to Learn," in OCHA, "Humanitarian Coordination: Lessons Learned"; Report of a Review Seminar, Stockholm, April 3-4, 1998 (New York: OCHA, 1998): 39.

6. This and other suggestions for a future research agenda were discussed at a workshop convened by the Humanitarianism and War Project, "Assisting and Protecting War Victims: Transatlantic Perspective on Humanitarian Operations and Research." For Papers presented at the workshop and a summary of the discussions, see Thomas G. Weiss and Larry Minear, *Assisting and Protecting Civilians: The State of the Transatlantic Debate* (Providence: Watson Institute, 1999 forthcoming).

7. For a discussion of linkages between emergency assistance and longer term development, see Ian Smillie, *Relief and Development: The Struggle for Synergy*, Occasional Paper #33 (Providence: Watson Institute, 1998).

8. For an examination of effective advocacy, see Neil MacFarlane, *Humanitarian Politics* (Providence: Watson Institute, 1999 forthcoming).

9. Marc Sommers and Larry Minear, *The Dynamics of Coordination* (Providence: Watson Institute, 1999 forthcoming).

10. Following a discussion in May 1999 convened by the Humanitarianism and War Project, the Save the Children Alliance created the position of point person for protection, based in Pristina effective August 1, 1999. The person's terms of reference call for coordinating the protection-related work of the various Save the Children members and

liaising with other actors involved in protection, including NGOs, UN organizations, the ICRC, and NATO.

11. Cohen and Deng, *Masses in Flight*, 23. The authors also make specific recommendations for improved protection activities. See Strategies for Improving Protection by NGOs (202-207) and Strategies and Recommendations (239-304).

12. For an overview of training materials and courses, see Minear, "Partnerships in Protection."

Appendix I
Glossary Of Acronyms

CIMIC   Civilian-Military Center
COMADRES   Committee for the Mothers of the Disap-
                 peared and Assassinated
CRS   Catholic Relief Services
DHA   Department of Humanitarian Affairs (UN)
ECOMOG   Economic Community of West African States
                 Monitoring Group
ERC   Emergency Relief Coordinator (UN)
IASC   Inter-Agency Standing Committee (UN)
ICRC   International Committee of the Red Cross
IDPs   Internally displaced persons
IFOR   Implementation Force in Bosnia (NATO)
IFRC   International Federation of Red Cross and
                 Red Crescent Societies
IPTF   International Police Task Force
JPO   Joint Policy of Operation
KDOM   Kosovo Diplomatic Monitoring Mission
KFOR   Kosovo Force (NATO)
KTF   Kuwait Task Force
MOU   Memorandum of understanding
MSF   Médecins sans Frontières
NATO   North Atlantic Treaty Organization
NGO   Nongovernmental organization
OAS   Organization of American States
OCHA   Office for the Coordination of Humanitarian
                 Affairs
OHCHR   Office of the High Commissioner for Human
                 Rights (UN)
ORC   Open Relief Center
PBI   Peace Brigades International
RPA   Rwandan Patriotic Army
RS   Republika Srpska

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SFOR	Stabilization Force (NATO)
SIPRI	Stockholm International Peace Research Institute
U.S.	United States
UN	United Nations
UNAMIR	United Nations Assistance Mission in Rwanda
UNBRO	United Nations Border Relief Operation
UNDRO	UN Disaster Relief Office
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNREO	United Nations Rwanda Emergency Office
UNUWIDER	The United Nations University World Institute for Development Economics Research
USAID	United States Agency for International Development
WFP	World Food Programme
ZCSC	Zairian Camp Security Contingent

Appendix II
For Further Reading

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The Humanitarianism & War Project

The Humanitarianism & War Project is an independent policy research initiative underwritten by some fifty UN organizations, governments, NGOs, and foundations. Since its inception in 1991, it has conducted thousands of interviews in complex emergencies around the world, producing an array of case studies, handbooks and training materials, books, articles, and op-eds for a diverse audience of humanitarian practitioners, policy analysts, academics, and the general public.

During its present Phase 3, the Project is examining the process of institutional learning and change among humanitarian organizations in the post-Cold War period. Recognizing that humanitarian agencies nowadays are not only in greater demand but are also experiencing greater difficulty in carrying out their tasks, the Project is highlighting the innovative practices devised by individual agencies to address specific challenges.

Current research builds on case studies conducted to date, both geographical (the Persian Gulf, Central America and the Caribbean, Cambodia, the former Yugoslavia, the Great Lakes Region, and the Caucasus) and thematic (the interface between humanitarian action and peacekeeping and the roles of the media and the military in the humanitarian sphere). Research is tailored to the expressed needs of humanitarian organizations, which constitute the primary constituency of the project, generating materials designed for reflection and training purposes. Findings and recommendations are also being followed with interest by the

project's other main constituencies, policymakers and academics.

Intergovernmental organizations that have contributed to the project are the European Community Humanitarian Office (ECHO), International Organization for Migration, OECD Development Centre, UNDRO, DHA, OCHA, UNDP, UNHCR, UNICEF, UNITAR, the UN Special Emergency Program for the Horn of Africa, UN Staff College, UN University, UN Volunteers, WFP, and WHO.

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