



Beyond the headlines

An agenda for action to protect civilians in neglected conflicts



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Executive Summary

Since the atrocities of September 11th 2001, the leaders of the major international powers have been focused upon confronting what they perceive as the greatest threat to world security: the combination of weapons of mass destruction and international terrorism. At the 2003 G8 summit in France, the leaders of Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, and the United States agreed that this combination posed the greatest current threat to world security.

Though those threats are very real, terror is nothing new for millions of people caught up in the world's seemingly intractable conflicts. Rebels and governments alike have been terrifying civilians for years in too many civil conflicts. Oxfam and our partners already witness mass destruction: from Sudan to Colombia, Liberia to Indonesia, millions of people continue to be killed, raped, injured, or forced to flee their homes. Gender, age, ethnicity and other factors are associated with suffering in distinct ways. For example, men are in danger of being killed or abducted for fighting, while young girls can be kidnapped as labourers or sex slaves. For decades, these conflicts have caused much more death and destruction than has terrorism. Since 2001, there have been trends which may have made civilians even more vulnerable than before:

1. Warring parties targeting civilians.

Direct attacks on civilians are part of the harsh reality of most conflicts across the globe. From Liberia to Uganda, Chechnya to Colombia, international humanitarian law is not adequately upheld or enforced by the international community, and the suffering of civilians continues unabated. The attention given to the 'war on terror' threatens to eclipse this suffering still further, as warring parties carry out their fighting with impunity. And while recent US and UK-led military operations in Iraq and Afghanistan have attempted to minimize the negative impact of their actions on civilians, they have, in Oxfam's view, failed to uphold the highest standards of international law designed to protect non-combatants.

2. Substantial humanitarian aid for 'priority' cases, very little for the rest.

Donor governments rapidly donated some US \$2bn to post-war Iraq. This represents about \$74 per person in need. By contrast, donors only gave \$17 per person to the Democratic Republic of Congo, and \$7 per person to Indonesia. Looking at the totals donated to emergencies, the difference is striking. The same donors that rapidly came up with the billions

for Iraq claim a shortage of funds when failing to respond to the humanitarian appeals for Burundi, Guinea, and the majority of other countries in crisis, although these appeals are looking for just one per cent of the amount of money.

3. Human rights considerations being overridden in the fight against terror.

In the year following September 11th 2001, the US government requested some US\$ 3.8bn in military aid from Congress to 67 governments to support counter-terrorism, although half of those governments were criticized by the US State Department for their poor human rights records.

4. The independence and impartiality of humanitarian aid under threat.

A dangerous precedent is being set by moves by coalition forces to use the military to distribute humanitarian relief in parts of Iraq and Afghanistan. In addition, the draft EU constitution dangerously entangles humanitarian aid with a counter-terrorism agenda. In wars across the world, this infringement of the space for impartial humanitarian action could inhibit the distribution of humanitarian aid on the basis of need. It could even result in aid agencies or the people they assist being targeted for attack.

From our work around the world, Oxfam has observed the high human cost as the international community abandons civilians to struggle through conflict unaided. Oxfam believes that it is time to refocus international attention on the conflicts that kill and impoverish millions of people year in, year out; conflicts in most ways unrelated to the events since 2001. The international community currently responds to these crises in an inconsistent way in terms of both political and diplomatic commitment, and of humanitarian aid.

Oxfam is calling for the UN Security Council and global leaders to galvanise the entire international community to take action more consistently, both to protect civilians and to ensure the impartial delivery of humanitarian aid on the basis of need, rather than political priority.

Nearly half of all the funds given by donor governments in 2002 to the UN's twenty-five humanitarian appeals went to just one country, Afghanistan – a desperately poor place but one that was also top of the list of priorities in the 'war on terror.' The remaining 24 countries had to struggle by on what was left. This pattern of unequal funding recurs year after year. While Oxfam is not advocating a reduction in funding to any emergency where there is need, the challenge

is to provide funding without diverting resources from the millions of people affected by other emergencies.

We also know from our experience of working in dozens of conflicts that what civilians in wars need is not primarily money. It is peace. Until peace is possible, however, ensuring the protection of civilians is crucial. All governments have duties under international humanitarian law to protect civilians from the worst ravages of war, to allow them to live free from violence, coercion, and deprivation. Yet the international community is failing to provide that protection for most children, women, and men caught up in today's conflicts.

There is no one-size-fits-all action to protect civilians, but international engagement is critical. There is a range of actions that the international community must pursue more

consistently. Strong diplomatic pressure will be required at times for the difficult negotiations to secure access for civilians to humanitarian aid behind the lines of fire. In extreme cases, it may be necessary to contribute troops to a UN-mandated mission to enforce a ceasefire and to protect civilians. In all cases, states must act to prevent the supply of arms from fuelling conflicts or contributing to the abuse of human rights.

The UN Security Council, and particularly the five permanent members, has a critical responsibility to safeguard international peace and security. Their duty is not only to tackle the greatest threats to the industrialized world, but also to uphold international law to protect the lives and dignity of all civilians suffering in some 42 violent conflicts around the world. They are falling far short of this goal.

The international community should reaffirm its commitment to the international humanitarian law that it has signed up to. In particular, Oxfam calls for the following actions:

- **The international community – led by the UN Security Council – must develop strategies to engage more consistently with seemingly intractable conflicts to help protect civilians in neglected crises.** All possible tools must be made available, including intense diplomacy, support for the negotiation of access for humanitarian aid, and in extreme cases, the contribution of troops to UN-led peacekeeping missions with strong mandates to protect civilians. In addition, governments and the UN should implement new systematic procedures to ensure that they assess how to best protect vulnerable civilians in all crises.
- **Governments and warring parties must plan their military tactics to safeguard civilians.** Any military action must distinguish between military targets and civilians, and only direct attacks against the former. In any event, all precautions must be taken to minimize harm to civilians, and force used must be proportionate to the military gains anticipated. All warring parties must ensure that free passage is given to humanitarian aid throughout the conflict. All signatories to the Geneva Conventions have an obligation to press others around the world to do the same. They must absolutely refrain from encouraging, tolerating, or arming allies who are committing abuses.
- **Donor governments must demonstrate that they are giving humanitarian aid based on need, not on political priority.** They must commit to consistent and adequate funding for all emergencies, with a particular emphasis on effectively funding neglected crises. In particular, they must take concrete steps to implement the plan of action from the June 2003 Good Donorship conference, including support for the proposal to develop a system-wide analysis of risk and need as proposed by the UK Overseas Development Institute.
- **Governments must at all times recognize and preserve the independent, impartial and civilian character of humanitarian aid.** In light of the changing political landscape brought on by the struggle against terrorism, this is critically important as the lines of responsibility between civilian humanitarian actors and those of the military are becoming blurred. In many cases the protection of civilians, the access of communities to humanitarian aid, and the safety of humanitarian aid workers depend upon preserving this distinction between civilians and the military.
- **Governments must make increased, sustained, and equitable investment in addressing the causes of forced migration and supporting durable solutions for refugees and asylum seekers.** The EU must ensure that these efforts are not reserved for only those countries and regions that are currently the sources of large numbers of asylum seekers. The efforts of Western governments must focus on finding durable solutions for asylum seeking and refugee populations, rather than trying to shrug off their existing commitments.
- **Humanitarian agencies – NGOs, the ICRC, and the UN - must constantly strive for quality, accountability, and efficiency in their actions to protect and assist civilians.** Building on initiatives such as Sphere and the Humanitarian Accountability Project (HAP), agencies must make concrete steps to ensure impartial delivery of humanitarian assistance, and increased accountability towards the people they seek to assist.

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This Afghan woman is passing in front of wall paintings of landmines and grenades, which continue to maim and kill people in the country. Suffering years of war, drought and international isolation, Afghanistan was a neglected emergency before the events of September 11th.

Introduction

1. Introduction

Since the atrocities of September 11th 2001, the leaders of the major international powers have been focused upon confronting what they perceive as the greatest threat to world security: the combination of weapons of mass destruction and international terrorism. At the 2003 G8 summit in France, the leaders of Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, and the United States agreed that this combination posed the greatest current threat to world security.

Although those threats are very real, terror is nothing new for millions of people caught up in the world's seemingly intractable conflicts. Rebels and governments alike have been terrifying civilians for years in too many civil conflicts. Oxfam and our partners have witnessed mass destruction: from Sudan to Colombia, from Liberia to Indonesia,

millions of people continue to be killed, raped, injured, or forced to flee as internally displaced people (IDPs) or as refugees.

The President of the United States regularly assures his public that the USA is winning the 'war on terror'. For most people surviving in the world's war zones, however, the international community is losing that struggle. In 2002 there were some 42 violent conflicts in the world, and 29 of these were considered to be severe crises.¹ Attacks on civilians have been the norm for years in Sudan, the Democratic Republic of Congo (DRC), Colombia, Afghanistan, Israel and the Occupied Palestinian Territories – to name just a few of the places where Oxfam has direct experience. Thirteen million people currently live as refugees, the vast majority of them hosted by developing countries across Africa

Humanitarian protection

Humanitarian protection is concerned with preventing or mitigating the most damaging effects, direct or indirect, of war on civilians. It relates mainly to the way in which armed conflict is conducted and to the way in which people, including refugees and displaced people, are treated. Humanitarian protection is driven by the real threats faced by communities and individuals.

Based on its field experience and on international law, Oxfam believes that a coherent approach to the protection of civilians should mean that people have a right to live free from:

- **Violence** or the threat of violence. This includes but is not limited to: murder, torture, rape, wounding, abuse, and abduction.
- **Coercion**. This can include forced displacement, forced or prevented return, forced prostitution, or forced recruitment.

- **Deprivation**. This can include the denial of access to humanitarian assistance, the destruction of shelter, property, or livestock, and the prevention of the means to earn a living.

Warring parties have particular obligations under international humanitarian law, but the main sources of protection are governments and national institutions. It is only when states are unable or unwilling to fulfil their responsibilities to protect life, security, and access to essential services that international conventions demand that all states party to the conventions must take action. The humanitarian imperative demands that even in the most difficult situations, and especially in these situations, the responsibility to protect the innocent and save lives remains a key objective. Oxfam strives to uphold the principles and practice of humanitarian protection through direct projects, funding of partners, and advocacy.

and Asia. Another 23m people live as internally displaced people.²

Only a tiny minority of these stories of human suffering have reached international newspapers or television; even fewer are discussed in debates within the halls of governments to determine what political action may be required to save lives. The vast majority of emergencies passed unnoticed as the attention of the world's media and politicians remained focused upon terrorism and the situation in Iraq. Millions of civilians continued to suffer appalling atrocities and deprivation; millions have died as a result.

It is time to focus international action on the security of these civilians in neglected conflicts as well as on the threats from international terrorism. Governments are concerned with terrorism for the same reason that the international community must focus on protecting civilians caught in intractable conflicts: because the lives and dignity of millions of people depend upon it. All these threats to security must be addressed, in a way that reinforces the foundations of the international multilateral system and upholds the international humanitarian law designed to protect civilians. Failures in doing so to date can be seen in a new tolerance of human rights abuses and violations of humanitarian law and refugee law by some allies in the struggle against international terrorism.

Since 2000, when Oxfam first raised concerns about forgotten emergencies and the inequitable distribution of humanitarian aid by donors, very little has changed.³ The international response to humanitarian crises should be determined by need, not by strategic interest or media coverage. However, current levels of spending and engagement are not only far from adequate, they are also not distributed according to need. Donors are increasingly giving only to their favoured crises – earmarking aid for certain countries or projects. With the 'war on terror' in the spotlight, and billions

of dollars being spent on that fight alone, there is an even greater risk of an increase in the number of neglected emergencies.

Yet there have recently been some hopeful developments. Donors' moves towards establishing Principles of 'Good Donorship' are a start in addressing these issues. So is the EU peacekeeping force in the Democratic Republic of Congo, Operation Artemis, the first such force outside of the wars in Europe. This is a decisive time, when positive steps could pull the international community in the direction of its responsibilities and obligations to protect civilians. Alternatively, in rushing to meet the demands of its current geo-political agenda, the international community could be carried away by bad practice, discrimination, and violations of international humanitarian law.

Now, more than ever, nothing is good enough short of taking every possible step to protect civilians wherever and whenever they are in need. These steps should be taken through the UN to enhance international order, rather than undermine it.

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Protecting civilians
in conflict: more
threats than ever

This picture shows the scene of a soldier and captive, as painted by a child abducted in Northern Uganda. Children are particularly at risk of violence, coercion and deprivation in conflict.

2. Protecting civilians in conflict

For decades, civilians have been the target of violence in wars across the globe. Recent conflicts have been no exception: from Colombia to the Democratic Republic of Congo, from Sudan to Chechnya and Indonesia, civilians have been attacked, raped, displaced, and conscripted with little or no regard for international humanitarian law. The events of September 11th 2001, and the wars unfolding since, risk leaving civilians in the vast majority of conflicts even more neglected.

The Geneva Conventions oblige all warring parties to protect civilians in conflict. No reason for armed conflict can justify war at any cost, and the international community should not tolerate any abuse of civilians. This holds irrespective of whether they fall within the immediate geo-political spotlight or not. The international community must not allow the 'war on terror'

to eclipse the needs and rights of these civilians. It must instead build on some of the positive steps of 2002 and 2003, such as those in Sudan and the Democratic Republic of the Congo, to achieve more consistent action to protect civilians wherever and whenever they are threatened.

When the international community has the will to help civilians, it often can. The action required can vary according to the specific protection needs of civilians caught in conflict, and does not always have to be military support; often diplomatic pressure, negotiated access, and other steps can save lives and allow people to live with dignity.

International humanitarian law: distinction, precaution, proportion, and impartiality in conflict

International humanitarian law is designed to limit human suffering and protect civilians in armed conflicts. The rules are to be observed not only by governments and their armed forces, but also by armed opposition groups and any other parties to a conflict. The four Geneva Conventions of 1949 and their two Additional Protocols of 1977 are the principal instruments of international humanitarian law. The basic rules and obligations can be summarised in terms of:

Distinction: A distinction must be made at all times between the civilian population and those taking part in hostilities, and between civilian objects and military objectives. Attacks must be directed only against military objectives. As such, indiscriminate attacks which fail to distinguish between military objectives and civilians are prohibited.

Precaution: Not only must civilians and civilian objects not be the object of attack, but also every

precaution must be taken when attacking or locating military objectives to avoid, and in any event to minimise, incidental civilian losses and damage.

Proportion: Warring parties are obliged to weigh carefully the direct military advantage of any attack against the potential of harming civilians. In no case shall such harm be excessive in relation to the concrete and direct military advantage anticipated.

A further key aspect of the Geneva Conventions is to ensure the ability of humanitarian organisations to be allowed to operate **impartially** based on humanitarian need, according to their mandates.⁴ Governments and warring parties have critical roles to play in ensuring that the actions of their officials, allies, or citizens do not disrupt life-saving aid. People's access to humanitarian aid often depends on the perception of humanitarian agencies as impartial actors, independent from any warring party.

Indifference to gross violations of international humanitarian law

Most current conflicts are characterised by appalling atrocities and by acts against civilians – direct violations of international humanitarian law by governments and rebel forces. The escalation of conflict often brings with it the targeting of hospitals, clinics, and schools, leaving people without vital services. Family members become separated from each other, causing their support networks to break down and rendering children especially vulnerable. Millions of people in conflict zones die of preventable diseases due to lack of clean water, food, or any health services. Boys are in particular danger of abduction for fighting, while girls are often kidnapped to become labourers or sex slaves. In politically driven yet ethnically and religiously framed violence, civilians are not the accidental victims of conflict, they are its very targets.

- In 2002 alone, there were some 42 violent conflicts in the world, and 29 of these were considered to be severe crises.⁵
- Since the end of the Cold War, 90 per cent of those killed in conflict have been non-combatants, compared with 15 per cent at the beginning of the twentieth century.⁶
- In Burundi some 300,000 people have been killed in the last decade, and on average, some 100,000 displaced every month.⁷
- In the Democratic Republic of Congo, an estimated 3m people have lost their lives in the last three years of conflict.⁸
- In Rwanda approximately 40 per cent of the population has been killed or displaced since 1994.⁹

Most of those affected by conflict remain inside their own country, often living in destitute or insecure circumstances. There are some 23m internally displaced persons (IDPs) –

nearly double the number of refugees.¹⁰ While governments of the countries concerned are most immediately responsible for protecting civilians in conflicts within their states, when such protection fails, it is the responsibility of the international community and the UN Security Council to act.

Tragically, this action comes too infrequently, too feebly, and usually far too late. Only rarely do the stories of human

The human cost of violence in Burundi

The nine-year-old civil war in Burundi has been characterised by widespread suffering for the population. Both government and rebel forces have killed, raped, or otherwise injured hundreds of civilians, as well as pillaging or destroying their property. Massacres have become nearly commonplace, with hundreds killed. Despite a ceasefire in November 2002, the upsurge in fighting since January 2003 has killed hundreds, displaced hundreds of thousands, and weakened the ceasefire agreement. Oxfam staff continue to work in the country, and raise concerns about protection to the highest levels of government and the UN.

The transition of power in May 2003 went more smoothly than expected. However, the ceasefire declaration still remains fragile, and in mid-May up to 20,000 civilians fled the fighting that erupted in Kabezi commune south of Bujumbura. An additional 12,000 fled Bubanza province in the northeast.

The African Mission in Burundi (AMIB) is a welcome development, though deployment has been slow. South African mediators appear to be committed to following through on the peace process, but the international community has not done nearly enough to hold all warring parties in Burundi accountable to international humanitarian law. Violations of human rights and humanitarian law occur daily.

The human toll of conflict in the Occupied Palestinian Territories and Israel

Samia and Majda Daloul, 20- and 21-year old sisters, were on their way back from meeting the girl their brother intended to marry. They stopped at a shop to buy some celebratory sweets for the journey home. The mood in the car was festive. Their brother, Fayis, their sister-in-law Nawal and her daughter, three-year-old Rawan, were all in the family Volkswagen.

The car resumed its journey. There was another car behind but they barely noticed. Nor did they hear the Israeli Apache helicopter. But they felt a bump when the rocket exploded behind them. Fayis understood at once and ordered everyone out of the car. But Samia was already dead. White smoke enveloped the scene. Majda went back to the car to get her sister's body. A second rocket hit, and she too was killed.

The family was not the intended target of the Israeli attack; two Hamas militants in the car behind were. They too were killed. Altogether nine other civilians died. Israel says it regrets civilian deaths that occur in its response to militants' actions, but says such operations will continue until their attacks are stopped. This incident, detailed by the Palestinian Red Crescent Society, happened barely two weeks after the Road Map for peace was launched.

Both Palestinian and Israeli civilians are suffering from these terrible events. In June 2003, some 60 people died in the space of a fortnight, including 17 people killed by a suicide bomber on a Jerusalem bus. More than 2,300 Palestinians and 700 Israelis have died since the second Palestinian uprising against Israeli occupation started in September 2000.

suffering reach international newspapers or television. Even more rarely is it discussed in debates within the halls of governments to determine what political action may be required to save lives.

The vast majority of conflicts pass unnoticed as the attention of the world's media and politicians is focused on the geo-political hotspot of the day.

For the millions of people suffering in neglected conflicts around the world, the international community is losing the struggle against armed conflict. The international community is culpable – in failing to hold violators to account and to engage in such crises in order to bring civilian suffering to an end. As the World Disasters Report 2003 published by the International Federation of Red Cross and Red Crescent Societies also argues, since the 'war on terror' has taken centre stage, the danger of even more neglected emergencies seems palpably real.¹¹

The five governments which make up the permanent membership of the Security Council – the USA, UK, France, Russia, and China – are, more than any other countries, responsible for upholding international peace and security and for protecting people all around the world.

These governments, and the whole international community, must be able to focus on the threat from international terrorism without losing sight of the mass destruction which, day in, day out, continues in current wars from Colombia to the emocratic Republic of the Congo. Since September 11th, the international community has not got that balance right. Two years on, it is time to refocus. It is the responsibility of all parties in a conflict to respect humanitarian law; it is the responsibility of the entire international community to ensure that they do. Civilians in internal conflicts must be protected, first by their own governments, but where this fails by the international community wherever and whenever they are threatened.

How the major powers themselves perform

In conflicts where one of the major powers is directly involved, the protection of civilians must be accorded the highest possible importance. The USA, UK, France, Russia, and the few other military powers with any effective global reach have signed treaties binding them to international humanitarian law. They have to be seen to be leading through example and setting the most stringent protection standards. They have highly professional and disciplined armed forces, and lawyers advising on targeting-decisions at a very precise level. The truth is that despite this, as some of these powers go to war and conduct the 'war on terror', there is still an unacceptable level of civilian suffering.

In 1999, 500 civilians were killed as a consequence of NATO's air campaign in Kosovo as weapons installations were wrongly targeted and civilian shelters hit.¹² During the air strikes on Kosovo, civilians were used as human shields by Serb forces. Such a strategy was blamed for NATO's bombing of civilians in the village of Korisa in May 1999, where ten bombs were dropped and more than 80 civilians killed.¹³ The Geneva Conventions hold the attackers responsible for avoiding such casualties, however indefensible it was for the Serbs to use human shields.

In the recent war in Iraq during March and April 2003, it can be said that the US and UK forces did take important steps to minimise the impact of the bombings on civilian lives and infrastructure. The USA and UK had more accurate weapons systems and did not target the civilian infrastructure in the way that they did in 1991 or indeed in Kosovo in 1999, although there was still widespread devastation in certain areas. However, the use of cluster bombs – which are in effect indiscriminate weapons – in the latest conflict will have humanitarian implications and a high civilian toll for many years to come.

At the time of writing in July 2003, civilian deaths in Iraq already stand at more than 6,000, compared with the 2,278 direct civilian deaths recorded during the 1991 Gulf War – a fraction of those who subsequently died because of war-related disease and malnutrition.¹⁴ This figure looks set to climb, as innocent civilians are caught in the crossfire of the US and UK forces' fighting with so-called pockets of resistance, and continue to be exposed to unexploded ordnance (UXO). In addition, the lack of planning by the coalition forces around the security vacuum that affected much of Iraq after the fall of Saddam Hussein's regime has meant that thousands of Iraqi civilians are experiencing insecurity as they attempt to re-build their lives in the post-Saddam era. Access to sanitation, health, education, and employment facilities has been severely restricted, as has the distribution of food and water, and attempts by humanitarian workers to assist in improving such services.

When wars take place, it is essential that the warring parties be held to account for any failure to protect civilians. It is not enough to have 'smart' weapons, or indeed to target military enemies more carefully than before. Governments that are concerned with

An Oxfam Public Health Promoter's view from Iraq

Despite attempts by coalition forces to avoid civilian casualties, the human cost of the conflict was harsh. In May 2003, Oxfam's Public Health Promoter in Iraq reported from Nassiriyah: 'The water quality is very poor after the intense bombing of this town. Many homes have no water. Every civic building has been destroyed ... to access water ... breaking into the pipes is the only option, but this leads to the risk of disease and contamination. [The women] are collecting [water] close to open sewers. There is a real concern that this may lead to outbreaks of cholera. There is no possibility for many families to boil their water as there is no fuel.'

human suffering, and serious about upholding their international commitments to protect life with dignity must take every possible step to protect civilians. By using cluster bombs, and by failing to take into account adequately the security implications of removing Saddam Hussein's regime, the coalition fighting in Iraq did not take every possible precaution.

Falling short of wider protection responsibilities: arming and training abusers

While humanitarian law sets out the protection responsibilities of those involved in conflict, and the standards by which warring parties should be held to account, the protection responsibilities of the international community go further still. As the largest suppliers to the world's arms markets, the five permanent members of the UN Security Council have a critical responsibility to curtail the outbreak and prevalence of armed conflict.

History has shown that this has rarely been the case. The arming of allies with no regard to human rights or humanitarian law was a key characteristic of the Cold War, as the Soviet Union and USA funded and armed their proxies in the bloody wars from Central America to Indochina, from Angola to the Horn of Africa. Based on the same strategies, the USA supplied Iraq with military intelligence and advice in its war against Iran in the 1980s; it also ensured that Iraq had military weaponry and in one instance used a Chilean company to supply cluster bombs.¹⁵

With the end of the Cold War, there was some hope that there would be far less tolerance, encouragement, and arming of allies for whom protecting civilians was of no concern. Many of the Cold War's proxy wars that extended from Nicaragua to Mozambique began winding down as the strategic imperatives of the superpowers changed, and the flow of Soviet weapons dried up.

However, international tolerance of abuse has continued in different forms. In Latin America, the Colombian armed forces continued to be a relatively large recipient of US military rifles and machine guns, despite continuing international concern over the Colombian army's poor human rights record and links with paramilitary groups.¹⁶ Two million people have been forcibly displaced in the last six years, making Colombia's crisis one of the largest in the world.¹⁷ Enforced displacement increased by 100 per cent in the first half of 2002 compared with the same period in 2001. In the past 18 months over 2,600 Colombian civilians have been killed for social or political reasons. The majority of these deaths (62 per cent) are attributable to paramilitaries, 30 per cent to guerilla groups, and 8 per cent directly to state agents.¹⁸

Although the USA is the largest arms supplier in the world, most of the other world powers, including all the permanent members of the UN Security Council, are also undertaking similar short sighted arms deals:

- Despite the continuing conflict in the Democratic Republic of Congo (DRC), British pilots and air cargo companies have been allowed by the UK government to supply weapons to armed forces in the DRC responsible for mass human rights abuses.¹⁹
- The UK has also continued to supply arms to Nepal, despite the civil unrest that is gripping the country.²⁰
- Successive French governments have provided military and other security equipment and training to most Francophone countries in Africa, often regardless of the human rights record of the recipient country.²¹
- Russia has continued to provide small arms, light weapons, and ammunition to Afghanistan, Iraq, Chad, Angola, Ethiopia, Iran, Libya, North Korea, Syria, Yemen, Sudan, Algeria, and Indonesia.²²

The 'war on terror' could have provided an opportunity to strengthen arms controls to stop arms from falling into the wrong hands. Instead, a worrying trend is emerging. The 'with us or against us' attitude that characterised Cold War thinking has re-manifested itself in the 'war on terror'. The USA and other major powers are tolerating abuses by their allies, as this war is conducted throughout the world in areas where terrorists are deemed to be operating. Perhaps the clearest manifestation of this is the increasingly lax regard to arms controls that some major powers on the Security Council now demonstrate.

The USA has stated that it will work with any government willing to help in the fight against terrorism and has altered its relationships with a significant number of countries accordingly. Since September 11th, the USA has waived restrictions on arms or military assistance to Armenia, Azerbaijan, Tajikistan, and Yugoslavia. While these countries have been identified as key allies in the 'war on terror', each has a troubling recent past. Azerbaijan has been embroiled in disputes with Armenia; the stability of Tajikistan remains questionable; and some parts of Yugoslavia remain unstable and the country is a possible 'hot spot' for future conflict.²³

Uzbekistan in particular has been identified as a key partner for US efforts to stamp out terrorism and its complicated networks throughout Central Asia. Since September 11th, Uzbekistan has received \$25m for defence services and equipment, \$40.5m for economic and law enforcement assistance, and \$18m for 'specialized training and equipment to prevent and respond to terrorist incidents'.²⁴ This is the case despite the fact that the country's security forces have been accused of torture, maltreatment of prisoners leading to deaths in custody, arbitrary arrest and detention, and harassment of detainees' family members.²⁵

All of these actions send out a deeply disturbing message that human rights considerations are secondary when it comes to the fight against terrorism. The five permanent members of the UN Security Council keep their allies and the world awash with arms, supplying more than 80 per cent of the world's arms. The onus is on these countries to demonstrate that they are pressing their allies to protect civilians, and are preventing arms getting to those who use them against civilians – whichever 'side' they are on.

Seeking Solutions: reaffirming the rule of international humanitarian law

Despite the clear rules and responsibilities enshrined in humanitarian law, and the onus to protect civilians that the major powers have as permanent members of the UN Security Council, the examples discussed above illustrate that protection obligations are often ignored, bent, or violated outright. This need not, and must not, be the case. While many conflicts are extraordinarily complex to resolve, this does not mean that those fighting them are absolved from adhering to international humanitarian law, neither should those observing refrain from attempts to mediate and mitigate their effects.

There is no 'one-size-fits-all' solution to protecting civilians. However, the following are critical options for international engagement with the goal of protecting civilians from the harshest consequences of conflict:

- negotiating access to humanitarian aid;
- political strategies and active diplomacy to press warring parties to protect civilians;
- contributing troops or support for peacekeeping or peace enforcement;
- holding war criminals to account;
- improving and enforcing arms controls.

Negotiating humanitarian access

Many civilians caught up in conflict have no access to the humanitarian assistance to which they are entitled. This may be because insecurity prevents the safe delivery of aid. In Afghanistan in November 2001, truck drivers with food cargo were afraid to drive into unknown situations, and aid routes were turned upside down. In certain parts of the country, increasing insecurity and fear of lawlessness made it very difficult to deliver food to people. In Liberia in 2003, humanitarian aid was virtually prevented from reaching the vast majority of the country due to insecurity for most of the current phase of the conflict. Hundreds of thousands of displaced people who arrived in Liberia urban centres have testified to terrifying conditions in the countryside with no access to food or any basic services.

At other times, warring parties may deliberately block humanitarian assistance, using the denial of access to food and medical supplies as a military tactic. This was clearly the case during the conflict in Bosnia (1992–1995). In Sudan's Nuba Mountains, humanitarian aid flights were routinely denied access, despite the high risk of malnutrition and disease (see case study, this page). Motives for this tactic vary from conflict to conflict, but can be because one party to the conflict wants to gain the military upper-hand, a group of undisciplined or unpaid fighters want to make a profit, or merely intentional cruelty to the civilians and fighters of the other side.

Whether for reasons of general insecurity or due to more deliberate military tactics, the warring parties in such situations are in breach of their obligations under the Geneva Conventions to ensure that those in need have access

to basic necessities. People who are without food, water, shelter, or medical care cannot wait for a conflict to end in order to receive life saving assistance. As a result, humanitarian agencies and the United Nations must often negotiate access agreements with all warring parties. To be successful in such negotiations, it is essential that humanitarians can assert their independence and impartiality from politics. The humanitarian community should ensure that it has expertise on tap to do this well – a key role for OCHA to support. But governments can play a crucial role: by insisting that warring parties grant consistent and unhindered access of civilians to humanitarian aid, and push for the right of access of impartial, humanitarian actors.

Diplomatic pressure to protect civilians

Apart from international engagement to ensure the delivery of humanitarian aid, diplomatic pressure to protect civilians in conflict can take many other forms, depending upon the situation in question. Regional and international commitment to resolve a conflict can bring the warring parties to the peace table, and perhaps lead to the signing of a peace settlement, as was the case in Sudan. The actual implementation of a peace agreement often requires as much international commitment as its formulation, and will certainly be key in assuring the protection of civilians in the challenging transition from war to peace. None of this is easy. Sometimes it may not be possible. But given the will, concerted international diplomatic pressure can sometimes make all the difference.

Sudan: diplomacy achieving important results

Sudan has known only one fragile decade of peace since 1955; until recently, sporadic diplomatic efforts have yielded little in the way of sustainable peace agreements. Meanwhile, violent conflict has claimed some two million lives, and caused the biggest displacement of people in Africa. Ninety-two per cent of Sudan's people live below the poverty line. Less than one-quarter of the population in South Sudan has access to safe water, and only 30 to 40 per cent of people live within one day's walk of a health facility.

There has been a painful and long legacy of the bombing of civilians using helicopter gunships by the government of Sudan, with well-documented cases of civilian casualties and targeting that goes far beyond arguments about military necessity. There have also been significant abuses by the Sudanese People's Liberation Army (SPLA), other rebel factions, and government militias. The people

living in the Nuba mountains have suffered years of neglect and attack, with little or no access to humanitarian assistance. As a result, one child in ten dies before the age of five; in the south, that figure is closer to one in five. All parties to the conflict are guilty of widespread human rights abuses including assault, rape, abduction, and forced displacement.

Until recently, the peace process has failed ordinary Sudanese. Concerted diplomatic and international engagement, however, means that it is now beginning to show some real promise. The peace talks sponsored by the Inter-Governmental Authority on Development (IGAD) have been stuck at times, and the USA has played a key role in getting the two parties back to negotiation and supporting the IGAD process. The current round has achieved substantial outcomes. The appointment of Senator Danforth as US Special Envoy has been pivotal in providing strong leadership to drive the process forward. After

years of inconsistent approaches, the international community has now come together with a new coherence. The UK, Norwegian, Swiss, and other governments are working alongside the USA. Having said this, there inevitably remain major concerns as to the influence of the voice of ordinary Sudanese in the peace process. People have a deep scepticism and suspicion of decisions being made ostensibly on their behalf by the negotiating parties, and fear that international pressure for an agreement will disregard their aspirations and result in an unjust and unsustainable peace.

The Memorandum of Understanding Agreement of 15 October 2002 between the government of Sudan and the SPLA on the cessation of hostilities and unimpeded access was a significant achievement of the IGAD-mediated peace process. Before this agreement, restrictions on humanitarian access had been commonplace in Sudan. Humanitarian aid has

since recommenced. The Danforth initiative also gave rise to an agreement on the protection of civilians, which authorised the deployment of a Civilian Protection Monitoring Team (CPMT) to monitor attacks on civilians.

Repeated bombings have occurred since the date of the agreement, however, and the CPMT has yet to display a credible monitoring function. There is therefore much to be done; CPMT has an important role to play in nurturing an atmosphere of trust during the peace talks.

Unfortunately, donor response to appeals has been disappointing since the ceasefire. For example, the UN's Consolidated Appeal (CAP) for 2002 was only 47.8 per cent funded. The 2003 appeal is less than a third funded at the time of writing. This lukewarm response undermines the credibility of the commitment made by the international community thus far.

Peacekeeping and peace-enforcement

Even the most determined of diplomatic efforts can fail when the parties to a conflict are resolutely locked in violence. In such cases, peacekeeping or, exceptionally, peace-enforcement may be needed. Where massacres have occurred, or where it is apparent they may be imminent, the UN must be prepared to authorise a military deployment to prevent widespread bloodshed. In such cases, as history has shown, the difference between international action and inaction can be measured in the lives of thousands. The most extreme example was when the governments on the UN Security Council dithered and stood

Danger for civilians in Liberia

The conduct of the conflict in Liberia has been in direct contravention of international humanitarian law. Armed attacks on civilians, including on IDP camps, were commonplace from 1999 onwards. A general climate of heightened fear and insecurity was reinforced by the abduction and killings of civilians and humanitarian aid workers. The abducted civilians were often men and youths who were forced into military service for the warring parties.

In July 2003, more than 200,000 IDPs were forced to flee towards the center of the capital city of Monrovia, as fighting engulfed the suburbs as well as the IDP camps on the outskirts of the city. The violence killed over a thousand people in less than two months. Up to 50,000 people were sheltering in the sports stadium, where sanitation was a huge problem. Latrines were overflowing and people were living in total darkness, in rooms packed with bodies.

The UN Security Council passed resolution S/RES/1497 (2003) on 1 August 2003, establishing a Multinational Force in Liberia under Chapter VII of the Charter of the UN. Some 800 Nigerian troops arrived in early August, the first installment of more

by while genocide engulfed Rwanda in April and May 1994. The commanders of the ill-fated UN mission to Rwanda at the time believe that with political will, much of the slaughter could have been prevented; with hindsight, most analysts agree.²⁶

At the time of writing, the Security Council and some governments, particularly France, have taken unusually bold steps to protect civilians with forces mandated for peace-enforcement in Bunia town in the north-east of the Democratic Republic of the Congo (DRC). There are concerns, however, that most of the massacres and human rights abuses have occurred in the surrounding countryside, not just in the town (see case study, page 20).

than 3,000 troops pledged from several West African countries. The USA also contributed a limited deployment of 200 troops mainly for logistical and technical support to secure the airport and other areas of the capital. These were very positive developments, and hope runs high for an increase in forces on the ground to address the instability raging in the capital and across the country.

At the time of writing, however, the security situation remains volatile. Looting, car-jackings and killings occur in most areas of Monrovia. Outside the capital, nothing has changed for the vast majority of people who have no access to humanitarian relief, due to insecurity. Sam Nagbe, an Oxfam project officer who had been working in Monrovia throughout the conflict, cheered the deployment of troops but reiterated the need for more. 'We have hope for the first time in months, with the deployment of peacekeepers and progress made in the peace talks. Still, tens of thousands of people are sheltering in camps without any food or clean water, and disease is rife. At the moment humanitarian agencies cannot reach 80 per cent of the country, where we know people are suffering. It is incredibly frustrating. The full deployment of peacekeepers throughout the country is vital.'

Figure 2.1. Contributors to United Nations peacekeeping operations

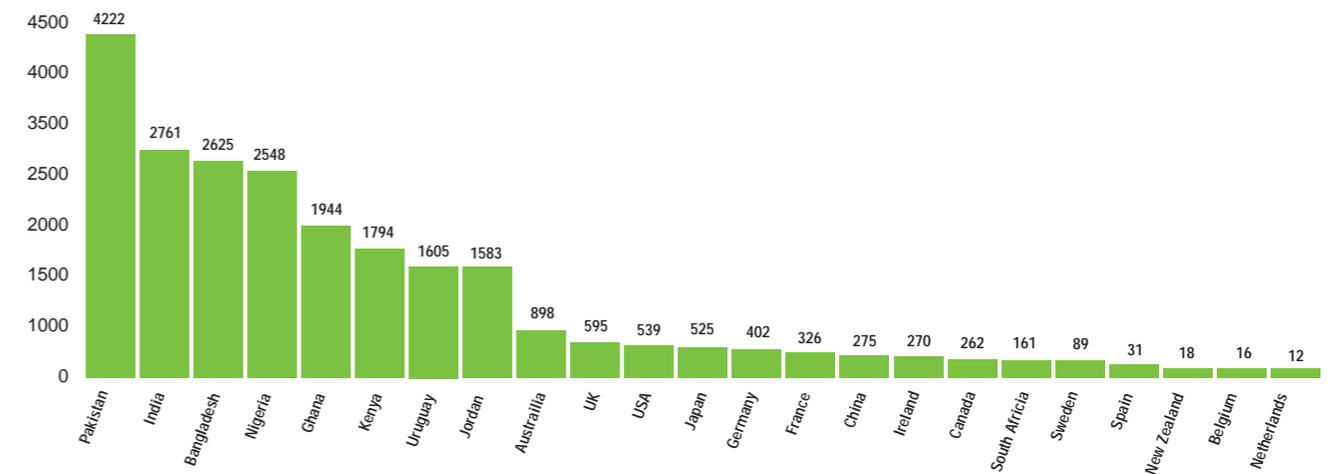


Figure 2.1 Source: UN Department of Peacekeeping Operations – Monthly Summary of Contributions (Military Observers, Civilian Police and Troops) as of 31 May 2003

It is crucial that the UN is able to prevent more massacres in the DRC, and to help bring to an end the world's most destructive current conflict. This should be the beginning of a new period of engagement to protect civilians wherever possible. This will demand the development of strategies to protect civilians, sustained diplomacy and political pressure, but also exceptionally, when necessary, peacekeeping and enforcement.

In all cases the solution is not just that 'something must be done', but that action must be effective. To this end, the 2001 Brahimi report set the UN on a course to improve on its decidedly mixed record during the 1990s: from the grim failures of Somalia, Rwanda, and (for much of the time) Bosnia, to the relative successes of Mozambique, East Timor, and, following the NATO air attacks, Kosovo. Peacekeeping operations should be shaped by a clear analysis of the environment, local attitudes, and the potential impact of the force in mind. The mission must have sufficient political backing and be part of a broader approach to building peace backed by political will. The proactive backing of the Security Council is essential. Perhaps most crucially, operations with a strong, broad, and explicit mandate for civilian protection must be given the required resources to carry out that mandate.

In some situations, a Chapter VI mandate will be adequate – one that deals with 'Pacific Resolution of Disputes', and allows only for firing in self-defence. However, governments should seriously consider a Chapter VII mandate – that deals with 'Threats to Peace, Breaches of the Peace and Acts of Aggression' with the authorisation of special military measures, when a Chapter VI mandate is unlikely to be sufficient to protect civilians. Operations must be authorised and deployed before it is too late, rather than as a guilty response by the Security Council made as a result of having been inactive when civilians were killed. The DRC and Liberia are key tests for the Security Council in 2003.²⁷

A country's contribution to UN peacekeeping or peace-enforcement missions is another measure of its commitment to maintaining international peace and security under a multinational umbrella. Although motivations vary, the swift contribution of well-trained troops, given the right mandate, can save lives and help address a dangerous flare-up in fighting. (See figure 2.1). Committing funds, equipment, or technical support following a UN Security Council Resolution, are other ways of sharing the burden of international engagement in conflicts.

Holding war criminals to account

All international engagement in conflicts must ensure that warring parties who unnecessarily compromise civilian protection are held to account. War crimes must not be committed with impunity. In the first instance, this is the responsibility of national courts, and on occasion commanders and political leaders have been brought to justice. However, in the majority of cases, there is either no prosecution or no effective punishment. Such outcomes fail to deter other warring parties from undertaking equally appalling acts against civilians.

When national justice is either unwilling or unable to punish war criminals, international justice must step in. This may

Taking protection seriously: Ituri in the DRC and the EU's Rapid Reaction Force

The Democratic Republic of Congo (DRC) has been caught up in war since 1996. It is estimated that since 1999 over three million people have died as a result of the war – from disease and the devastating consequences of repeated displacement. The DRC government, armies of neighbouring governments, and the many rebel movements have failed to protect civilians and civilian infrastructure and have, in many cases, targeted civilians. Fighting in Ituri province, an area in the north-east of the country with a population of 4.5m, has been particularly brutal; the conflict has claimed tens of thousands of lives and displaced more than 500,000 people from mid-1999. This corner of the DRC conflict was characterised by the killing, raping, and injuring of thousands of civilians by the belligerents. Armed leaders incited people to kill others because they belong to a particular ethnic group. UN reports have detailed how mineral resources have been illicitly or illegally exploited by warring parties for personal enrichment or to fuel further fighting.²⁸

be through the International Criminal Court, which was established in July 2002, or through specially convened tribunals such as the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), and the Special Court in Sierra Leone.

Controlling arms

If the international community were to act in a timely and well-resourced manner through all of the channels described above to protect civilians wherever and whenever they are in need, this would be a great step forward. However, by exporting arms

As a consequence of insecurity, aid workers were forced to cease their work and to evacuate from Bunia town on numerous occasions; humanitarian agencies had only sporadic access outside Bunia from August 2002. When Ugandan forces pulled out of Ituri at the end of May 2003, hundreds of civilians were killed, as the power vacuum left ethnic tensions unchecked. Tens of thousands of people fled Bunia in search of safety, many crossing the border into neighbouring Uganda, and others heading to Beni further south. The vast majority of the original Bunia population of 340,000 remained unaccounted for. Thousands of civilians sought shelter in the camp compounds in Bunia belonging to MONUC and by the airport; they lived in cramped conditions and faced serious shortages of food, water, and sanitation, that led to cases of cholera. Young children were particularly vulnerable and their mortality rate was high in the appalling conditions. The working environment for aid workers was worse than usual: at times warring parties restricted their movement, and at others the agencies were the targets of violence. However, Oxfam was able to continue to work to provide water and sanitation to IDP camps and to the local population in Bunia.

with insufficient consideration of human rights and international humanitarian law, the major powers are undermining any effort to protect civilians.

Controls exist in some parts of the world that aim to prevent arms reaching states where serious human rights violations have occurred or where they are considered likely to occur, or where arms are likely only to fuel conflicts and violate humanitarian law. In 1997 the USA, Canada, France, Germany, Italy, Russia and the United Kingdom signed up, with other participating states of the Organization for Security and Co-operation in Europe (OSCE), to the Principles Governing Conventional Arms Transfers. These Principles commit participating states to 'avoid transfers which would be likely to be used for the violation or suppression of human rights and

Due to the escalation of violence at the end of May 2003, a situation about which the UN had been warned, there were international calls for a stronger intervention force to avoid a further increase of widespread ethnically targeted killing. The UN Security Council responded to a recommendation from the UN Secretary General and UN Under-Secretary General of the Department of Peacekeeping Operations for a multinational rapid reaction force to bring security to Bunia; France agreed to make the main contribution. The force ultimately became the EU Artemis Force, the first force of its kind outside Europe.

Despite shortcomings in the mandate of the force (its focus was limited to Bunia town only, not the wider region where thousands of people were also at risk) its arrival on the ground was a real demonstration of what the international community can do, given the political will. The deployment also emphasised the weaknesses in the mandate and resourcing of the pre-existing United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

fundamental freedoms.²⁹ In 1998, the members of the European Union committed themselves to the *European Union Code of Conduct on Arms Exports*.³⁰ Canada, the USA and many other states have declared their general support for the principles of the EU Code. The Code stipulates that arms should not be exported to countries where there is a clear risk they might be used for internal repression or where serious violations of human rights have occurred. Despite these and other agreements, the world's leading arms-producing nations continue to supply arms to governments and rebels who abuse civilians and violate human rights.

There are still no binding legal or regulatory requirements among the world's arms exporting states to enforce a full respect for human rights or

A further Security Council resolution of 28 July 2003 (S/RES/1493) extended and strengthened the mandate of MONUC, authorising a Chapter VII mandate for Ituri and North and South Kivu until 30 July 2004. This allowed for an expanded MONUC force to come in before the withdrawal of the French-led interim force. It is hoped that a strengthened MONUC, after Operation Artemis has established stability, will be able to take strong measures to protect civilians under imminent threat and to contribute to the improvement of security conditions to allow humanitarian assistance to be more readily provided.

The deployment of the multinational force and increased troop numbers for MONUC are important signs of the commitment of the international community to respond proactively to deliver peacekeeping and peace-enforcement operations that are effectively resourced with a clear mandate that is appropriate for the purpose. Sustained political will is critical in order for the international community to fulfil responsibilities and protect civilians in situations where local actors cannot or will not do so.

international humanitarian law when authorising arms exports and the various military, security, and police-force training services that they provide to foreign customers. Even where human rights criteria are referred to in laws governing arms export and foreign military and security aid, they are often loosely interpreted. Inadequate attention is given by governments during export decision-making to the long lifecycle of most types of arms, security equipment, and technology, and hence to the prolonged risk of abuse due to being re-sold into illegal markets or otherwise falling into the wrong hands.

The process to extend and enforce meaningful controls on arms transfers has a very long way to go. In October 2003, Oxfam, in conjunction with the International Action Network on Small Arms and Amnesty International, is launching an Arms Campaign that will promote a global Arms Trade Treaty that it aims to have agreed and enforced by governments by the end of 2006. The goals of the Treaty are to prevent arms transfers that may:

- lead to breaches of international humanitarian law or human rights;
- have an adverse effect on peace, security, or stability in any region or country;
- undermine sustainable development by excessive arms-spending.³¹

Making progress: the role of the UN

Despite setbacks in the development of the international system to protect civilians, important positive changes have occurred in the last few years. In particular, there has been a more rigorous approach to protection emanating from within the UN itself. In September 1999, the Secretary General submitted the first Report to the Security Council on the Protection of Civilians.³² This highlighted the reality on the ground of the violence and deprivation faced by civilians, from the UN's perspective. The Protection Report is now an annual survey undertaken by the office of the Secretary General, and serves as an important resource to help focus the positions of those on the Security Council.

Several practical steps have also been taken. The UN's *Aide Memoire* on civilian protection is a key tool, reminding the Security Council of the possible measures that it can apply when formulating peacekeeping mandates or any UN programming. The document sets out relevant provisions of past resolutions on the protection of civilians, children and women in armed conflict. This is complemented by a 'road map' for steps to improve civilian protection, which has been developed by the Secretary General to try to achieve a shared commitment among member states and the UN system for a timetable for improved action on protection. The UN system, particularly through the Office for the Coordination of Humanitarian Affairs (OCHA), has been working to apply the *Aide Memoire* to building in a good analysis of the threats to civilian protection in each crisis.

However, there is not yet a consistent way to measure risk and vulnerability across all crises. The UN Consolidated Appeal Process is sometimes used for this kind of comparative measure (see part three of this report), as it provides the best information available allowing real-time data to be analysed. There is general agreement, however, that this is not adequate for measuring threats, let alone for describing important steps to minimise people's vulnerability to violence, coercion, or deprivation.

There is a critical need for governments, donors, and humanitarian actors to carry out regular and systematic protection assessments to consider what action may be required to protect civilians from the worst effects of conflict. While the development of protection tools by the UN represents important steps forward, *systematic attention*, in both the political and the humanitarian arena, is crucial to ensure that protection needs are not being neglected. OCHA must also take more of a global lead in making such assessments consistent and in pressing for action. OCHA's head, the Emergency Response Coordinator (ERC) has a key role in showing such leadership.

In the political sphere, the UNSC should ask the Secretary General to report regularly and explicitly

on the key priorities for action by the Council to better protect civilians in particular peacekeeping operations and country situations. The Council should commit to regularly review the performance of peacekeeping operations for the protection of civilians. All governments and multilateral agencies around the world should hold the same responsibility. For example, Common Positions from the European Union should include a meaningful assessment of the key threats to civilian protection. These Common Positions should set out the steps necessary to increase that protection, as guaranteed under international humanitarian law and as enshrined in the relevant European Conventions

Recommendations

To focus international action where it can do most to protect civilians, Oxfam recommends that:

- The international community – led by the UN Security Council – must develop strategies to engage more consistently with seemingly intractable conflicts to better protect civilians in neglected crises. All possible tools must be made available, including intense diplomacy, support for the negotiation of access for humanitarian aid, and the contribution, in extreme cases, of troops to UN-led peace keeping missions with strong mandates to protect civilians.
- **Governments and warring parties must plan their military tactics to take all the precautions necessary to minimise civilian harm.** They must respect the key guidelines of international human rights and humanitarian law, that all military action must preserve the immunity of civilians. No military strategy should be based on the maximum use of force in situations where civilians are endangered. Any action must:
 - **Distinguish** between civilians and military;
 - Take **precautions** to minimise civilian harm;
 - Only use **proportionate** force;
 - Allow the **impartial** delivery of humanitarian aid.
- **Governments should influence warring parties around the world to uphold their obligations under humanitarian law;** and absolutely refrain from encouraging, tolerating, or arming allies committing abuses.
- **Governments must not tolerate abuses by their allies in the 'war on terror' or in any other conflict situation.** In particular, the top five arms producers – USA, UK, France, Russia, and China – must not authorize transfers of arms in situations where there is reasonable cause to believe that they will be used in violation of humanitarian law or human rights law. They must rigorously enforce all Security Council embargoes.
- **Governments, the UN Security Council, the Peace and Security Council of the African Union, and the European Union should implement new systematic procedures** to assess what action may be required in any given crisis to protect civilians from violence, deprivation, and coercion, and to work with others to carry out necessary action.
- **Governments must at all times recognize and preserve the independent, impartial, and civilian character of humanitarian aid** according to UNGA Resolution 46/182, 19 December 1991: 'humanitarian assistance must be provided in accordance with the principles of humanity, neutrality, and impartiality'.

and Charters.³³ Finally, the positions should include the actions that the EU commits to take to improve the protection of civilians.

In the humanitarian sphere, real progress would be made if the process to formulate the UN's Common Humanitarian Action Plan (CHAP) were to include a meaningful analysis of risks and their coping mechanisms, highlighting threats to civilian protection and proposing effective remedies. The two largest donors, the USA and ECHO, the European Community's Humanitarian Office, should lead by including protection assessments in their global plans, starting with the next round in 2004.

3

Humanitarian aid:
Driven more by politics
than need

This camp for displaced people in the Democratic Republic of Congo hosts hundreds of families who fled their homes because of massacres. Taking refuge in an abandoned school house, they lived with no humanitarian assistance and terrible sanitation until Oxfam was able to provide basic water systems in 2001.

3. Humanitarian aid: driven more by politics than need

Humanitarian assistance – the independent and impartial provision of basic needs to a population – is meant to be a key part of the international community’s commitment to protect those caught up in conflicts when local, national, and international protection fails. Every civilian has the right to receive food, water, shelter, and medical assistance. The international community has a responsibility to provide funding and political pressure on warring parties to ensure that – despite conflict – vital supplies reach the most vulnerable people.

Not only are current levels of spending and engagement far from adequate, however, they are also not distributed according to need. Increasing numbers of donors are only giving to their favoured crises, earmarking aid for certain countries or projects. While in some cases this has increased transparency, it has left millions of children, women, and men in need, without aid. Donor governments have failed to put in place a transparent system of accounting for the quantity and quality of their donations. Some emergencies are neglected and even more may be so in the future, as today’s single-minded focus on international terrorism steers international attention to a small number of crises. There is some good news, however. The ‘Good Donorship’ meetings of governments in 2003 and the Principles that they agreed are important first moves. Yet further action is needed to deliver on commitments to guarantee the distribution of high quality humanitarian assistance to all vulnerable populations, based on need.

Critical funding shortfalls

Many of those who survive violent conflict do so largely as a result of their own resilience and ingenuity. That will always be the case. For most

people, survival involves very difficult choices – leaving home, abandoning livestock, separating from family members, walking miles across mine-fields or other insecure areas. The full extent of these coping mechanisms in all countries in conflict cannot be quantified, but their extent illustrates the critical shortfalls in humanitarian aid, and the human cost of such shortfalls.

While the need for humanitarian assistance does fluctuate, and some years are much worse than others, shortfalls in humanitarian funding across the board are a constant and sometimes deadly presence. Impromptu refugee camps, such as those outside Monrovia, in Liberia, or the displaced people literally living in fear in the bush in Ituri in the DRC, illustrate vividly that humanitarian assistance does not reach everyone in need. From Indonesia to

International humanitarian law: safeguarding humanitarian assistance in conflict

International law recognises that civilians affected by conflict are entitled to the provision of humanitarian assistance. It defines the legal obligations of states or warring parties to provide such assistance, or to allow it to be provided, when the civilian population lacks essential supplies – even if this means temporarily agreeing to a ceasefire. In many situations Oxfam and other international agencies provide humanitarian assistance because those with primary responsibility are not always able or willing to do this themselves. This is sometimes a matter of capacity. At other times this constitutes a wilful disregard of fundamental legal and ethical obligations, the result of which is much avoidable human suffering. In these cases it is the responsibility of the international community to act.

West Africa, Colombia to central Asia, there are millions of people entitled to humanitarian relief, yet denied it because of shortfalls of funding or lack of international diplomacy to secure access to assistance.

Why is it that one or two emergencies receive adequate funding, and the rest are left to struggle on with shortfalls? There is no simple answer; this situation cannot be explained by a global lack of available funds alone. When a geo-politically important crisis arises, money flows easily. In the first three months of the 2003 Iraq appeal, donors mobilised nearly \$2bn. The UK’s Department for International Development (DFID), for example, had earmarked £210m (US\$328 million) to Iraq by April 2003 – nearly double its total humanitarian budget for 2001.³⁴

While there are important needs in Iraq, donors cannot claim that nothing can be done to mobilise funds for neglected or protracted emergencies, while behind closed doors, miraculously finding money for others. Many of the other emergencies are looking for only \$20-30m, roughly one per cent of the funds eagerly provided for the crisis in the spotlight. In Burundi, for example, where Oxfam continues to witness great human suffering, the UN appeal for urgently needed humanitarian aid has never been more than 30 per cent funded, despite the fact that nearly 300,000 people are displaced in permanent sites, and another 100,000 people are temporarily displaced every month.³⁵

The problems go beyond the actual amount of aid that is available, to the politics of how that aid is distributed, and how much diplomatic engagement is devoted to getting it to those in need. It is no accident that the most severe effects of funding shortfalls are felt in Africa. For those outside the international spotlight, the human costs of funding shortfalls are real and life-threatening.

Vulnerable groups and the impact of aid shortfalls

The lack of humanitarian assistance usually hits women the hardest, as they are disproportionately responsible for caring for other family members. Women, girls, and sometimes boys without resources or adequate humanitarian assistance are often forced into ‘survival sex’, that is the exchange of sex for food or shelter or to provide for their families. Recent studies have revealed that those who are powerful, including local authorities, military forces including peacekeepers, and even in some cases corrupted aid workers, have exploited the desperate need of women and girls in these situations. Child-headed households or unaccompanied children are often the most vulnerable to abuse. In countries with alarming rates of HIV/AIDs, this can be a lethal gamble.

Inadequate and skewed funding

One striking way of assessing donor responses to different humanitarian crises is to compare how much is provided per person; that means, the total money provided divided by the number of people selected for an intervention. While these numbers are never exact – often statistics are difficult to gather in complex emergencies, and numbers of beneficiaries may fluctuate based on humanitarian access or other changes – these simple comparisons do give a good indication of the scale of the problem of inadequate humanitarian aid reaching too few people.³⁶

To consider this comparison more closely, Oxfam has looked at the UN’s Financial Tracking System. This system follows the funding of the UN’s Consolidated Appeals (CAPs) and is one way of monitoring commitments reported to the UN. To date, there is no better information publicly available to indicate which humanitarian emergencies are being ignored *today*.

Figure 3.1. Current data: UN Consolidated Appeal Donors pending per beneficiary (\$ per person)

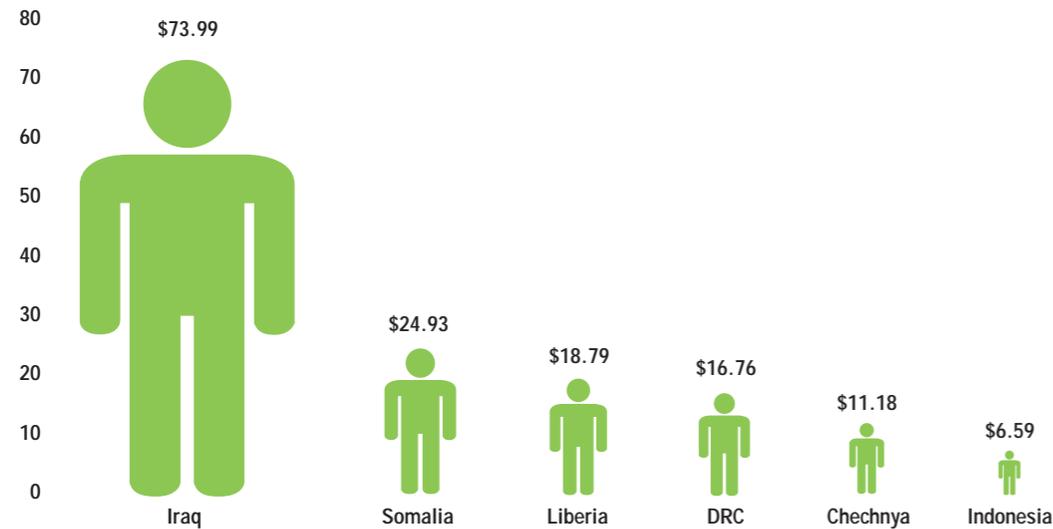


Figure 3.1: Source: UN2003 Mid-year CAP Review and Financial Tracking as of 22/7/03

Oxfam’s calculations, based on the UN’s 2003 Consolidated Appeals, reveal that, at any one time, there is a skewing of aid towards the emergency in the political spotlight – this year, Iraq – and all the rest receive significantly less. At the time of writing, in July 2003, the data shows a clear political prioritisation. In the DRC, the 2.6m people selected for humanitarian intervention have received \$42 m of the required \$228 m, or about 19 per cent of the funding needed. This works out to roughly \$17 per person from the international community to date, despite the life-threatening situation faced by the civilians in this conflict. Other important but neglected emergencies fare the same or worse: the CAP for Chechnya is funded to just \$13 m of the required \$30m – roughly \$11 per person; the appeal for Indonesia is funded to only \$7 per person, as donors have only provided \$19 m of the required \$55 m. The flash appeal for Iraq received nearly all of the \$2bn dollars require in the first few months of the appeal, which represents roughly \$74 per person in need.³⁷ (See figure 3.1)

Some donors contest the importance of the per capita data, for a variety of reasons: they may

consider UN figures inaccurate or inflated; they may point out the different costs of operating in different environments; others spend more money through NGOs, which is not accounted through the UN’s financial tracking system. Other donors point out the breadth of OECD data (see page 30).³⁸

However, while the CAP appeals are only an indication of the depth of the disparity and are not perfect, the major donors themselves have contributed to the weakness in their formulation. The major donors have all been part of the annual Montreux meetings, which have been important fora for examining the CAP as a tool for coordination and fundraising. Donors have discussed possibilities of reform, but have consistently expressed their approval of and support for the process.³⁹ If donors object to using UN CAP appeals as a measure of current needs, they must not only acknowledge that they have helped to create this problem, but also that they must be part of the solution. Two critical reforms are developing better measurement of need, and assessing what more can be done to protect civilians, including protection from deprivation of humanitarian assistance.

Figure 3.2. Long-term data: Bilateral Humanitarian Assistance per head of population in crisis affected countries year of highest spending

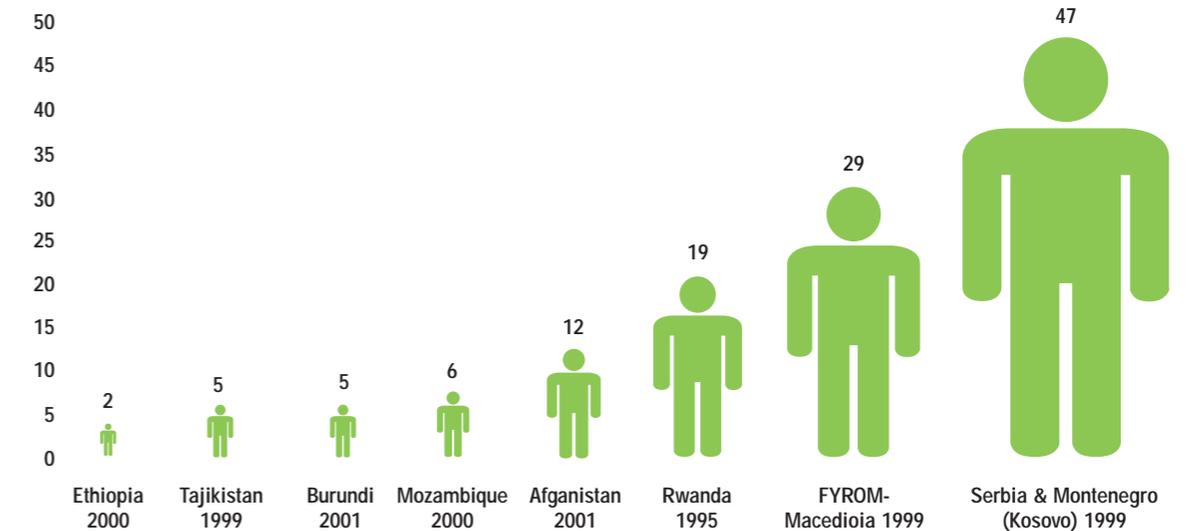


Figure 3.2: Source OECD DAC statistics online and OECD DAC Reference Section Indicators⁴¹

Furthermore while there are good reasons for improving the data, they do not overshadow the validity of the basic conclusion: the depth of the disparity of funding around the world proves incontrovertibly that humanitarian aid is being directed for reasons other than the humanitarian imperative to deliver aid where it is needed. Blaming the UN is not an adequate answer; it is the donors who are fundamentally responsible for giving some emergencies little or no funding, while others get much more.

Political hotspots and neglected crises

Analysis of the longer-term OECD data⁴⁰ shows that, in the last decade, there has consistently been an overwhelming concentration of assistance on the headline emergencies. Figure 3.3 shows the percentage of humanitarian aid that goes to the ‘top’ emergency each year out of the total for more than 100 recipient countries. Each year one country absorbs between 11 and 21 per cent of the total, and the other 99 countries share the remainder.

Using the long-term data, Figure 3.2 shows the disparity of spending per capita in crises in the

Figure 3.3. Concentration of Bilateral Humanitarian Assistance 1995-2001

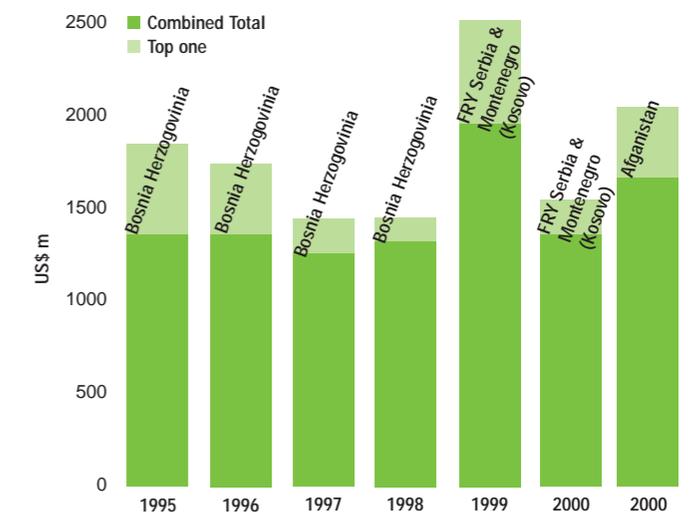


Figure 3.3: Source OECD DAC statistics online, Table 2a.⁴²

highest year of spending in the last five years. That is, in the year in which donors were most generous and there was the highest need, Ethiopia received \$2 per person; other emergencies received 10–20 times the per capita figure in their respective years of highest spending. Even considering the different costs of delivery of relief in various localities, there is no explanation to justify such an inequality.

Oxfam is not advocating a reduction in funding to any major emergency where there is need. But the challenge is to provide this without diverting resources from the millions of people affected by other emergencies. Increased humanitarian aid – provided according to commitments to the entitlement of humanitarian assistance based on need – is essential.

A case of fleeting attention

In 2001 and 2002 the overwhelming bulk of humanitarian resources went to Afghanistan. Afghanistan does have intense needs and it had intense needs before it came into the priority spotlight for donor governments. The country's child and maternal mortality rates are among the worst in the world. An estimated four million people in rural communities in Afghanistan will not have

enough to eat during the next 12 months – a figure which does not include vulnerable people living in urban areas, returnees, or internally displaced people.⁴⁴

However, Afghanistan's needs are not new. Before September 11th, across the country six million people were in desperate straits due to conflict, poverty, and crippling drought. Afghanistan was a neglected crisis, with not nearly enough funding for humanitarian assistance and little diplomatic engagement to ensure that civilians were protected and provided for. Then, suddenly, all major donors focussed on the country because of its geo-political implications in the wake of the atrocities of September 11th.

Since then, some humanitarian aid has reached those most in need, but the disbursement of funds for reconstruction has been notoriously slow. Lack of security remains a critical challenge, and

Protection and assistance: the neglected conflict in northern Uganda

Since the mid 1980s the Lords' Resistance Army has devastated the lives of the Acholi people of northern Uganda. The LRA maintains its numbers by abducting and brutalizing children, incorporating them into its ranks. 1m people are currently displaced by this conflict. The following is an interview by an Oxfam worker in northern Uganda with 'Sarah', an LRA escapee.

"I was taken ... when I was 13. I was at home in Wol (a village about 30km from Kitgum). Seven of us were taken, four boys and three girls. I was with the rebels for two years. We made camp. I had to do cooking. After about a week I had to become the wife of a soldier. That's what happens to the girls ... We went to Sudan. I spent some time there. ... We were trained, and eventually I was given a gun and uniform. I had a gun for seven or eight months.

I escaped on one of our missions. Our group was told to go to a trading centre to take food, money, and children.

I had my friends. They said, "Sarah, today, let us escape." I said, "No. I don't know this place." I persuaded my friends to move towards another centre which I knew. We went to a village and took some chickens. We cooked, slept and continued. There were about 15 of us. We were all girls. We told the others, and asked them if they would escape. In the end only three of us escaped. The others said they wouldn't go back because their parents weren't there – they were dead. That's why the rebels kill parents."

Violence, coercion, and deprivation often work together, and have the worst effects on the lives of young people caught up in conflict. Since 1987, Oxfam has been helping people affected by the conflict in northern Uganda to meet their basic needs by supplying items such as blankets, sleeping mats, and seeds and tools, supporting water and sanitation activities, malaria control, and shelter construction. Oxfam is also working with others to advocate for a just and lasting solution to this complex conflict.

Figure 3.4. Total humanitarian Aid from DAC donors in 2001

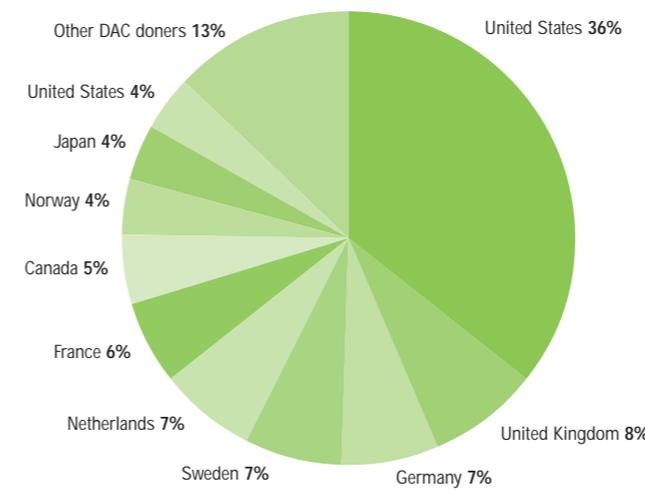
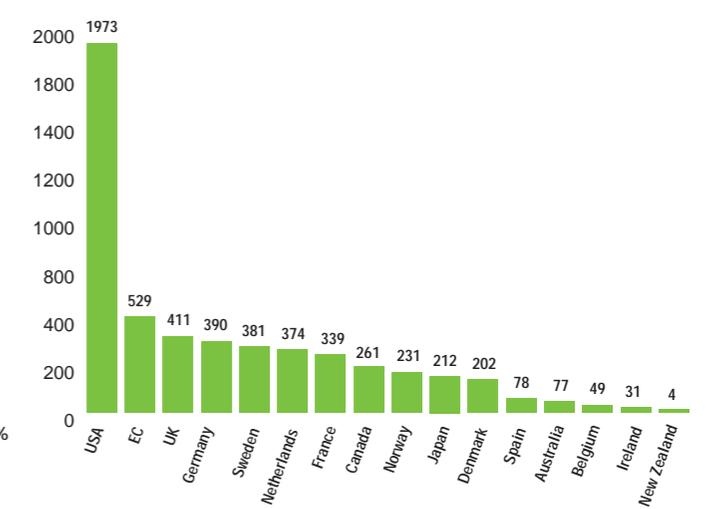


Figure 3.5. Humanitarian Assistance from DAC donors in 2001 \$millions



Figures 3.4 and 3.5: Source: OECD DAC Statistics online, Tables 1 and 2a.⁴⁷

threatens long-term stability. Afghans fear that international support may already be waning with donor attention having moved towards Iraq, less than two years after the fall of the Taliban regime, and with so much still to do.

Yet despite its immense challenges, Afghanistan is still in a better position than many other places, where shortfalls in funding have deadly consequences for the world's most vulnerable civilians. In 2002, the UN appealed for \$1.7bn for Afghanistan, 10 to 100 times as much as for some other countries. Donor governments have given Afghanistan 65 per cent of what they were asked for. This is perhaps not over generous, but was almost half the total amount that the UN requested for 25 humanitarian crises in 2002.

At the time of writing, we see the same pattern emerging with a different country in the spotlight. The attention given to Iraq overshadows other crises. It seems likely that the needs of the 25 million people of Iraq, however urgent, will eclipse those of the 200m Africans in desperate need of humanitarian assistance as a consequence of conflict and lack of food.⁴⁵ This is nothing new: in 2001, from Tanzania to Somalia, Sudan to

Cameroon, aid agencies had to cut back on protection, health, education, and livelihood programmes due to funding shortfalls. Humanitarian agencies have asked for over \$2bn to cover the needs of Iraq over the first six months of the post-war period, and they have received most of what they asked for within three months. The World Food Program's (WFP) programmes, for example, are 99 per cent funded in Iraq. The total call for funds for the whole of Africa by the agencies of the UN for 2003 does not exceed \$1.7bn.

The role of major donor governments

The skewing of aid that we have described is not just coincidental; it is a result of the prioritisation and decisions of major donor governments. Over the past decade, the allocation of humanitarian aid funding has been dominated by a small number of donor governments. Each year, the USA contributed three to four times the amount of any other single country. In 2001, however, the European Commission and the EU member states combined contributed more than the USA⁴⁶ (see Figures 3.4 and 3.5).

Figure 3.6. Humanitarian Assistance in \$ per capita in 2001

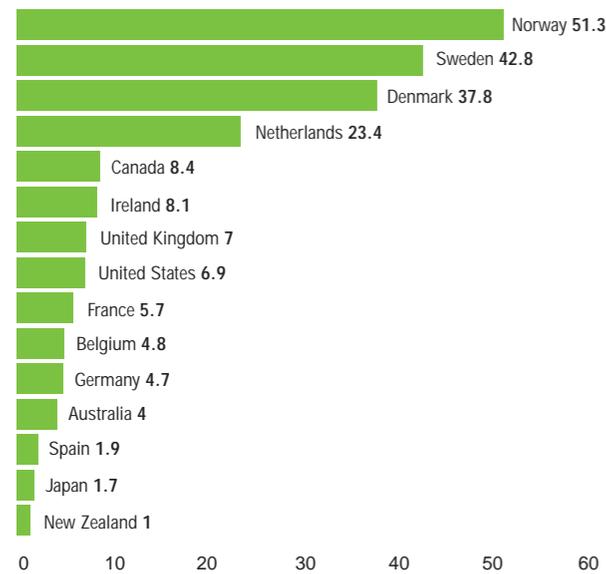


Figure 3.6: OECD DAC Statistics Online Tables 1 and 2a.⁴⁸

The overall generosity of donors can be most easily assessed by looking at how much they give per member of their own populations. By this measurement, some of the richest countries are far from the

most generous: US humanitarian assistance totals less than \$7 per American; Japan spends less than \$2 per capita of its population (See figure 3.6). In contrast, the Scandinavian countries have a long-standing tradition of generous donations; for example, Norway spends more than \$50 per capita.

Does the ranking of donors represent anything more than a competition for prestige? Yes, it does. Ranked according to aid per capita, it shows which donors are the most committed to humanitarian relief, consciously sharing their wealth to help the world's people in the greatest need. Measured by total aid level, the largest donors have the most power over the funding system as a whole. Their policies are crucial, and can easily shift the whole balance, positively or negatively. The medium-sized donors are also influential, especially when working together. They should begin to use their collective influence to push for a more equitable funding of humanitarian assistance.

Earmarking: favouritism in practice

The inequality that characterises humanitarian aid funding is not only about overall spending, but also the way in which that spending occurs. The creation of the UN Consolidated Appeals in 1992 brought about major changes in funding. Since that time, a much higher percentage of donations have been earmarked for spending in specific emergencies, countries, or sectors only, at the discretion of the donor. This is a major shift from the previous practice of giving funds to a multilateral agency to spend on a range of emergencies determined by their assessment of need. This greater tendency towards earmarking, often means that funds go directly to NGOs or recipient governments for a specific designated purpose, bypassing multilateral channels. In 1988, 45 per cent of aid was given in the form of multilateral resources through UN agencies. By 1999, it was down to 11.67 per cent.⁴⁹

Earmarking has some significant costs. It limits the flexibility of funds, making it more difficult to respond to changing circumstances. It also makes coordination a difficult challenge, with many more avenues of funding and programming and no single organisation responsible for oversight. Donors often pick their favourite projects, and ignore others. Some sectors, such as food, are almost always funded, while other life-saving interventions – such as health, water, and sanitation – are often less funded or funded too late.

Earmarking also makes it harder for agencies to respond to new emergencies or those outside the current spotlight. Smaller agencies and those dependent on a single donor cannot provide assistance if the donor has already highlighted their priorities and cut projects outside those parameters.⁵⁰

There are arguments for earmarking humanitarian funds, such as a better transparency, and being able to audit spending more carefully. But at a time of increased earmarking, donors have an even greater level of responsibility to ensure that their choices for

funding do not leave most people in most crises tragically short of assistance. Donors should also do far more to explore options for providing un-earmarked funds to the UN, while ensuring that they are then used both fairly and transparently.

The scale of missing information: a scandal of accountability

Some donors, such as ECHO, are taking steps to base their funding choices more on need than on political attention (see box page 32); other donors are not. And the truth is that it is impossible to tell what many donors are doing and to hold donors to account, because of the opacity of humanitarian funding.

While donors demand greater accountability from recipient governments and agencies, they have not

The EU and forgotten emergencies

In 1999, ECHO came under criticism from Oxfam and other organisations for favouring humanitarian emergencies in former Yugoslavia over those in more distant locations. For example, in 1999, 57 per cent of all of ECHO's allocation went to former Yugoslavia, compared with just 16 per cent across the 78 African, Caribbean, and Pacific countries (ACP) combined.

It may be that 1999 was an exceptional year. War was once again on the EU's doorstep; fears about refugees and political fall-out were real. Still, the spending on Kosovo was an acute illustration of the trends in EU spending over the 1990s.

However, to its credit, ECHO has rapidly shifted direction since 1999, and has done more than any

other donor to reverse the trends that led to favouring European suffering over crises further afield. The organisation has taken important steps to improve its ability to assist all those in need of assistance, wherever they may be. ECHO has developed a new methodology to assess whether emergencies or sectors are losing donor attention. This methodology combines the quantitative analysis of funding and media coverage with the qualitative analysis from field staff. The results of this analysis are directly translated into future budget decisions, the goal being to spend 10 per cent of funding on any forgotten emergencies and other identified forgotten needs. In addition, in response to changing needs and the arrival of other donors and EC instruments, there is a clear 'exit strategy' for ECHO in Eastern Europe.

Agency accountability

An important element in achieving responsible humanitarian action is ensuring that humanitarian agencies themselves are accountable, efficient, and effectively run. Oxfam has sought to be at the forefront of initiatives to improve this accountability. There are many challenges to developing clear accountability mechanisms for humanitarian work, especially in acute disaster situations. Since 1994, we have been working with others to establish a Humanitarian Charter and the Sphere standards of adequate performance. We are participants in the Humanitarian Accountability Project, and members of the Active Learning Network on Accountability and Participation (ALNAP). In addition to our own internal monitoring and evaluation work, as members of the UK based Disasters Emergencies Committee (DEC) we have made a commitment to an independent evaluation of our DEC-funded work, which is released to the public and media. As members of the Steering Committee for Humanitarian Response (SCHR), we are also piloting a peer-review process.

applied the same standards to their own actions. Officials responsible for overseas aid recognise their accountability to the tax payers of their own countries to spend money wisely. Poul Nielson, the current EU Commissioner for Development, emphasises that EU ‘taxpayers have a right to know when their money is successfully used to save lives’⁵¹ For most donors, however, the drive for accountability seems to be in one direction only – to the taxpayer – neglecting those who are entitled to relief.

Donor funding, particularly for humanitarian relief, is an unaccountable labyrinth. With no universal, mandatory reporting system it is impossible to have a complete picture of humanitarian funding. For accuracy, Oxfam uses both UN figures and OECD DAC figures, although each set of data has its own limitations.

Long-term perspective: combining health and sanitation with education in the Philippines

In 2000, it is estimated that 500,000 people came to evacuee centres to escape the armed conflict between the AFP (Armed Forces of the Philippines) and the MILF (Moro Islamic Liberation Front) in Central Mindanano, the Philippines. Interviews by Oxfam workers with the evacuees highlighted their great reluctance to return home because of the unpredictable nature of the conflict. They wanted to stay in the relative safety of the evacuee centres because they feared being caught in the crossfire, or harassment and abuse if they returned to their villages.

In addition to health and sanitation work, Oxfam constructed and equipped makeshift buildings with classrooms at an evacuee centre, and trained teachers in psycho-social techniques. Working with the displaced children, the teachers were then able to develop a new curriculum, which looks at psycho-social care of children living in conflict situations – a curriculum which the entire education system in Pagalungan now aims to use.

The fog surrounding humanitarian funding is not just a statistical problem. As long as there is no clear way for donors to report their humanitarian funding, taxpayers cannot know where their money goes, and have no way to identify clearly the crises that are being neglected. There is no foolproof way to hold donor governments to account for their decisions or to assess how they are upholding their commitments to assist people in desperate need. But more systematic mechanisms can be put into place to improve transparency and accountability. That is why Oxfam is calling for a global, transparent, and mandatory system of reporting humanitarian donations. This could be done through the OECD DAC process of accounting for all aid, or through the UN Office for the Coordination of Humanitarian Assistance (OCHA). The OECD appears to be the more feasible option, because its systems for reporting aid are already mandatory for OECD countries, but they must also respond to the need for real-time data.

The basic design of such a system would rest on a standardized definition of humanitarian aid, including a specific exclusion of the funds spent within the donor country. The data would clearly indicate what money was spent where, when dispersed, and through which channels. A system of verification and sanctions must be in place in order to ensure compliance. The figures for non-OECD countries must be incorporated into the calculations of global humanitarian funding to have a full picture. Once made standard, the information should be made available for public consumption, both in print & on the Internet (as the OECD & UN data is currently).

The Humanitarian Financing Studies

Despite the current lack of accountability, donors have taken one important step and in 2003 commissioned a set of key studies known as the Humanitarian Financing Initiative. A core group – chaired by the Netherlands Ministry of Foreign Affairs, and including the European Commission, Australia, Canada, Sweden, Switzerland, the UK, and the USA – supported the four studies. The first

study is a critical review of needs-assessment practice and its influence on resource allocation. The second study researches the flow of global humanitarian aid, the comparability of data, and the scope for reform. The third explores a series of hypotheses about the basis of donors’ decision making. The research provides useful insights into the influence of geo-politics on decision making, the role of the military, and other important factors. The fourth study describes the implications for the UN multilateral system of the first three studies.

Results of research: the donor-funding whole is worth less than the sum of its parts

The results of the studies are telling. Donors, as a group, achieve less than the sum of their parts; that is, donor behaviour is a patchwork of policies and activities by individual governments that, taken together, do not create a coherent or effective system for financing humanitarian needs across the world.⁵² Humanitarian assistance is largely embedded within competing and sometimes inconsistent domestic and foreign policy priorities. The overall effectiveness of humanitarian assistance is compromised by donor earmarking, by short funding cycles, by unrequited pledges and late funding, and by tying contributions to a donor’s own nationals, NGOs, and contractors, which is rarely the most cost effective way to spend relief money.⁵³

Key findings to date confirm that humanitarian principles are not the main driver of donor behaviour in financing humanitarian work – foreign and domestic politics take priority. The study carried out interviews with more than three hundred people and discovered that major donors have a significant impact on the international humanitarian system and thus bear disproportionate responsibility for the widespread prevailing disarray; achieving coherence in US policy alone would make a real difference to the complete picture. Perhaps most significantly, the use of multilateral channels was shown to encourage burden sharing – and thus to achieve a more equitable coverage of need.⁵⁴

Steps forward: Good Donorship Principles and Implementation Plan

In June 2003, representatives of donor governments, multilateral institutions, the UN, the Red Cross movement, and NGOs met in Stockholm to address the disarray of humanitarian funding, in light of the studies above. The focus of the conference was on ‘Good Donorship’, that is, how to be a responsible and proactive donor in all aspects of the relationships between donors, agencies, and beneficiaries. Key points were agreed in a set of Principles, including: the need to allocate funds based on needs; the critical importance of humanitarian, refugee, and human rights law; the vital necessity of preserving the principles of humanity, impartiality, and independence of humanitarian aid; and the importance of using civilian channels of assistance whenever possible. The conclusions described the foundations of these efforts to be the ‘common international goal of meeting the entirety of global humanitarian needs’.

Representatives of all major donor governments endorsed the circulated Principles and the connected Implementation Plan. Amongst the steps for implementation were:

- identifying a pilot country to which the above principles of good donorship will be applied by all donors working in a coordinated manner;
- pursuing the establishment of an enhanced mechanism for peer review among OECD donors;
- exploring the possibility of harmonising reporting requirements and management demands on agencies;
- aiming to agree a comprehensive common definition of reporting humanitarian assistance.

These Principles and the Implementation Plan are very positive moves by the donor community. However, much work remains to ensure that the governments involved deliver on these pledges. The Implementation Plan remains somewhat vague and weak. Donor governments must now move past ‘exploring possibilities’ and ‘aiming to agree’ and

institute concrete steps for governments to take. It is time for them to ensure that all neglected civilians receive the humanitarian assistance to which they are entitled.

Building protection into assessments, and the role of the UN

Of the Humanitarian Financing Initiative studies, the one that generated the most debate was the analysis of the drivers of political behaviour. However, another study set out a proposal to tackle

Humanitarian law, humanitarian principles, humanitarian space

Humanitarian agencies have always had to affirm their independence. But this is perhaps more difficult than ever in the current political climate, and yet critically important. At the extreme, in June 2003, Andrew Natsios, the head of the US Agency for International Development (USAID) addressed NGOs and demanded that they promote the image and policies of the US government.⁵⁷ This clearly goes against the mandates of many NGOs: to provide humanitarian aid impartially, free from political conditionality.

This is not only an issue in the USA, however. In the EU's new draft constitution, humanitarian aid is described in a list of tasks that include the fight against terrorism. European NGOs have been fighting to enshrine the concept of independent and high-quality humanitarian aid into the new constitution, but there are government officials who believe that the time is right to politicise humanitarian aid, as the EU slowly develops its political, security, and defence identity. Will ECHO become subsumed into the EU's Common Foreign Security Policy (CFSP)? There are also indications that EU member states will be looking more to their militaries to deliver aspects of humanitarian relief, without considering the implications for humanitarian emergencies around the world.

Part of the definition of impartiality and independence of humanitarian aid is a clear separation from military structures, goals, and leadership. In all the wars in which Oxfam has worked, this is a clear concern that demands constant vigilance. Throughout the 1990s, the USA and several other countries increasingly regarded the provision of

humanitarian assistance as an integral part of their military strategy. From Somalia to Afghanistan, and most recently in Iraq, the warring parties have ordered their troops to rebuild schools and rehabilitate clinics as well as to engage in armed conflict.

Oxfam welcomes the importance placed on meeting humanitarian need. But our experience shows that civilians are best assisted when civilian humanitarian agencies provide this assistance, even during conflicts. In contrast, military rules of engagement are set by political and strategic goals, rather than an impartial assessment of humanitarian need.

Designed to have quick impact, and to convert hearts and minds to the political cause, military-delivered aid is also frequently more costly and fails to take into account communities' long-term needs. Military involvement can also compromise the effective delivery of humanitarian aid by risking unintended consequences

When troops dress as civilians and operate like aid workers – as in Afghanistan – civilians have difficulty distinguishing between military forces and civilian humanitarian agencies. This makes it difficult for humanitarian agencies to maintain their independence, and it potentially threatens the security of aid workers and their effectiveness in negotiating access to all those in need. However, in extremely insecure conditions, military forces may be the only groups who can operate, and thus they have a responsibility to ensure that people receive humanitarian aid. Even in such cases, civilian humanitarian agencies should assume this responsibility as soon as conditions allow.

one of the donors' key complaints: the need to improve upon the statistics in the UN Consolidated Appeal to provide a more accurate and comparable picture of who is in need of humanitarian assistance. To address this lack of reliable data, the authors, from the UK's Overseas Development Institute, argue that the international community should look beyond using quantified measurements of need alone. Rather, they should examine a person's vulnerabilities in terms of life, health, subsistence, and physical security, where these are threatened on a large scale. Identifying risks and threats to these, either actual or imminent, would require a good understanding of people's ability to cope. Baseline health assessments in crisis situations and effective surveillance systems for epidemic diseases would help to maintain a long-term analysis of risks to people's health and related vulnerabilities. A good understanding of the lines of responsibility of local, national, and regional actors, as well as the international community is also important.⁵⁵

Building on the technical expertise gained by the humanitarian community over the past few decades of operations, a good investigation of risk is a critical step for the international community and humani-

tarian agencies to take to ensure that resources are flowing based on need and vulnerability, not on whim or political circumstance.

The UN has a critical role to play in improving the measurement of need and assessment risk in order to create a truly need-based system of humanitarian response. As a result of the above research there have been calls on the UN to take on a more normative role, drawing on its unique position to foster and protect the principles and obligations that are desperately needed in an uncertain conflict environment. There is a need for visionary leadership from the UN Inter-Agency Standing Committee (IASC) and the Emergency Relief Coordinator (ERC).

It is important for governments to provide consistent support for the role of OCHA, to maintain coordination at the field level, and to act as a source of policy guidance and advocacy for better protection of civilians and respect for humanitarian principles. In exchange for this support, OCHA must deliver on its advocacy mandate to take stronger stands, even in difficult situations, on the protection of civilians, including giving special attention to the needs of women, children, and IDPs as particularly vulnerable groups.

Recommendations

To provide impartial humanitarian aid based on human needs wherever it is needed, and to prevent neglected emergencies, Oxfam recommends that:

- **Donor governments demonstrate that they are giving humanitarian aid based on need, not on politics.** They must commit to consistent and adequate funding for all emergencies, with a particular emphasis to fund neglected crises effectively. To guarantee this, they should extend ECHO's system for identifying the crises receiving inadequate attention, and set aside at least 10–20 per cent of funding for clearly identified neglected emergencies with civilians at risk.
- **Donor governments must implement and move beyond the plan of action from the Stockholm Good Donorship meeting in June 2003.** They must go past 'exploring possibilities' to take concrete steps to establish a common definition of humanitarian aid, an agreed system of measuring need, and common and mandatory reporting mechanisms to determine the flow of aid in real-time.
- **Governments should support the proposal to develop an analysis of risk and need throughout the humanitarian assistance system** as put forward by the UK's Overseas Development Institute. These protection-based criteria, with long-term elements to identify baseline data on chronic emergencies, would fill an important gap, and allow donors to ensure their aid reaches those most in need.

4

Leaving home in order to seek safety in another country is the last resort when people are not protected in their own country. The Refugee Convention sets out the obligations of host states and the basic rights of all those with a well-founded fear of persecution.

Protecting those
displaced by conflict:
reinforcing refugee rights

4. Protecting those displaced by conflict: reinforcing refugee rights

When a state's responsibility to protect its citizens fails and when international assistance to buttress such protection does not reach those most in need, civilians are sometimes forced to flee their homes and often attempt to reach safety in another country. However, the experience of people fleeing their homeland and seeking asylum is fraught with difficulties, and most people uprooted by conflict or persecution never manage to cross an international border.

Most of those who do succeed rely upon the generosity of neighbouring host states whose capacity to meet the needs of their own citizens is already stretched. There is also no guarantee of safety for them in the country of asylum. Whether in camps run by govern-

ments or by international agencies or housed within the community, refugees are frequently deprived of the basic necessities of life, face daily violence, and live under the threat of being sent back into the danger which they risked so much to flee from.

Even in wealthy and secure Western countries, asylum seekers face hostility. They encounter barriers to entry, deprivation of basic provisions and sometimes of their liberty as governments continue to introduce ever harsher asylum legislation in order to drive down the number of claims. This undermines the global system of refugee protection. From Iran and Tanzania to the United Kingdom and Australia, refugee protection is in urgent need of reinforcement.

International refugee law

The process of developing a body of international law, conventions, and guidelines to protect those fleeing their homeland began after World War I and culminated in the Convention relating to the Status of Refugees, approved by a special UN conference on July 28, 1951. The Convention clearly spells out who is a refugee, and the kind of legal protection, other assistance, and social rights she or he should receive from states party to the document. A refugee is a person with a 'well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion ...' (Convention Article 1A). This first instrument was limited to protecting mainly European refugees in the aftermath of World War II, but a 1967 Protocol expanded the scope of the Convention as the problem of displacement spread around the world. The original document also inspired regional instruments, such as the 1969 Africa Refugee Convention and the 1984 Latin American Cartagena Declaration. A total of 143 states have acceded to one or both of the UN instruments.

Key refugee statistics

- In July 2003, there were 19.8m 'people of concern' to UNHCR, roughly one in every 300 people in the world. This number included refugees, certain groups of IDPs, returnees, and in some situations, host populations.⁵⁹
- At the end of 2002, of the 13m refugees and asylum seekers worldwide, of which 5.3 million were in the Middle East, 3 million in Africa, 2.1 million in South and Central Asia, 875,900 in East Asia, 859,900 in Europe, and 756,500 in the Americas and Caribbean.⁶⁰
- The Gaza Strip has the highest number of refugees to the total population, with a ratio of 1:2. The ratio for the UK is 1:760 and for the US 1:450.⁶¹

Asylum: worrying moves to restrict protection

There are some 13 million refugees and asylum seekers worldwide.⁵⁸ Of these, Africa hosts nearly one quarter. The large number of refugees has strained the limited resources of poorer countries, and as a result, refugees often face impoverished conditions and strained relations with host communities, who see them as competition for scarce resources. Tolerance is running thin. In some countries, doors are closing, preventing people whose lives are in danger from finding safety; in the worst cases, people are being sent back into the danger they have fled.

It is in the West that the doors to asylum are being closed most firmly. Despite the much lower number of people seeking asylum in Western countries, it is these wealthy countries that are at the forefront of denying civilians their right to safety. Only five per cent of asylum seekers ever reach Europe, yet unfounded concerns about the increasing number of claims for asylum serve to restrict protection still further. This is the case despite the fact that the vast majority of refugees are hosted in some of the poorest countries of the world. Considering the very small percentage of refugees hosted by the West – especially in proportion to population – this crack-down is unjustified (see table 4.1).

The shift in policy can be seen particularly clearly within the EU. Despite the reaffirmation of the 1951 Refugee Convention by the 1999 EU Tampere Summit Conclusions, some member states have continued to claim that the Refugee Convention is 'out of date' and needs reform to make it more relevant to today's environment. There is a strong risk that such changes to the Convention would undermine rather than strengthen international refugee protection.

In 1999, the EU Treaty of Amsterdam offered some hope of reining in the negative trend of member states introducing national asylum legislation at odds with and successively harsher than that of neighbouring states. The Treaty established a

timetable for cooperation and harmonisation of member states' asylum policies and the creation of a Common European Asylum System founded upon the 1951 Refugee Convention.

Australia: lowering refugee protection standards

Australia has traditionally been generous in resettling recognised refugees. During the last decade, however, and in particular since September 2001, those entering the country without authorisation have faced an increasingly punitive asylum regime. It involves a range of measures including: mandatory detention of asylum seekers arriving illegally; extended powers to turn back boats entering Australian waters with potential asylum seekers on board; removing certain Australian territories from the reach of its national immigration law; shifting the processing of asylum claims to detention camps on Papua New Guinea and Nauru (the so-called 'Pacific Solution'); and tough rules denying permanent protection in Australia to almost all refugees who were in third countries prior to arrival.

The legality and impact of these policies have been widely condemned by aid agencies, human rights organisations, and religious leaders. Oxfam has argued that excessive political concern over the arrival of relatively small numbers of asylum seekers has undermined humanitarian protection, damaged Australia's international reputation, and skewed the Government's development priorities.

The aggressive attempts by the Australian government to export its approach to other countries are also disturbing. In a global climate of fear about security and terrorism, and growing hostility towards asylum seekers and migrants, it appears that the Australian approach has some resonance with other governments, and is proving influential. For example, in a move that mirrors the 'Pacific Solution', a six-nation operation has been set up to patrol the Mediterranean with warships to keep illegal migrants out of Europe.

However, as the final deadline of May 2004 for the Common European Asylum System approaches, the likelihood of a strong protection-centred harmonised system looks remote. As member states prioritise their national agendas in negotiations, progress has been slow, characterised by a ‘race to the bottom’ and hollow harmonisation legislation. The emphasis

at the EU level has been on securing borders, rather than ensuring meaningful access.

Early in 2003, the UK government put forward proposals which were designed to achieve a dramatic decrease in the number of asylum seekers coming to Europe. Under this ‘New Vision for

Refugees’, asylum seekers arriving in Europe would be removed to Transit Processing Centres outside Europe to have their claim for asylum processed, while Regional Protection Zones would be set up in major refugee producing areas of the world. The emphasis of the proposals has shifted continuously since the leak of the initial draft, but they still remain vague, lacking any concrete plans or detailed consideration of the practical protection issues involved.

While these proposals rightly acknowledge the need to boost protection in regions of origin, they could present a serious threat to the protection of refugees fleeing violence and persecution. Firstly, they could further shift the global refugee caseload onto poor host communities in less developed countries; 72 per cent of the world’s refugees are currently hosted by developing countries. Secondly, they risk endangering the lives and safety of refugees by failing to guarantee adequate protection in the zones or centres. Thirdly, they could result in protracted neglected refugee situations – diverting humanitarian attention from non-strategic refugee hosting areas, and failing to provide durable solutions for those in the zones or centres.

The UK government sought endorsement of its ‘New Vision’ from the EU and from UNHCR, but received a negative response from many EU states and consequently announced that it would drop the Transit Processing Centre element. At the EU summit in Thessaloniki in June 2003, a number of states also expressed concern about the Regional Processing Zones. However a group of supportive countries declared their intention to do further research into the proposal, and to establish a pilot zone within the next 12 months.

Discrimination in the wake of the ‘war on terror’

Since September 11th, refugee and asylum policy has become even more constrained; restrictions that relate specifically to the ‘war on terror’ verge on discrimination. While the 1951 Refugee Convention explicitly excludes those who have violated human rights or committed serious crimes including acts of terrorism, governments are pushing at the boundaries of the law, based on suspicion alone.⁶⁴ In the UK, for instance, the Anti-Terrorism, Crime and Security Act of 2001 allows the government, for anti-terrorist reasons, to derogate from the European Convention on Human Rights. This allows the indefinite detention without legal process of foreign nationals ‘suspected’, on the basis of security and police

The plight of Palestinian refugees in Lebanon

Palestinian refugees in Lebanon are facing complex problems. The 12 official camps have the highest percentage of Palestinians living in poverty. The refugees have no social and civil rights and have very limited access to the government’s public health and educational facilities. After more than half a century in exile, their situation remains precarious. They don’t have citizenship of any state. They can’t work in many occupations – they are prohibited by law from working in more than 70 trades and professions. In some cases, they can’t even repair their houses because they can’t import building material into the camps. Restrictions on building and reconstruction in the camps contribute to the insecurity of Palestinians in Lebanon, forcing them to live in buildings damaged or totally destroyed during the civil war.⁶⁵

Ratio of refugees to host country population in selected countries

Host country	Ratio of refugee population to total population	Number of refugees
Gaza Strip	1:2	879,000
Lebanon	1:11	409,000
Congo-Brazzaville	1:29	118,000
Iran	1:30	2,209,000
Yugoslavia	1:30	353,000
Guinea	1:46	182,000
Liberia	1:51	65,000
Tanzania	1:72	516,000
Pakistan	1:95	1,518,000
Saudi Arabia	1:98	245,000
Uganda	1:112	221,000
Sudan	1:114	287,000
Switzerland	1:165	44,200
Nepal	1:181	132,000
DRC	1:201	274,000
Thailand	1:228	336,000
Canada	1:399	78,400
United States	1:450	638,000
United Kingdom	1:760	79,200
Germany	1:788	104,000
Indonesia	1:7482	28,700
Russian Federation	1:8275	17,400
Japan	1:19538	6,500
Mexico	1:25500	4,000

Table 4.1: Source: USCR (2003) World Refugee Survey⁶⁶

reports, of being ‘a threat to national security.’ This imprecise formulation means that asylum seekers may find themselves labeled as terrorists purely on the basis of their political, ethnic, or religious association. Similarly, in the USA, the ‘Uniting and Strengthening America By Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act’ (usually known as the USA-PATRIOT Act) expands the scope of security-related activity. It even allows for the detention and deportation of

non-citizens who provide lawful assistance to groups that are not officially designated as terrorist organizations.

Insecurity in asylum: where protection fails

Even those who manage to reach a country of asylum remain vulnerable. Having escaped from immediate persecution or violence, refugees are frequently met with further insecurity –

Refugees vulnerable due to lack of information: the case of West Timor

In the violence that followed the UN-sponsored referendum on East Timor’s independence in September 1999, some 280,000 East Timorese crossed the border to the Indonesian side of Timor island. Some fled to escape violence, but many were forced by armed militia to leave their homes and cross the border. Living under the noses of militia in rudimentary refugee camps throughout West Timor, their limited access to appropriate and unbiased information has meant that the process of refugee return has been slow and painful. Most refugees have managed to make their way home to East Timor, but 30,000 others still remain behind.

Living alongside an equally poor local population in West Timor, these East Timorese are once again, faced with very difficult decisions. The government of Indonesia will no longer tolerate refugees living in camps and are telling them that they must move – either to return immediately to East Timor or to resettle elsewhere in Indonesia. The fact that the refugees have chosen to stay in the camps despite the poor conditions and in spite of the directive is indicative of the uncertainties associated with leaving the camps.

Oxfam, in collaboration with a local partner, the Centre for IDPs (CIS), and Jesuit Refugee Services, organised a survey to find out what is blocking the achievement of a durable solution, and to help these refugees’ voices to be heard.

Sico Zimenes, 21, and his family live in Naibonat refugee camp. Sico’s family and their neighbours were forced across the border into West Timor during the violence and chaos around the referendum in 1999. To support his family of seven, Sico walks eight kilometres every day to a plot of land where he has planted corn. But the long dry season this year means that the harvest will meet their needs for only a couple of months, especially since government and UN food aid has been stopped. They want to return to East Timor, but are afraid because they hear it is not yet safe. There are rumours that returned refugees are discriminated against and have trouble getting work.

On the Indonesian side, the basic requirements for local settlement options have yet to be met. There is no infrastructure, basic services, or livelihoods opportunities, nor acceptance by the local population of the need to accommodate refugees so that they can achieve a viable and secure standard of living. There have been several cases of refugees abandoning settlement sites as a result of violent clashes or friction with the local population.

The lack of unbiased and appropriate information in West Timor continues to pose obstacles for those who wish to return. Many remain sceptical – even fearful – of what lies in wait for them in East Timor.

something they had hoped to leave behind. In some cases this is because the host states are themselves in the throes of conflict or struggling to support their own populations. In others it is because potential host governments are more explicitly turning their backs on their responsibilities to refugees out of domestic concerns, and since September 11th, use justifications around the ‘war on terror’.

In Africa, the massive refugee influxes of the last decade, caused by the political violence that has engulfed much of the Great Lakes region, have presented new challenges as huge numbers of refugees from Burundi, Rwanda, Sudan, Somalia, DRC, Ethiopia, and other countries search for protection.

These mass population movements are often sudden. Impoverished refugees descend upon communities, which are themselves struggling to meet their own needs, and cannot therefore provide

for hundreds of thousands of extra people. Host nations receiving refugees may themselves lack a legal and procedural framework within which to adequately protect the rights of the fleeing populations.

Even refugees living in recognised camps are often forced to live in squalid conditions in insecure areas with inadequate access to food, healthcare, and other basic necessities. Refugees – as well as IDPs – therefore may continue to be under threat. Attack, sexual assault, deprivation of humanitarian assistance, forced recruitment, and forced repatriation are everyday occurrences in many of the places where people have fled to seek protection. Camps themselves can come under attack as part of the military or political tactics of host states or warring parties. The irony is that legitimately seeking the protection of asylum can sometimes expose people to still more violence.

Recommendations

To reinforce a strong system of international protection for asylum seekers, refugees, and IDPs, Oxfam recommends that the 1951 Refugee Convention and subsequent protocol be enhanced and upheld by:

- **Ensuring that no civilian is forced to flee or repatriate to face the danger of violence, forced recruitment, sexual assault, or a lack of humanitarian assistance.** Donor governments and host governments must protect the right to asylum and work together to provide durable solutions for refugees with guarantees that their rights will be protected.
- **Western governments making increased, sustained, and equitable investment in addressing the causes of forced migration.** Proposals to invest in addressing root causes through poverty reduction, conflict prevention, and emergency responsiveness are welcomed. These initiatives should be pursued on a multilateral basis with the involvement of UNHCR. The EU and other donor states must ensure that these efforts are not reserved for only those countries and regions that are currently the sources of large numbers of asylum seekers. Humanitarian and development assistance should be targeted according to need, and not contingent upon the domestic considerations of donor countries.
- **Governments continuing to offer asylum to refugees who manage to arrive on their territory.** Resettlement schemes and other ‘regional solutions’ must in no way detract from the responsibility of states to receive, host and process the claims of ‘spontaneously arriving’ asylum seekers on their territory. These national and regional asylum systems must be humane, transparent and in line with international standards. It is imperative that they are based on protection rather than deterrence of refugees.

5

These Rwandan refugee children fled their country during the genocide in 1994. Ten years later, the international community still suffers from a lack of political determination to prevent atrocities against civilians. Yet, when the international community has the political will, major steps have been taken that have literally saved lives. It is time to channel this into the systematic protection of civilians wherever there is need.

Conclusion: Reinforcing an international system to protect civilians in conflict

5. Conclusion: Reinforcing an international system to protect civilians in conflict

The focus by governments on the threats of international terrorism and weapons of mass destruction since the events of September 11th has resulted in trends that have made civilians in conflict even more vulnerable than before. Governments are failing to make the fullest efforts to protect civilians caught in neglected conflicts. Donor governments have diverted humanitarian aid to strategic countries. Governments have undermined the independence and impartiality of humanitarian aid. All these measures threaten to erode the body of international law and obligations that are the only foundations we have to protect civilians across the world. Some of these events and moves by governments have shaken the United Nations to the core. Questions have been raised in many people's minds: what is the role of the United Nations? What is the point of acting through multilateral structures?

Unfortunately, since 2001, the UN Security Council has once more been overwhelmed by geo-political events, rather than rising to the challenge. Some trends have been deeply worrying. If governments act unilaterally or in narrow coalitions, without the support and sanction of the Security Council, they not only undermine the legitimacy of their immediate actions, they also undermine the strength of the multilateral system, which is the only means of organising concerted action against violence, coercion, and deprivation. UN agencies have also been undermined by cuts to their funding from donors.

However, as this report shows, the world does need multilateralism in order to address widespread death and suffering. The leadership of the UN Security Council is crucial. Despite the failures of the Security Council to fulfil its vital mandate to uphold 'international peace and security', it remains the only body that can authorise actions, such as

Operation Artemis in the Democratic Republic of Congo, that can be indispensable to save lives. Such interventions are desperately needed; they are practical proof of the existence of a committed international community that seeks to protect civilians wherever they are threatened.

Equally vital are the many tools that the UN agencies have developed, through years of work on the ground responding to conflict. Led by Kofi Annan, the current Secretary General, the UN has paid far more attention to the practicalities of protecting civilians in the past few years. These pragmatic steps are useful, but more work is needed to extend protection to all civilians caught in conflict.

International humanitarian law sets universally accepted standards for the protection of civilians in armed conflict. Refugee law demands that civilians who have fled for their lives are allowed to find protection in another country without fear of being sent back. Like the UN Charter, these rules have been painstakingly negotiated by governments in order to ensure respect for minimum standards for the protection of the right to life with dignity, despite conflict. Humanitarian principles – of distinction, precaution, proportion, and impartiality – are set out in law to be respected in every crisis. These principles are only as strong as the commitment of all parties to enforce them and adhere to them. Upholding international law in all conflicts, with the rights of civilians, refugees, and displaced people at the forefront, is critically important in order to set a precedent where violations are no longer accepted.

It is essential to support and enhance this multilateral system. Any further moves must strengthen, not undermine, these agreed rules and standards to protect civilians.

Concrete measures must be taken now to redress the damaging trends which have been set since September 11th. Civilians under threat need: pressure to be put on all warring parties to adhere to international humanitarian law; a new system to be drawn up for assessing risk to civilians and to provide a clear picture of humanitarian need to guide effective response; mandatory reporting on and analysis of protection of civilians in all political communiqués concerning conflict zones; humanitarian assistance to be distributed on the basis of need; and the agreement of the international community to a fair system of refugee protection which adheres to the Refugee Convention.

The challenge is great and it is not simply one for the warring parties. It is a challenge to all governments, all donors, and the United Nations as a collective body. To ignore the challenge would be to abandon the historic undertaking that was made at the end of the second world war: that we, the peoples, are committed to save succeeding generations from the scourge of war. The international community must fulfil this pledge, and pursue all possible means to protect civilians from the worst ravages of conflict.

Summary of Recommendations

i) To focus international action where it can do most to protect civilians, Oxfam recommends that:

- **The international community – led by the UN Security Council – must develop strategies to engage more consistently with seemingly intractable conflicts to help protect civilians in neglected crises.** All possible tools must be made available, including intense diplomacy, support for the negotiation of access for humanitarian aid, and in extreme cases, the contribution of troops to UN-led peacekeeping missions with strong mandates to protect civilians.
- **Governments and warring parties must plan their military tactics to take all the precautions necessary to minimise civilian harm.** They must respect the key guidelines of international human rights and humanitarian law, that all military action must preserve the immunity of civilians. No military strategy should be based on the maximum use of force in situations where civilians are endangered. Any action must:
 - Distinguish between civilians and military;
 - Take precautions to minimise civilian harm;
 - Only use proportionate force;
 - Allow the impartial delivery of humanitarian aid.
- **Governments should influence warring parties around the world to uphold their obligations under humanitarian law;** and absolutely refrain from encouraging, tolerating, or arming allies committing abuses.
- **Governments must not tolerate abuses by their allies in the ‘war on terror’ or in any other conflict situation.** In particular, the top five arms producers – USA, UK, France, Russia, and China – must not authorize transfers of arms in situations where there is reasonable cause to believe that they will be used in violation of humanitarian law or human rights law. They must rigorously enforce all Security Council embargoes.
- **Governments, the UN Security Council, the Peace and Security Council of the African Union, and the European Union should implement new systematic procedures** to assess what action may be required in any given crisis to protect civilians from violence, deprivation, and coercion, and to work with others to carry out necessary action.
- **Governments must at all times recognize and preserve the independent, impartial, and civilian character of humanitarian aid** according to UNGA Resolution 46/182, 19 December 1991: ‘humanitarian assistance must be provided in accordance with the principles of humanity, neutrality, and impartiality’.

ii) To provide impartial humanitarian aid based on human needs wherever it is needed, and to prevent neglected emergencies, Oxfam recommends that:

- **Donor governments demonstrate that they are giving humanitarian aid based on need, not on politics.** They must commit to consistent and adequate funding for all emergencies, with a particular emphasis to fund neglected crises effectively. To guarantee this, they should extend ECHO’s system for identifying the crises receiving inadequate attention, and set aside at least 10–20 per cent of funding for clearly identified neglected emergencies with civilians at risk.
- **Donor governments must implement and move beyond the plan of action from the Stockholm Good Donorship meeting in June 2003.** They must go past ‘exploring possibilities’ to take concrete steps to establish a common definition of humanitarian aid, an agreed system of measuring need, and common and mandatory reporting mechanisms to determine the flow of aid in real-time.
- **Governments should support the proposal to develop an analysis of risk and need throughout the humanitarian assistance system** as put forward by the UK’s Overseas Development Institute. These protection-based criteria, with long-term elements to identify baseline data on chronic emergencies, would fill an important gap, and allow donors to ensure their aid reaches those most in need.

iii) To reinforce a strong system of international protection for asylum seekers, refugees, and IDPs, Oxfam recommends that the 1951 Refugee Convention and subsequent protocol be enhanced and upheld by:

- **Ensuring that no civilian is forced to flee or repatriate to face the danger of violence, forced recruitment, sexual assault, or a lack of humanitarian assistance.** Donor governments and host governments must protect the right to asylum and work together to provide durable solutions for refugees with guarantees that their rights will be protected.
- **Western governments making increased, sustained, and equitable investment in addressing the causes of forced migration.** Proposals to invest in addressing root causes through poverty reduction, conflict prevention, and emergency responsiveness are welcomed. These initiatives should be pursued on a multilateral basis with the involvement of UNHCR. The EU and other donor states must ensure that these efforts are not reserved for only those countries and regions that are currently the sources of large numbers of asylum seekers. Humanitarian and development assistance should be targeted according to need, and not contingent upon the domestic considerations of donor countries.

Governments continuing to offer asylum to refugees who manage to arrive on their territory. Resettlement schemes and other ‘regional solutions’ must in no way detract from the responsibility of states to receive, host and process the claims of ‘spontaneously arriving’ asylum seekers on their territory. These national and regional asylum systems must be humane, transparent and in line with international standards. It is imperative that they are based on protection rather than deterrence of refugees.

Endnotes:

- ¹ Heidelberg Institute for International Conflict Research, (HIIK) (2002) Conflict Barometer 2002, www.hiik.de/en/main.htm
- ² US Committee for Refugees (2003) World Refugee Survey, 'Key Statistics', as of 31 December 2002.
- ³ Oxfam (2000) 'An end to forgotten emergencies,' November 2000.
- ⁴ According to UNGA res. 46/182, 19 December 1991: "humanitarian assistance must be provided in accordance with the principles of humanity, neutrality, and impartiality".
- ⁵ Heidelberg Institute for International Conflict Research, (HIIK) (2002) op. cit.,
- ⁶ Saferworld (2003) Cost of Conflict, www.saferworld.co.uk/media/stats.htm
- ⁷ UN, OCHA (2003) 'Consolidated Inter-Agency Appeal for Burundi: Mid Year Review', May 2003. available from www.reliefweb.int/w/
- ⁸ International Rescue Committee (2003) Mortality in the Democratic Republic of Congo: results from a nationwide survey http://intranet.theirc.org/docs/drc_mortality_iii_full.pdf
- ⁹ Saferworld (2003)
- ¹⁰ USCR (2003)
- ¹¹ International Federation of Red Cross and Red Crescent Societies (2003) World Disasters Report.
- ¹² Human Rights Watch (2000) 'Civilian Deaths in the NATO Air Campaign' February 2000, Vol. 12, No. 1 (D).
- ¹³ BBC News 'Serbs blamed for NATO killings,' Saturday, May 15, 1999.
- ¹⁴ Iraq Body Count (2003) www.iraqbodycount.org last checked 31st July 2003.
- ¹⁵ Amnesty International (2003) A Catalogue of Failures: G8 Arms Exports and Human Right Violations, (IOR 30/003/2003).
- ¹⁶ Report of the UN High Commissioner for Human Rights on the Human Rights Situation in Colombia, 24 February, 2003, E/CN.4/2003/13.
- ¹⁷ As recorded in the UN Human Rights Report 2003.
- ¹⁸ Colombian Commission of Jurists statistics on deaths outside combat between July 2002 and June 2003.
- ¹⁹ Amnesty International (2003).
- ²⁰ Ibid.

²¹ Among the countries receiving weapons is Burkina Faso, identified by the UN as a conduit for arms to Liberia and to armed opposition forces in Sierra Leone. Amnesty International (2003)

²² Ibid.

²³ Stohl, R. (2003) 'US Post-Sept. 11 Arms Trade Policy', Centre for Defense Information, July 1, 2003.

²⁴ Stohl, R and V. Garcia (2003) 'Uzbekistan', Centre for Defense Information, July 1, 2003.

²⁵ Federation of American Scientists (2002) 'Sweeping Military Aid Under the Anti-Terrorism Rug: Security Assistance Post September 11th' Arms Sales Monitor, No 48, August 2002, <http://fas.org/asmp/library/asm/asm48.html>

²⁶ See 'Joint Evaluation of Emergency Assistance to Rwanda (1996). The International Response to Conflict and Genocide: Lessons from the Rwanda Experience'.

²⁷ Some of these ideas were referred to in the Report of the International Commission on Intervention and State Sovereignty (ICISS), entitled 'The Responsibility to Protect'. This report, published December 2001, but reporting on research largely conducted before September 11th of that year, was based on the work of a panel of experts on international responsibility vis-à-vis war, insurgency, repression, or state failure. The report asserts that the responsibility to protect means not just the 'responsibility to react,' but the 'responsibility to prevent', and the 'responsibility to rebuild' as well. It directs our attention to the costs and results of action versus no action, and provides conceptual, normative, and operational linkages between intervention and reconstruction.

²⁸ For example, see United Nations (2002): Final report of the panel of Experts on the Illegal Exploitations of Natural Resources and Other Forms of wealth of the Democratic Republic of the Congo. (S/2002/1146):

²⁹ The Principles Governing Arms Transfers agreed by the Forum for Security Cooperation of the Conference for Security and Cooperation in Europe (CSCE).

³⁰ Adopted 8 June 1998 by the EU Council.

³¹ In October 2003, Oxfam, the International Action Network on Small Arms, and Amnesty International will be launching an International Arms Campaign, which will push governments to achieve this goal.

³² (S/1999/957)

³³ The Council of Europe's Convention on Human Rights, the Organization for Security and Cooperation in Europe (OSCE), the Charter of Paris for a New Europe (1991), which codifies the principles guiding the 'human dimension' of the OSCE, and the Treaty on European Union. Article 11(2) lays down as one of the objectives of the EU's common foreign and security policy: "To develop and consolidate democracy

and the rule of law, and respect for human rights and fundamental freedoms.'

³⁴ McClelland, S. (2003) Remarks at the HPG debate 'How should humanitarian needs be met in Iraq?', London 10 April 2003, as cited in Macrae, J. (ed.) (2003). 'The New Humanitarianisms: a review of global humanitarian action', Humanitarian Policy Group Report 11, April 2002 see www.odi.org.uk/hpg/papers/iraq2.pdf. Note: assurances were given that this amount of money would not detract from spending in other parts of the world, with roughly half the money coming from the UK government's contingency reserves. However, the question remains as to why this huge amount of money could suddenly be mobilised for one conflict, and not many other crises where civilians are under threat.

³⁵ Source: UN Financial Tracking, www.reliefweb.int/fts/reports/ last checked 4 August 2003.

³⁶ Neglected emergencies are not new. Oxfam first reported its concern about the imbalance of global resources in November 2000. A vastly unequal response – in terms of both funding and of diplomatic engagement – to the crises in Europe and the crises in Africa illustrated how the international community was shirking its responsibilities to address need universally. In Kosovo in 1999, donor governments gave \$207 for every person in need. By contrast, they gave only \$16 in Sierra Leone; for the Democratic Republic of Congo, only \$8. Adjustments for the cost of living and the costs of delivery of services in Europe do not adequately account for such disparities.

³⁷ Figures accurate as of 22 July 2003. References from UN OCHA 'Mid-Year Review Status Report 2003', and Financial Tracking, www.reliefweb.int/fts/reports/

³⁸ OECD data does not include important donors such as Saudi Arabia, India, and South Korea.

³⁹ Porter (2002) 'An External Review of the CAP', commissioned by OCHA's Evaluation and Studies Unit, 18 April 2002.

⁴⁰ For accuracy, most analysts use both the UN figures and the figures reported by OECD countries to the Development Assistance Committee (DAC). DAC figures have the advantage of being more complete than UN figures, but are usually some 12–18 months behind.

⁴¹ Development Initiatives (2003) Global Humanitarian Assistance 2003, London: Russell Press, p32.

⁴² Ibid.

⁴³ Ibid., p38.

⁴⁴ USAID, "Afghanistan – Complex Emergency Situation Report #2", December 18, 2002. www.usaid.gov/hum_response/ofda/afghanistan_ce_sro2_fy03.html

⁴⁵ FAO (2003) 'Southern Africa: Urgent Need for More Spending On Agriculture', UN Integrated Regional Information Networks, July 3, 2003.

⁴⁶ The spending on domestic refugee services, which the OECD data allows to be combined in the reporting for humanitarian expenditure, distorts the data: nearly a quarter of all spending on humanitarian relief (\$1.3bn) goes towards domestic commitments. Expenditure per refugee ranges from \$5,000–\$14,000 (compared with humanitarian expenditure in developing countries being \$2–\$500 per head). While this spending in host countries is important, it should not be recorded as humanitarian assistance. In some countries (Austria, Canada, Denmark, and France) the spending on domestic refugees is as much or more than humanitarian assistance. Only six countries (including UK, Ireland, and Japan) do not record their expenditure on domestic refugees as part of humanitarian assistance.

⁴⁷ As cited in Development Initiatives op.cit., p26.

⁴⁸ Ibid. p27.

⁴⁹ Randal, J and T. German (2002) 'Trends in the financing of humanitarian assistance' in Macrae, J. (2003). op.cit.

⁵⁰ Oxfam has a revolving 'catastrophe fund' of approximately US\$13,047,800 (£11,481,750) that allows us to mobilise for emergencies even before donors make it a priority; however, for long-term programming we would still need donors support.

⁵¹ Nielson, P (2002) speech at ECHO conference in Copenhagen. Press release available on http://europa.eu.int/comm/development/body/news/ar_octo2_19_en.htm

⁵² Smillie, I. and L. Minear (2003) 'The Quality of Money: Donor Behavior in Humanitarian Financing', Tufts University: Humanitarianism and War Project (April 2003).

⁵³ For more discussion on this, see J. Barry, A. and Jeffreys (2002) 'A bridge too far: aid agencies and the military in humanitarian response.' Overseas Development Institute: Humanitarian Practice Network.

⁵⁴ Smillie, I. and L. Minear (2003) op.cit.

⁵⁵ For more detail, see J. Darcy and C. Hofman (2003) 'According to Need? Needs Assessment and Decision Making in the Humanitarian Sector', Overseas Development Institute: Humanitarian Policy Group Report 15, July 2003.

⁵⁶ Dalton et al. (2003) Study Four: 'Changes in Humanitarian Financing – Implications for the United Nations', Inter-Agency Standing Committee, 2 July 2003.

⁵⁷ Natsios, A. (2003) Speech at InterAction, 21 May 2003.

⁵⁸ US Committee for Refugees (2003) World Refugee Survey 2003, 'Key Statistics', as of 31 December 2002. Available on www.refugees.org/WRS2003.cfm.htm

⁵⁹ UNHCR statistics, www.unhcr.ch/cgi-bin/texis/utx/statistics

⁶⁰ US Committee for Refugees 2003, World Refugee Survey 2003, Tables 4 and 5, Refugee and Asylum Seekers Worldwide, as of 31 December 2002.

⁶¹ US Committee for Refugees 2003, World Refugee Survey 2003, Tables 11 and 12, Ratio of Refugees to Selected Host-Country Populations, as of December 31, 2002.

⁶² *ibid*

⁶³ Source: Amineh Ishtay, Palestinian Refugees in Lebanon under precarious situation, <http://www.jerusalemmites.org/>

⁶⁴ Under Article 1F of the 1951 Refugee Convention, international refugee law explicitly excludes from protection those who have violated the human rights of others or committed other serious crimes, and UNHCR has consistently advised that this Article should be restrictively interpreted.

Useful Websites

International Committee of the Red Cross: www.icrc.org

International Humanitarian Law: www.ihlresearch.org or http://www.icrc.org/web/eng/siteeng0.nsf/iwpList2/Humanitarian_law

Sphere Project: www.sphereproject.org

UN OCHA's Financial Tracking: www.reliefweb.int/fts

UNHCR: www.unhcr.ch

United States Committee for Refugees (USCR) World Refugee Survey:

www.refugees.org/WRS2003.cfm.htm

References

Amnesty International (2003) 'A Catalogue of Failures: G8 Arms Exports and Human Rights Violations', (IOR 30/003/2003).

Dalton et al. (2003) 'Study Four: Changes in Humanitarian Financing – Implications for the United Nations', Inter-Agency Standing Committee, 2 July 2003.

Darcy, J. and C. Hofman (2003) 'According to Need? Needs Assessment and Decision Making in the Humanitarian Sector', Humanitarian Policy Group Report 15, July 2003, Overseas Development Institute..

Development Initiatives (2003) Global Humanitarian Assistance 2003, Nottingham: Russell Press.

International Federation of Red Cross and Red Crescent Societies (2003) World Disasters Report.

Joint Evaluation of Emergency Assistance to Rwanda (1996) 'The International Response to Conflict and Genocide: Lessons from the Rwanda Experience'.

Macrae, J. (ed.) (2003) 'The New Humanitarianisms: a Review of Global Humanitarian Action', Humanitarian Policy Group Report 11. April 2002, Overseas Development Institute.

Macrae, J. and A. Harmer (2003) 'Humanitarian Action and the "Global War on Terror": a review of trends and issues', Humanitarian Policy Group report, 14 July 2003, Overseas Development Institute..

Smillie, I. and L. Minear (2003) 'The Quality of Money: Donor Behavior in Humanitarian financing', Humanitarianism and War Project (April 2003), Tufts University.

Porter, T. (2002) 'An External Review of the CAP', Evaluation and Studies Unit, 18 April 2002, OCHA'.

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Please call or write to any of the agencies for further information.

Oxfam International Advocacy Office
1112 16th St., NW, Ste. 600,
Washington, DC 20036
Tel: 1.202.496.1170,
E-mail: advocacy@oxfaminternational.org,
www.oxfam.org

Oxfam International Office in Brussels,
22 rue de Commerce,
1000 Brussels
Tel: 322.502.0391

Oxfam International Office in Geneva
15 rue des Savoises,
1205 Geneva
Tel: 41.22.321.2371

Oxfam International Office in New York
355 Lexington Avenue,
3rd Floor,
New York,
NY 10017
Tel: 1.212.687.2091

Oxfam International Office in Paris
C/O Agir Ici,
104 rue Oberkampf,
75011 Paris,
France
Tel: 33.1.5830.8469

Oxfam International Office in Tokyo
Maruko-Bldg. 2F,
1-20-6, Higashi-Ueno,
Taito-ku,
Tokyo 110-0015, Japan
Tel/fax: 81.3.3834.1556

Oxfam Germany
Greifswalder Str. 33a
10405 Berlin,
Germany
Tel: 49.30.428.50621
E-mail: info@oxfam.de
www.oxfam.de

Oxfam America
26 West St.
Boston, MA 02111-1206
Tel: 1.617.482.1211
E-mail: info@oxfamamerica.org
www.oxfamamerica.org

Oxfam-in-Belgium
Rue des Quatre Vents 60
1080 Bruxelles, Belgium
Tel: 32.2.501.6700
E-mail: oxfamsol@oxfamsol.be
www.oxfamsol.be

Oxfam Canada
880 Wellington St.
Suite 400, Ottawa,
Ontario,
Canada K1R 6K7
Tel: 1.613.237.5236
E-mail: enquire@oxfam.ca
www.oxfam.ca

Oxfam Community Aid Abroad
National & Victorian Offices
156 George St. (Corner Webb Street)
Fitzroy, Victoria,
Australia 3065
Tel: 61.3.9289.9444
E-mail: enquire@caa.org.au
www.caa.org.au

Oxfam Hong Kong
17/F, China United Centre
28 Marble Road, North Point
Hong Kong
Tel: 852.2520.2525
E-Mail: info@oxfam.org.hk
www.oxfam.org.hk

Oxfam GB
274 Banbury Road,
Oxford
England OX2 7DZ
Tel: 44.1865.311.311
E-mail: oxfam@oxfam.org.uk
www.oxfam.org.uk

Oxfam Quebec
2330 rue Notre-Dame Ouest
Bureau 200,
Montreal, Quebec
Canada H3J 2Y2
Tel: 1.514.937.1614
www.oxfam.qc.ca
E-mail: info@oxfam.qc.ca

Oxfam New Zealand
Level 1, 62 Aitken Terrace
Kingsland, Auckland
New Zealand
PO Box for all Mail: PO Box 68
357 Auckland 1032
New Zealand
Tel: 64.9.355.6500
E-mail: oxfam@oxfam.org.nz
www.oxfam.org.nz

Oxfam Ireland
9 Burgh Quay, Dublin 2, Ireland
353.1.672.7662 (ph)
E-mail: oxireland@oxfam.ie
52-54 Dublin Road,
Belfast BT2 7HN
Tel: 44.289.0023.0220
E-mail: oxfam@oxfamni.org.uk
www.oxfamireland.org

Intermón Oxfam
Roger de Lluria 15
08010, Barcelona, Spain
Tel: 34.93.482.0700
E-mail: intermon@intermon.org
www.intermon.org

Novib
Oxfam Netherlands
Mauritskade 9
2514 HD. The Hague,
The Netherlands
Tel: 31.70.342.1621
E-mail: info@novib.nl
www.novib.nl