The future of humanitarian action: an ICRC perspective

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Abstract

The evolving global environment in which humanitarian actors operate is posing profound challenges, both in terms of the increasing complexity of major crises and their impact on affected people, and in terms of the changes within the humanitarian sector itself as it tries to respond. This article gives one perspective of what the International Committee of the Red Cross (ICRC) considers to be some of the key challenges facing humanitarian action now and in the coming years, and how the institution aims to address these challenges while remaining faithful to its fundamental principles of impartiality, neutrality, and independence.

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Setting the scene

'What we have is a single, long event which has the scale of the tsunami, the destruction of Haiti, and the complexity of the Middle East.' This was how

one senior humanitarian official described the situation in Pakistan in the wake of the devastating floods in 2010, which eventually affected more than 18 million people across one-third of the country.[1]

Indeed, the complexity of the humanitarian crisis in Pakistan was – and continues to be – severe. Hundreds of thousands of people already displaced by the armed violence that began in north-western Pakistan in mid-2008 were among the most vulnerable when the floods struck. Ongoing fighting since then has caused successive rounds of displacement, and left tens of thousands of already impoverished residents without access to basic services. The fallout from the fighting has worsened sectarian and ethno-political violence in major cities such as Karachi and Lahore, further affecting the living conditions there. At the same time, the south-western province of Balochistan continues to be affected by the armed conflict in neighbouring Afghanistan, with scores of casualties crossing the border in search of medical care.

The Pakistan government's resources and capacity to respond to the floods – coming on top of an already complex crisis – were dwarfed by the scale of the damage. The overall international humanitarian response failed to fill the breach, and came in for considerable criticism from different quarters. The blurring of lines between political, military, and humanitarian agendas; poor leadership; and a slow, muddled, and largely uncoordinated response by huge numbers of often competing humanitarian organizations were all said to contribute to the inadequate response, with large-scale needs still unmet many months after the disaster.[2] Much of the criticism echoed that levelled at the response to the Haiti earthquake earlier in 2010, which had already stretched the capacity of the international humanitarian community.

Pakistan has been one of the ICRC's biggest and most complex operations worldwide for several successive years, and the ICRC already had a significant presence in violence-affected areas when the floods struck. Indeed, it is one operation that perhaps most comprehensively encapsulates many of the types of challenge that will confront the ICRC more and more in different contexts around the world, and to which it will need to adapt. Moreover, the types of challenges prevalent in Pakistan will grow in the coming years, owing to the impact of multiple changes in the global environment on vulnerable people, and because of the changing humanitarian architecture as it tries to respond.

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1   Jane Cocking, Humanitarian Director of Oxfam, quoted among others in BBC News, 'Pakistan: Senior UN figure criticises response', 23 August 2010, available at: http://www.bbc.co.uk/news/world-south-asia-11054958 (last visited December 2011).

2   UK Parliament, International Development Committee, *Seventh Report: The Humanitarian Response to the Pakistan Floods*, 10 May 2011, available at: http://www.publications.parliament.uk/pa/cm201012/cmselect/cmintdev/615/61502.htm#evidence (last visited December 2011). Various international non-governmental organizations and humanitarian agencies submitted written evidence to the Committee.

What is at stake for the ICRC is the ability to deliver humanitarian response that respects the fundamental principles of impartiality, neutrality, and independence.[3] These principles are of great importance to the ICRC, because they allow it to gain the widest possible acceptance by all stakeholders, and thereby to gain safe access to populations in need of protection and assistance. The relevance, the effectiveness, and ultimately the perception of humanitarian action are crucial to gaining this acceptance.

However, few of these challenges facing humanitarian action are altogether new. The role of states, the politicization of aid, and the instrumentalization of humanitarian agencies – combined with the sometimes unprincipled or unprofessional performance of the last – have led to harsh criticism of humanitarian action over the decades. From the Biafran war in the 1960s (when the ICRC itself became mired in controversy and the neutrality of its actions was seriously challenged),[4] through to the aftermath of the Rwandan genocide and the debacle of the Goma camps in the mid-1990s, international humanitarian response has in many cases been found wanting. The 11 September 2001 terrorist attacks on the United States, and what subsequently became known as the 'global war on terror', marked a new turning point. The increasingly blurred political, military, and humanitarian objectives of Western donor governments – and the alleged collusion of humanitarian organizations in their own exploitation by these governments – prompted some writers and academics to declare that neutral humanitarian action is not just in crisis but is, in fact, dead.[5]

This overstates the problem. The global context for humanitarian action has evolved significantly over the years, and will continue to evolve in the years ahead. From the ICRC's perspective, the institution has always worked to adapt continuously to the changing realities confronting it, and will continue to do so in the future. While some of the global changes – or at least the convergence of various changes or trends – are expected to become increasingly challenging, with significant implications for the future of humanitarian action in general, this reinforces rather than detracts from the importance of an impartial, neutral, and independent approach. Upholding and demonstrating the value of this approach will become all the more critical in terms of access and results for people affected.

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3   The humanitarian action of the Red Cross and Red Crescent Movement is specifically based on seven Fundamental Principles: humanity, impartiality, neutrality, independence, voluntary service, unity, and universality. References in this article to the 'fundamental (humanitarian) principles' are based on this definition. For further information, see: http://www.icrc.org/eng/resources/documents/misc/fundamental-principles-commentary-010179.htm (last visited December 2011).
4   David P. Forsythe, 'The ICRC: a unique humanitarian protagonist', in *International Review of the Red Cross*, Vol. 89, No. 865, March 2007, p. 69.
5   David Rieff, *A Bed for the Night: Humanitarianism in Crisis*, Simon & Schuster, New York, 2002; Kurt Mills, 'Neo-humanitarianism: the role of international norms and organizations in contemporary conflict', in *Global Governance: A Review of Multilateralism and International Organizations*, Vol. 11, No. 2, p. 161.

And while humanitarian practitioners can make some general predictions about how the humanitarian landscape will change in the near future – based on analysis and understanding of the contexts in which they currently work – it is neither realistic nor particularly useful to plan and develop operational response strategies for more than a few years at a time. This is partly because of the speed and unpredictability of change. After all, who in the humanitarian world had really anticipated, and prepared for, the consequences of recent events in North Africa and the Middle East? The speed and scope of the violent unrest took many by surprise, and the ultimate consequences remain to be seen. It is also because the nature of humanitarian financing, and thus response planning, is intrinsically short-term, and often reactive, despite the chronic nature of many crises and despite calls for more coherent links with development through early recovery and better preparedness, for example.

So what does the ICRC see as some of the key challenges facing humanitarian action now and in the next few years, both in terms of global trends affecting vulnerable people and in terms of changes in the humanitarian system as it tries to keep pace? And how does the institution aim to address these challenges – principally through its 2011–2014 institutional strategy – keeping people's needs at the centre of its work and building on their resilience in fulfilling its mission?

By way of response, the first section of this article will consider some of the key challenges of contemporary crisis, as observed in ICRC operations around the world, principally in how they affect the people whom the institution aims to protect and assist. The next section will describe some of the pressures and changes within the humanitarian 'system' itself,[6] and how these impact on principle-based humanitarian action. The ICRC's strategy and how it aims to address the wide-ranging challenges facing it will be examined in the third section. In conclusion, the article will reiterate some of the main challenges and constraints that are likely to face all humanitarian actors in the years ahead.

Challenges of contemporary crises

Convergence of global crises

In recent years, the term 'global crisis' has become almost a catch-all term, used mainly to refer to the convergence of the food, fuel, and financial crises, and

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6   As noted by John Borton in *Future of the Humanitarian System: Impacts of Internal Changes*, Feinstein Center, November 2009, available at: http://www.humanitarianfutures.org/sites/default/files/internal.pdf (last visited December 2011), a striking feature of the 'humanitarian system' is the lack of clarity about what precisely it consists of and where the boundaries lie. There is no universal definition: some writers preface the term with 'international' to distinguish it from national and local elements within affected countries, while some reject the use of the word 'system' altogether, on the grounds that it implies actors oriented towards common goals. Borton himself uses a working definition of the 'multiplicity of international, national and locally-based organizations deploying financial, material and human resources to provided assistance and protection to those affected by conflict and natural disasters with the objective of saving lives, reducing suffering and aiding recovery' (p. 5).

their effects. The fallout continues to be as manifold as it is massive, having a profound impact on the vulnerability, needs, and also resilience of some of the world's poorest people. Unemployment in many countries is continuing to rise, nutritious food is often unaffordable, and tensions remain high between communities as they struggle to find ways to cope. Dwindling remittances from family members abroad make the situation even worse. In many places, these challenges are exacerbated by political instability or violence, and by environmental pressures. There are strong arguments that climate change – by redrawing the maps of water availability, food security, disease prevalence, and coastal boundaries – will reduce available food and water resources, increase migration, raise tensions, and probably trigger new conflicts.[7] Add into the mix population growth, displacement, and the relatively new phenomenon of 'environmental refugees', which according to some estimates will number about 150 million by 2050.[8] When a number of these trends converge – particularly in countries affected by both armed conflict and natural disaster or environmental problems – the result can be catastrophic.

The alarming situation in Somalia – where the food crisis worsened dramatically in 2011 – is one striking example. Harsh climate conditions, including the worst drought in decades, resulted in drastic crop failures and livestock losses, pushing food prices even higher.[9] Combined with the chronic insecurity and fighting, and extremely constrained humanitarian access, this situation has exhausted the coping mechanisms of an already beleaguered population. Further-more, the spill-over effect of the situation in Somalia on its neighbours in the region cannot be underestimated. Heightened tensions following Kenya's military intervention is just one example.[10] Indeed, in such complex crises the consequences are rarely contained within one country.

Somalia remains one of the ICRC's largest – and most challenging – operations. In partnership with the Somali Red Crescent, the ICRC responded to the worsening situation principally through a significant expansion of its therapeutic feeding centres and healthcare facilities, boosting an already major relief operation. It is no secret, however, that in some conflict areas working conditions are very difficult owing to security concerns, which have prevented many humanitarian

7   See German Advisory Council on Global Change (WBGU), *Climate Change as a Security Risk: Flagship Report 2007*, May 2007, available at: http://www.wbgu.de/en/flagship-reports/fr-2007-security/ (last visited December 2011).

8   Cited in Rajesh Chhabara, 'Climate change refugees seek a new international deal', in *Climate Change Corp*, 27 December 2008, available at: www.climatechangecorp.com/content.asp?ContentID=5871 (last visited December 2011).

9   See ICRC News Release 11/49, 'Somalia: malnutrition brings children to the brink of death', 13 July 2011, http://www.icrc.org/eng/resources/documents/news-release/2011/somalia-news-2011-07-13.htm (last visited 10 December 2011); Chris Niles, 'Amidst the region's worst drought in decades, Somali refugees crowd camps in Kenya', UNICEF, 11 July 2011, available at: http://www.unicef.org/infobycountry/kenya_59174.html (last visited December 2011); UNHCR, 'Crisis in Horn of Africa: a worsening humanitarian situation', available at: http://www.unhcr.org/pages/4e1ff4b06.html (last visited March 2012).

10   For a detailed discussion of this intervention, see International Crisis Group, *The Kenyan Military Intervention in Somalia*, Africa Report No. 184, 15 February 2012, available at: http://www.crisisgroup.org/ ∼ /media/Files/africa/horn-of-africa/kenya/184%20-%20The%20Kenyan%20Military%20Intervention%20in%20Somalia.pdf (last visited March 2012).

organizations from working in the country at all and have also constrained the ICRC's access. In some parts of south-central Somalia, the ICRC can only work with and through the Somali Red Crescent and local field officers.

As multi-layered crises have continued to unfold around the world, poor and vulnerable people have increasingly been forced to adapt to chronic hardship. In many cases, their capacity to recover and cope in the long term has been weakened, leaving them even more vulnerable to acute economic shocks. In the diverse contexts where the ICRC works – be it the Democratic Republic of Congo or Pakistan, Haiti, or Bangladesh – talk of a 'global recovery' has yet to be translated into any sign of reality for vast numbers of people on the ground.

Most armed conflicts today are chronic, often revolving around access to critical resources, and comprising a multiplicity of actors with divergent interests. Nine out of the ICRC's ten biggest operations in 2012 were the same as in the previous two years (comparing initial budgets) – including Afghanistan, Iraq, Sudan, Somalia, and Colombia – nearly all of them protracted armed conflicts.

The changing nature of armed violence

Clearly, the nature of armed conflicts had already evolved enormously in the second half of the twentieth century. After 1945, the number of classic international armed conflicts greatly decreased. In their place came a vast array of multifaceted internal or cross-border confrontations, as well as complex situations where a multitude of actors motivated by greed or grievance pose a considerable threat to the civilian population. Lines between the parties, and between combatants and civilians, have become increasingly blurred.[11]

Beyond armed conflicts, the scope and humanitarian consequences of other situations of violence are expected to rise significantly in the coming years. The phenomenon of drug-related violent crime in Latin America, which kills thousands of people each year, is one dramatic example. The upsurge of violent unrest that continues to sweep parts of North Africa and the Middle East is another. Other parts of the world are also expected to be increasingly affected, with rapid urbanization and population growth being two key aggravating factors. Pakistan, for example, with a current population of 185 million, is projected to have a population of up to 315 million by 2050,[12] largely concentrated in mega-cities such as Karachi, where urban territory has over the years become a quasi-permanent battlefield between opposing political and ethnic factions.

According to one report, almost three-quarters of a million people are estimated to die each year as a result of violence associated with armed conflicts and

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11 See ICRC, *International Humanitarian Law and the Challenges of Contemporary Armed Conflicts*, Report, 31st International Conference of the Red Cross and Red Crescent, 28 November–1 December 2011, available at: http://www.icrc.org/eng/assets/files/red-cross-crescent-movement/31st-international-conference/31-int-conference-ihl-challenges-report-11-5-1-2-en.pdf (last visited 10 December 2011).
12 United Nations, Department of Economic and Social Affairs, Population Division, data available at: http://esa.un.org/unpd/wpp/Multiple-Figures/multiple-figures_1.htm (last visited December 2011).

large- and small-scale criminality.[13] The majority of these deaths – some two-thirds of them – occur outside war zones. Beyond this are the countless numbers of physically injured or psychologically harmed victims of violence. In addition, estimates of the economic cost of armed violence in non-conflict settings – in terms of lost productivity due to violent deaths – are vast. This only further compounds the already complex effects of the 'global crisis' on the poorest and most vulnerable sectors of society.

Challenges to international humanitarian law

International humanitarian law (IHL) has already necessarily adapted to changing realities over the decades. The adoption of the first two Additional Protocols to the Geneva Conventions in 1977, with the rules that they established on the conduct of hostilities and on the protection of persons affected by non-international armed conflict, is just one example. Specific rules prohibiting or regulating weapons such as anti-personnel mines and, more recently, cluster munitions are another.

The traumatic events of 9/11 and its aftermath set a new test for IHL. The polarization of international relations and the humanitarian consequences of the 'global war on terror' have posed a huge challenge. The blurring of terrorism and war, and the legal frameworks governing them, has tended to seriously undermine the construct of IHL, and to cause particular problems when the term 'terrorism' is manipulated for ulterior political motives. The proliferation of new actors, including non-state armed groups, the evolving methods and means of warfare, and the weakness of IHL-implementing mechanisms pose further challenges to IHL.[14]

IHL has so far withstood these challenges with its relevance intact, and its adequacy and adaptability as a legal framework for the protection of victims of armed conflict reaffirmed. However, just as the nature of armed conflict and the causes and consequences of such conflict will continue to evolve, it is essential that IHL continue to evolve too. It has become increasingly evident that certain issues require clarification, and that in some areas treaty laws need to be developed. To this end, the ICRC has carried out an in-depth study on strengthening legal protection for victims of armed conflicts, the conclusions of which it began discussing with states and other important stakeholders in the course of 2010 and thereafter.[15] As described in more detail later in this article, the conclusions of the study and the subsequent consultations formed the basis of a resolution on 'Strengthening legal

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13   Geneva Declaration on Armed Violence and Development, *Global Burden of Armed Violence*, Geneva, 2008, available at: http://www.genevadeclaration.org/measurability/global-burden-of-armed-violence/global-burden-of-armed-violence-2008.html (last visited December 2011).

14   See ICRC, above note 11, pp. 48–52.

15   See ICRC, 'Strengthening legal protection for victims of armed conflicts', Draft resolution and Report, 31st International Conference of the Red Cross and Red Crescent, 28 November–1 December 2011, available at: http://www.icrc.org/eng/assets/files/red-cross-crescent-movement/31st-international-conference/31-int-conference-strengthening-legal-protection-11-5-1-1-en.pdf (last visited 10 December 2011). See also the statement by Jakob Kellenberger, 'Strengthening legal protection for victims of armed conflicts – States' consultations and the way forward', May 2011, available at: http://www.icrc.org/eng/resources/documents/statement/ihl-development-statement-2011-05-12.htm (last visited December 2011).

protection for the victims of armed conflicts', adopted at the 31st International Conference of the Red Cross and Red Crescent in Geneva in December 2011, which effectively paves the way for future work on this issue.

Evolving methods and means of warfare

The context for humanitarian action will also be increasingly shaped by new technological developments in the years ahead – in terms both of risks and of opportunities. Recent conflicts have seen the increasing use of remotely controlled weapons or weapons systems – including so-called 'drones' – and of automated weapons.[16] There is a possibility that in the future weapons systems may become fully autonomous, which raises certain concerns with regard to compliance with IHL, not least their ability to distinguish between combatants and civilians. This also requires careful scrutiny of the question of responsibility and liability. Another risk is cyber warfare, which has potentially enormous humanitarian consequences. For example, cyber attacks against airport control, hospitals, transportation systems, dams, or nuclear power plants are technically possible, and could result in profound infrastructure disruption and significant civilian casualties and damages. The ICRC is therefore closely following the rapid developments in this domain, and examining the application of rules of IHL (indeed, it has been doing so in various fora for almost ten years now).

Humanitarian response system in flux

Just as principle-based humanitarian action is being tested by the multiple changes in the global environment, which are changing the nature of humanitarian needs, so it is being challenged by pressures and changes within the humanitarian system itself.

Acceptance and perception of aid

Aid organizations are often accused of serving larger political strategies, or of being the unofficial bridgehead of foreign interests. Since the 1990s, but more often since 2001 and the launch of the 'global war on terror', aid organizations have sometimes been implicated in the unholy alliance between development and counter-terrorism, upholding the view that poverty is a contributing cause of terrorism. Some states now support their military actions with aid campaigns aimed not only at protecting their troops but also at contributing to stabilization strategies.

More generally, with the evolution of the international environment towards a new multipolar order and the diminishing influence of the 'West', some developing-country governments are increasingly resisting *diktats* from the international community (and finding it domestically popular to do so). In so far

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16   See ICRC, above note 11, pp. 36–40.

as international non-governmental organizations (NGOs) are sometimes perceived as 'Western' institutions, they are often the targets of this changing perspective. Their humanitarian role is no longer routinely accepted and they are placed under significant political and security scrutiny.

The notion that post-Cold War conflict would most frequently and violently occur because of cultural rather than ideological differences – famously put forward by the American political scientist Samuel P. Huntington in his 1993 article, 'Clash of Civilizations?'[17] – has been increasingly criticized by academics as simplistic, arbitrary, and a misplaced attempt to justify Western aggression against Islamic and Orthodox cultures. This has in turn put into question the very notions underpinning modern humanitarianism – namely Enlightenment ideas and nine-teenth-century Christian thinking – with a growing number of countries or political entities rejecting aid interventions or programmes because of what they perceive as irrelevant or even dangerous 'imported' values. Radical Muslim thinkers have also sought to attribute difficulties of the Muslim world to the noxious effects of 'Western' moral decadence. The humanitarian world is very much part of the debate on cultural tensions and divisions.

One issue at stake with regard to humanitarian action is the challenge to the 'universality' of certain core values that are perceived as imported concepts. Whereas, for the ICRC, neutrality and independence are largely tools to secure access to all communities in need, impartiality and humanity represent the essence of humanitarian philosophy and cannot be compromised. Some aid actors, for example, are tempted to serve selected communities on ethnic or religious criteria and deliberately ignore those that do not meet these criteria. This cannot be labelled as humanitarian action. However, a number of aid organizations have tried to build a bridge between their own set of values and universally accepted humanitarian principles. The ICRC recognizes that it is highly necessary to be part of the debate on renegotiating, or redefining, universal principles and values.

Assertive states

The current resurgence of state-based assertion of sovereignty is one trend that is significantly affecting humanitarian response, with increasing numbers of host states actively blocking, restricting, or controlling humanitarian response on their territory.[18] This may be in the guise of 'counter-terrorism' or 'internal policing'. Humanitarian agencies are sometimes used as a pawn, or scapegoat, in internal political struggles. Or governments may insist on their own definition or under-standing of 'humanitarian assistance' – for example, restricting it to emergency relief – or impose bureaucratic obstacles in order to restrict appropriate

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17 Samuel P. Huntington, 'Clash of Civilizations?', in *Foreign Affairs*, Vol. 72, No. 3, Summer 1993, pp. 22–49.
18 Recent research indicates the overall decline in host government respect for humanitarian principles. See Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP), *The State of the Humanitarian System*, 2010, available at: http://www.alnap.org/pool/files/alnap-sohs-final.pdf (last visited 10 December 2011).

humanitarian assistance to contested parts of the country. A number of states even consider a neutral and independent approach as an infringement of their right to manage conflicts or disasters unfolding on their territory.

In one way or another, non-Western host states increasingly want to be seen to deal with their own political and humanitarian crises – partly in line with their own responsibilities, and partly because they are sceptical about the effectiveness and intentions of the international humanitarian community. While the ICRC's insistence on an impartial, neutral, and independent approach may protect it to some extent from such practices – considering, for example, its hard-won access in Libya, Syria, and other crisis-ridden parts of the Middle East – it is still by no means immune to their effects. Sri Lanka is one case in point, where at the end of 2010 the government asked the ICRC to run its operations exclusively from Colombo.[19]

Politicization of aid

Donor states and host states clearly want humanitarian action to contribute directly or indirectly to their own national interests. The resulting drive towards increased 'coherence' aimed at harmonizing political, military, and humanitarian objectives might seem inevitable – humanitarian action cannot happen in a political vacuum – but it does create various challenges to upholding humanitarian principles. This is perhaps most starkly illustrated in situations of international armed conflict such as Afghanistan, Iraq, and, more recently, Libya, with their multitude of different actors and different objectives.

In Afghanistan, humanitarian aid has been blatantly used as a tool for conflict management and counter-insurgency strategies, and the military's tactic of 'winning hearts and minds' through channels such as the Provincial Reconstruction Teams is intrinsically at odds with the fundamental humanitarian principles. As a result, there is a risk that all humanitarian organizations working in such an environment will be regarded as having political objectives. Indeed, multi-mandated NGOs who carry out both humanitarian and longer-term development activities in a conflict setting have been accused of worsening this 'blurring'.[20]

For the ICRC, the perception of its work as impartial, neutral, and independent has been absolutely crucial to achieving dialogue with parties to the conflict, and to obtaining humanitarian access to those in need. Yet the situation in Afghanistan is a highly complex one, with the conflict spreading to previously quiet areas and a continued splintering of armed groups. This has required the ICRC to

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19 See ICRC News Release 11/68, 'Sri Lanka: ICRC closes its offices in the north', 25 March 2011, available at: http://www.icrc.org/eng/resources/documents/news-release/2011/sri-lanka-news-2011-03-25.htm (last visited 12 December 2011).

20 Médecins sans Frontières argues that the humanitarian community in Afghanistan has broadly lost the acceptance of the population that is necessary for the provision of humanitarian aid. See Michael Hofman and Sophie Delauney, 'Special report – Afghanistan: a return to humanitarian action', March 2010, available at: http://www.doctorswithoutborders.org/publications/article.cfm?id=4311&cat=special-report (last visited 10 December 2011).

work more and more through local partners, particularly the Afghan Red Crescent Society, in order to make its mandate and action more broadly understood and accepted, and thus to be able to reach the most vulnerable.[21]

More recently, in the case of Libya, where the UN Security Council authorized military intervention in March 2011 to protect the threatened civilian population, the political, military, and humanitarian agendas of the key inter-national players were, in the public eye, difficult to separate clearly. Such blurring of roles ultimately complicates or hinders impartial humanitarian access to people on both sides of a conflict. The use of force to protect civilians as a last resort is sometimes unavoidable, but might be perceived as a political construct aimed at weakening the notion of state sovereignty and might thereby result in the rejection of all forms of humanitarian intervention.[22]

As a fully fledged international armed conflict unfolded in Libya, access for humanitarian organizations in general was extremely problematic, particularly in Tripoli and the government-controlled part of the country, with very few being able to operate effectively and reach people in need. While the ICRC was able to send a team to the eastern town of Benghazi within a few days of the violent unrest erupting in February, and subsequently to open an office in Tripoli and expand its operations in western Libya, obtaining such access was a hard-won achievement that could never be taken for granted. Gaining the trust and acceptance of the parties to the conflict through a strictly impartial, neutral, and independent approach was crucial to reach people in need, and to the security of ICRC staff. Strong partnerships on the local level, including with the Libyan Red Crescent, were also key to acquiring a thorough understanding of the situation and the needs of various communities, and to expanding the ICRC's outreach.

Proliferation and diversification of new actors

Afghanistan and Libya also provide good illustrations of another current trend, namely the proliferation of new actors – both those who are involved in armed conflict and those who respond to it, sometimes with a blurred line between the two. On the one hand, many new non-state groups are emerging, both on a national and transnational level, whose influence will continue to grow and will ultimately determine the agenda of humanitarian organizations. The spectrum of these actors is very broad, encompassing a range of identities, motivations, and varying degrees of willingness, and ability, to observe IHL and other international law standards. Certain organized armed groups, private military and security companies, trans-national corporations, urban gangs, militias, and the huge variety of transnational criminal entities – including 'terrorist' groups and pirates – all require scrutiny in this regard.

21 Fiona Terry, 'The International Committee of the Red Cross in Afghanistan: reasserting the neutrality of humanitarian action', in *International Review of the Red Cross*, Vol. 93, No. 881, March 2011, pp. 173–188.
22 For a discussion on the Libyan situation and the evolution of the concept 'Responsibility to Protect', see Bruno Pommier, 'The use of force to protect civilians and humanitarian action. The case of Libya and beyond', in this edition.

On the other hand, humanitarian response itself is increasingly within the remit of new actors, including the private sector, new NGOs, and foreign military forces, often with ways of operating that are different from traditional approaches and not necessarily based on humanitarian principles. This increasingly calls into question the 'value added' of traditional humanitarian actors, as well as existing co-ordination mechanisms by which they operate. This has been demonstrated in Afghanistan, as it has in other situations of armed conflict, where competition between humanitarian actors has resulted in some compromising on humanitarian principles in order to gain profile and resources. Consequently, traditional humanitarian actors who insist on the principles of neutrality, independence, and impartiality may be marginalized, and their security put at greater risk. In large-scale natural disasters, as in Haiti, traditional humanitarian actors risk being sidelined by emerging actors such as armed forces and civil protection forces, owing to their superior resources in terms of finance, logistics, and expertise.

Donors, too, are becoming increasingly diversified. More and more 'non-traditional' or 'emerging' state donors are operating outside the Organisation for Economic Co-operation and Development's Development Assistance Committee (DAC) and independently of the Good Humanitarian Donorship initiative.[23] A prevalent trend of non-DAC donor governments is to channel funds through host states rather than through humanitarian organizations, and they often tend to offer support to neighbouring countries. Significant humanitarian funding is also provided by increasing numbers of non-governmental donors, but this is often not systematically reported or not collated by established financial tracking mechanisms. This may include funding from the private sector, NGOs themselves (through public donations and other sources), military funding for humanitarian-related activities, and diaspora remittances.[24]

Clearly, it is important for humanitarian organizations such as the ICRC to engage with new and much more diverse networks of actors, particularly on a local level, and it will be essential to understand them properly.

Co-ordination conundrum

The observation that humanitarian co-ordination is fraught with challenges is unanimous among humanitarian organizations, donors, UN agencies, and humanitarian 'experts'. Since 2005, the UN's Office for the Coordination of Humanitarian Affairs (UN OCHA) has played a crucial role in shaping a more efficient response to crises, sometimes with mixed results. Poor co-ordination has in some cases given rise to contradictory strategies and discrepancies in aid delivery.

This was starkly demonstrated in the international response to the January 2010 earthquake in Haiti, followed ten months later by Hurricane Tomas.

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23 For the 'Good Humanitarian Donorship' initiative, see: http://www.goodhumanitariandonorship.org/ (last visited 12 December 2011). See also Andrea Binder and Claudia Meier, 'Opportunity knocks: why non-Western donors enter humanitarianism and how to make the best of it', in this issue.

24 See Peter Walker and Kevin Pepper, 'The state of humanitarian funding', in *Forced Migration Review*, No. 29, 2007, pp. 33–35.

'The cynical crisis of humanitarianism in the midst of a humanitarian crisis that has been going on for decades' was how one American journalist put it.[25] Poor leadership and weak co-ordination were among the main factors contributing to the chaotic situation that left some 1.3 million destitute Haitians still in need of housing by the end of 2010.[26] 'Is that what humanitarianism looks like?' asked the journalist, echoing widespread public scepticism and suggesting a gloomy prognosis for the future.

Such a prognosis is at least partly accurate. In a country such as Haiti – crushingly poor, prone to political disturbances, internal violence, and natural disasters – the profound complexity of humanitarian needs clearly put an already struggling international humanitarian system severely to the test.

However, while the majority of agencies seem to agree that the system must be improved, any consensus ostensibly stops there.[27] Few agencies propose convincing alternative solutions. One reason for this may be an inherent reluctance by them to compromise on their own mandates and methods in favour of a more inclusive co-ordination framework.

Increased competition between humanitarian organizations is a reality. Aid has become an industry, with an increasingly crowded marketplace in terms of actors. The survival of many organizations depends on their capacity to engage the media, raise funds, and exert an influence on political players. Emergency organizations must prove themselves to their constituency and to their donors in terms of being able to intervene quickly and reach affected communities. Advocacy specialists, communicators, and proposal writers are now often at the spearhead of humanitarian action in an emerging crisis.

Médecins sans Frontières's courageous decision in January 2005 to interrupt its fundraising campaign for tsunami victims in favour of more assistance for forgotten crises was met with dismay by a number of organizations.[28] Being absent from a particular crisis may lead to serious difficulties for some organizations, and may even force them out of the 'market'. This partly explains why some organizations with inadequate skills or limited capacity rush to places where they will contribute little to humanitarian solutions but rather add to the confusion. At the same time, it is very difficult to impose binding mechanisms, because all agencies want to preserve their own space.

In reality, the situation in the field is often more nuanced. Co-operation does exist, because like-minded organizations and sector specialists have developed a sense of complementarity and use a professional *lingua franca* to assess situations

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25 Jane Regan, 'Haiti: humanitarian crisis or crisis of humanitarianism?' in *Huffington Post*, 5 December 2010, available at: http://www.huffingtonpost.com/jane-regan/haiti---humanitarian-cris_b_779503.html (last visited 12 December 2011).

26 *Ibid.*

27 Wolf-Dieter Eberwein, 'Quel futur de l'action humanitaire?', in *Grotius International*, 3 January 2011, available online at: http://www.grotius.fr/quel-futur-de-l%E2%80%99action-humanitaire/.

28 *La Liberté*, 6 January and 23 May 2005. See also Paul Barbagallo, 'Healing ways', March 2005, available at: http://www.fundraisingsuccessmag.com/article/though-misunderstood-first-doctors-without-borders-bold-decision-stop-accepting-tsunami-relief-donation-could-help-revive-public-trust-nonprofits-32313/1 (last visited December 2011).

and design appropriate responses. In this vein, the goal for the ICRC – and for many other organizations – is to move beyond general debates about co-ordination mechanisms towards field-focused co-ordination between actors who are present and active, ensuring the best possible protection and assistance for the people who need it.

New technology and humanitarian action

Just as new technology presents certain risks in terms of evolving means and methods of warfare, it also presents opportunities, in that it will influence more and more how humanitarian actors work, particularly with regard to information gathering and sharing. In the sphere of needs assessment, for example, the ever-increasing availability of new web-based technology means that 'auto assessment' by beneficiaries themselves is becoming more of a reality, thus empowering them to be better involved in identifying needs and formulating adequate responses. At the same time, this may challenge the priorities, and ultimately the authority, of aid agencies.

In Haiti, new media and communications technology were used in un-precedented ways to help the recovery effort. One example is 'crowdsourcing' – pioneered among others by Ushahidi (meaning 'testimony' in Swahili) – providing open-source software tools for communities and individuals to share real-time information using text messages, email, Twitter, and the Web.[29] In this way, a stream of real-time updates and interactive maps are made available on where help is most urgently needed or available.

At the same time, the free availability of web-based information, including through whistle-blowing websites such as Wikileaks, can pose other challenges for humanitarian organizations. For the ICRC, confidential dialogue with all parties involved is an essential tool in addressing possible violations of IHL with all stakeholders who have the power to improve the situation, facilitating communication and positive change through a relationship of trust. While confidentiality is not unconditional – and in exceptional cases the ICRC may make public denunciations – leaked information can ultimately harm the very people whom the ICRC aims to protect and assist. For example, the authorities may decide to prevent the ICRC from visiting certain people or places, making it impossible for the institution to help them. Rebuilding trust and regaining access can then be a very long and difficult process.

Humanitarian financing and the response gap

The issue of humanitarian financing is highly significant in the context of an evolving humanitarian response, as the way in which humanitarian assistance is funded is a key factor in how it is delivered. The challenge of securing sufficient

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29   For an in-depth discussion of this topic, see Patrick Meier, 'New information technologies and their impact on the humanitarian sector', in this issue.

unearmarked funding that allows for timely, effective response to the actual humanitarian needs of people affected by conflict or disaster is one from which no humanitarian organization is immune. Funding pressures affect the ICRC both directly and indirectly, in that they have an important impact on the contexts in which it works (in some cases preventing other humanitarian organizations from being present at all).

Global funding

In the past few years, there has been a broadening of foreign assistance, seen in the increased contribution to development aid and humanitarian assistance by a diverse range of actors, including states, the private sector, and civil society. From 2000 to 2009, development aid increased from US$84 billion to US$129 billion per year, while humanitarian assistance given by states increased from US$6.7 billion to US$12.4 billion.

In 2010, global humanitarian funding (as recorded by the UN OCHA's Financial Tracking Service,[30] which includes Consolidated Appeals, natural disasters response, bilateral aid, and all other reported funding), reached an unprecedented US$15.7 billion, driven largely by the natural disasters in Haiti and Pakistan. At the same time, the Consolidated Appeals Process received only 64% of the US$11.3 billion requested – the lowest level of appeal coverage in six years – which was presumably due at least in part to the financial constraints of many donor governments.

More than half of the global funding was channelled through the UN and its agencies, and much of it through the UN-managed multilateral funding mechanisms born of the 2005 Humanitarian Response Review[31] and the subsequent reforms. However, NGOs and the Red Cross/Red Crescent Movement implement the majority of humanitarian aid,[32] and they are often the first to respond in emergencies.

Development focus

The linking of humanitarian assistance with longer-term development goals is a noticeable trend among different actors engaged in humanitarian response, be they donor or recipient states, private sector, civil society, or multilateral actors. Mega-crises such as Haiti and Pakistan, the increasing occurrence and gravity of

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30 Financial Tracking Service, available at: http://fts.unocha.org/ (last visited 10 December 2011).
31 The Humanitarian Response Review, initiated by the UN Emergency Relief Coordinator and published in August 2005, included key recommendations aimed at reforming the collaborative response: namely strengthening the role and functions of Humanitarian Coordinators and improving the selection process, and the assignment of clear responsibilities to lead organizations at sector level. One outcome was the development of the 'cluster system'; new financing mechanisms were another. See *Humanitarian Response Review*, available at: http://oneresponse.info/Coordination/ClusterApproach/Documents/Humanitarian%20Response%20Review.pdf (last visited 12 December 2011).
32 For a comprehensive analysis of humanitarian financing, see the Global Humanitarian Assistance website at: http://www.globalhumanitarianassistance.org/ (last visited 10 December 2011).

natural disasters, and the various global challenges referred to earlier are stretching the capacity of international humanitarian response. In an attempt to improve the effectiveness of this response, the international community has begun to focus increasingly on structural problems. More attention is now being given to predictable and adequate funding for preparedness activities and for the transition between relief and longer-term recovery.[33] One consequence of this trend will probably be to widen the scope of assistance operations, in an attempt to address short- and long-term objectives in the framework of larger, co-ordinated development plans.

Although both donor and recipient states generally agree with the need to link humanitarian assistance and development aid, their reasons for doing so are different. While the main objective of donor states is to ensure the efficient use of their resources and to achieve maximum impact with their aid, recipient states are more concerned with gaining greater 'ownership' of aid in order to direct it towards their own priorities. In most cases, both sides are genuinely motivated by the desire to achieve the most efficient use of resources, to meet civil society aspirations, and to improve accountability. In some cases, however, the objectives are less clear.

One recent example where this trend was noticeable was the Horn of Africa food insecurity crisis, where in 2011 donor governments and the UN humanitarian system clearly pushed the notion that emergency aid should have a development focus and should therefore be channelled into support for the host government. In a country such as Somalia – where the transitional federal government is barely able to function in the midst of conflict and disaster – such an approach is questionable. This also diverts attention from another key issue, which is the inability of many humanitarian organizations to secure access to key conflict zones, be they in sudden onset situation or protracted armed conflict.

Obstacles to ensuring impartial and effective response

While there is much talk about the inadequacies of the current international humanitarian system driving governments, donors, and the humanitarian system as a whole to develop a new aid architecture, one where local ownership and leadership will be the cornerstone, current donor practice generally does not tend to favour national NGOs or other local actors. Some of the UN-managed funding mechanisms cannot be accessed by NGOs at all. Those NGOs that can obtain funding complain that they are subject to disproportionate bureaucratic requirements, more scrutiny and reporting, and in many cases do not receive overhead costs or contingency funds, making it onerous or even impossible to work in difficult or dangerous operating contexts such as Somalia or Yemen. National and

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33 This question is also discussed in the joint interview by EU Commissioner Kristalina Georgieva and the ICRC's President, Dr. Jakob Kellenberger, 'What are the future challenges for humanitarian action?', in this issue.

local NGOs are even more disadvantaged in accessing funds through these mechanisms.

The challenge of meeting actual humanitarian needs in an impartial manner is further exacerbated by the fact that aid is still highly concentrated, both in terms of context and sector (with tied food aid representing the vast majority), and the fact that that there is rarely a coherent, accurate measurement of humanitarian need in any given context. Lack of data and imprecise, mandate-based, un-coordinated needs assessments by often competing humanitarian organizations are partly to blame. Donors have an important role to play in supporting ongoing efforts for more coherent, accurate, and reliable needs assessments as the best means to ensure that resources are allocated strictly in accordance with actual humanitarian needs. Flexibility and diversity of funding – with an emphasis on non-UN and local actors – is also important in this regard.

Credibility gap

All these factors contribute, at least partly, to the widening gap between what humanitarian actors say they will do and what they are in fact able to do on the ground – the credibility gap between words and action. Fierce competition for resources and profile – reflected in how (and how honestly) humanitarian organizations communicate about their activities (in terms of beneficiary numbers, access, and reliance on implementing partners, for example) – is one of the most pressing issues. Another factor is the growing trend among many humanitarian actors of outsourcing both response and risk. When funding passes from a donor to a UN agency, to an international NGO, to a local implementing partner, and in some form finally to the beneficiaries, with each actor in the chain keeping unspecified overhead costs and the extent of monitoring mostly unclear, who is ultimately accountable for how efficiently and effectively the money is spent? Can an aid organization unduly expose its national staff in the guise of ensuring diversity and local empowerment? Until there is a clear answer to these questions, the perception, acceptance, and relevance of humanitarian action will continue to be sorely tested.

Efforts to remedy humanitarian response

The Humanitarian Response Review, started in 2005, was intended to address perceived weaknesses, particularly in co-ordination, leadership, and funding. Five years on, research showed some improvements in certain areas, including needs assessments, prioritization, and timeliness of humanitarian response.[34] The latest cluster evaluation has somewhat mixed findings. While it concludes that there is better coverage in some areas, with fewer gaps and less duplication, resulting in greater efficiency, and that the benefits of the cluster approach so far outweigh its costs, it does point to continuing limitations, including poor cluster

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34 ALNAP, above note 18, p. 7.

management and failure to build on local capacity (in some cases actually weakening it).[35]

In recognition of some of the persistent weaknesses of the humanitarian system, in December 2010 the current head of UN OCHA, Valerie Amos, brought together representatives of UN agencies, NGOs, and the Red Cross/Red Crescent Movement, under the aegis of the Inter-Agency Standing Committee (IASC). The aim was to forge a 'new business model' for humanitarian response. The ICRC, which is a standing invitee of the IASC, supported and participated in this initiative, demonstrating its ambition to shape the humanitarian debate on a range of legal and policy issues related to its mission.

Although this project eventually narrowed into UN-led efforts to strengthen the existing humanitarian response 'model', the UN itself openly acknowledged that certain priority issues need to be addressed. These include the need to further strengthen and improve humanitarian leadership across the board, as well as operational co-ordination; the need to improve capacity-building by involving local and national NGOs and other local actors more closely; and, crucially, the need to ensure accountability to local populations, partly through better communication and participatory mechanisms, and by making use of new technology.

Certification and accountability

The current drive towards the certification of humanitarian organizations, and the 'professionalization' of humanitarian workers, is intended to remedy some of the weaknesses and poor performance of the humanitarian system by ensuring adherence to standards, raising the quality and consistency of response, and increasing accountability. While the ICRC supports the general idea of a common operational approach, based on fundamental humanitarian principles as set out in the 1994 Red Cross/NGO Code of Conduct, for example, there are clearly limitations as to what codes or benchmarks of any kind can achieve. The choice – and objectivity – of the criteria on which organizations would be rated; who would grant certification; and how this would be monitored and enforced are all questions that for now have no clear answers and are highly contentious.

The main criterion should undoubtedly be operational efficiency, since adherence to humanitarian principles would be hard if not impossible to measure objectively and could lead to political disputes. Yet focusing only on technical aspects of humanitarian operations risks overlooking more difficult and sensitive issues of humanitarian action related to protection. Other concerns include the risk that certification could reduce innovation and adaptation of humanitarian action, particularly by non-traditional actors. When the Haiti earthquake struck in 2010,

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35 Julia Steets *et al.*, *Cluster Approach Evaluation 2 – Synthesis Report*, URD and GPPi, April 2010, available at: http://www.humanitarianinfo.org/iasc/downloaddoc.aspx?docID=5269 (last visited 10 December 2011).

for example, there was much debate about whether the Sphere standards[36] were achievable or even appropriate.[37]

Certification and individual accreditation systems may go some way to providing a remedy for the shortcomings that were so painfully highlighted in the Haiti response – but it will only be a partial one at best. Even in the absence of such systems, some major donors have already developed their own *de facto* certification or 'ranking' systems, measuring and comparing the performance of humanitarian organizations – including the ICRC – and ultimately their 'value for money'. The 2011 Multilateral Aid Review by the UK's Department for International Development was a marked departure in this respect,[38] with other donors set to follow suit.

The ICRC strategy

In the face of these wide-ranging challenges to humanitarian action, how then does the ICRC strategy propose to address the needs and vulnerabilities of the victims of crisis in all their many dimensions, keeping them firmly at the centre of its work, to help strengthen and build their resilience, and to do so in a way that reinforces its own relevance and effectiveness?

Principle-based humanitarian action

In aiming for these ambitious goals, the ICRC is guided by its institutional strategy 2011–2014, which sets out how it will respond to humanitarian needs within this period, while enhancing its expertise, co-ordinating with other humanitarian agencies, and developing its partnerships with National Societies.[39]

Within this framework, certain key issues require special focus. At the heart of these is the ICRC's impartial, neutral, and independent humanitarian action in situations of armed conflict and internal violence – the basis of its mandate and a fundamental part of its identity.[40] Of course, many other humanitarian actors claim adherence to the fundamental humanitarian principles, so what is the difference? While there is general consensus about the principles underlying humanitarian

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36 The Sphere Project: Humanitarian Charter and Minimum Standards in Disaster Response (launched in 1997 by a group of humanitarian NGOs and the Red Cross/Red Crescent Movement), http://www.sphereproject.org/.

37 IRIN, 'Haiti: humanitarian best practice – dignity, not just digits', 9 April 2010, available at: http://irinnews.org/Report.aspx?ReportId=88752 (last visited 12 December 2011).

38 See UK Department for International Development (DFID), 'Multilateral aid review', 21 November 2011, available at: http://www.dfid.gov.uk/what-we-do/how-uk-aid-is-spent/a-new-direction-for-uk-aid/multilateral-aid-review/ (last visited 10 December 2011).

39 ICRC, 'ICRC Strategy 2011–2014', available at: http://www.icrc.org/eng/resources/documents/publication/p4050.htm (last visited December 2011).

40 Report of the Symposium organized by the ICRC and the Institut d'Etudes de Sécurité (EU), 'Humanitarian endeavour and armed conflict: contemporary challenges', June 2010, available at: http://www.icrc.org/eng/resources/documents/report/belgium-report-2011-07-06.htm (last visited 10 December 2011).

action, there is undoubtedly great variation in how these are interpreted and put into practice.

While the Geneva Conventions and the Additional Protocols provide solid ground for humanitarian space that is impartial in character, IHL does not stipulate that assistance is exclusively in the remit of civilian actors. Since the authorities or occupying powers are responsible for providing for the survival of the population, it is hard to exclude the military – although it must not disguise itself as a civilian humanitarian actor, and a clear distinction between the two must be maintained at all times. Humanitarian action is in the domain of an increasing range of actors, both civilian and military, whose adherence to the fundamental principles may be inconsistent at best. However, by virtue of its mandate and the will of the States Parties to the Conventions, the ICRC may justifiably claim a specific identity of its humanitarian action, one defined by neutrality and independence.

Legal mandate is one thing, but putting humanity, neutrality, independence, and impartiality into practice is, of course, another. For the ICRC, this essentially requires an approach that is needs-based, has proximity to the beneficiaries, and entails engagement with all stakeholders – thereby gaining the widest possible acceptance and respect, and, through this, the widest possible humanitarian access.[41] This also helps to ensure the safety of staff. In recent crises, be they armed conflicts or other situations of violence – such as Côte d'Ivoire, Libya, and Syria – the ICRC has managed to gain access in this way, although it bears repeating that this is in many cases a hard-won achievement. And the fact that the ICRC has in many cases been the only international humanitarian organization able to secure a physical presence on the ground is hardly an ideal situation in terms of ensuring that the full range of protection and assistance needs of sometimes huge numbers of people are adequately addressed.

Reference organization for IHL

Despite the fast-changing environment and the various current and emerging challenges that will shape humanitarian action in the coming years, ensuring respect for IHL in situations of armed conflict will also remain at the heart of the ICRC's mission, as it always has done, both in operational terms and on a legal and policy level. The institution firmly believes that the evolving context for humanitarian action reaffirms rather than weakens the relevance and importance of IHL in protecting the lives and dignity of the victims of armed conflict, despite – or rather because of – the flagrant violations by parties to conflicts around the world. At the same time, the ICRC is undertaking a broad range of initiatives towards the clarification and development of certain aspects of IHL.

One such initiative was an in-depth study on strengthening legal protection for victims of armed conflicts, the conclusions of which the ICRC began discussing with states and other important stakeholders in 2010. While the study confirms that IHL remains on the whole a suitable framework for regulating the conduct of parties

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41   See F. Terry, above note 21, p. 7.

to armed conflict, it also identifies four areas in which IHL should be strengthened to offer better protection to the victims of these particular situations. These are the protection of persons deprived of liberty; international mechanisms for monitoring compliance with IHL and reparations for victims of violations; the protection of the natural environment; and protection of internally displaced persons. While all of these remain valid, the outcome of the first round of consultations with states was that priority should be given to addressing weaknesses in the law in the first area, and to enhancing and ensuring the effectiveness of mechanisms of compliance with IHL.

The 31st International Conference of the Red Cross and Red Crescent, held in Geneva in November–December 2011, saw the adoption of a strong resolution on the issue, bringing forward the conclusions of the ICRC's study and subsequent consultation process with states. This set the basis for further work to strengthen IHL in the areas of protection of persons deprived of their liberty in relation to armed conflicts, and of international mechanisms to monitor compliance with IHL. It also invited the ICRC to identify and propose a range of options and its recommendations on how the humanitarian problems should be addressed – either by reaffirming existing rules, by clarifying them, or even by developing them. In addition, a four-year plan for the implementation of IHL was adopted, setting out series of measures that states are urged to take to enhance implementation of IHL in key areas, including access by civilian populations to humanitarian assistance in armed conflicts and specific protection afforded to certain categories of people.

Diversity of crises and flexibility of response

The evolving nature of humanitarian crises has demonstrated to the ICRC that it must be ready and able to respond quickly to complex humanitarian needs in increasingly diverse and unexpected situations.

The ICRC's rapid response when violent unrest broke out in Libya in February 2011 came hard on the heels of a major relief operation in Côte d'Ivoire, providing vital assistance to the victims of the rapidly escalating post-election violence in Abidjan and the west of the country. Just as the situation in these countries degenerated into fully fledged armed conflict in March, Japan was confronted with the tsunami and critical nuclear incident. Here, the ICRC intervened in support of the Japanese Red Cross in areas of its particular expertise (restoring family links; monitoring and advice related to its nuclear, radiological, biological, and chemical response capacity; and forensic expertise). This was regarded as essential in view of the scale of the disaster, and to reinforce the ICRC's credibility and ability to contribute to the international response to a critical situation affecting hundreds of thousands of people.

These events came in addition to what had been programmed for the ICRC's appeal for 2011 – which had already started with a record field budget of just over one billion Swiss francs – and put the institution's operational planning seriously to the test. They also reconfirmed the importance of the ICRC's rapid

deployment and rapid response capacity – one of the institution's main strengths, which will remain a priority in the years ahead.

Response to changing forms of armed violence

The wave of violent unrest that began to sweep North Africa and the Middle East in 2011, from Tunisia and Egypt to Yemen and Syria, largely consolidated the ICRC's approach to the increasingly serious humanitarian consequences of situations of violence other than armed conflict. In many cases these situations are caused, and exacerbated, by other economic and social divides, and these phenomena are expected to increase in the coming years.

The challenge of knowing how to engage most effectively in, for example, concentrated urban areas characterized by violent crime gangs, lawlessness, and extreme poverty cannot be overestimated. An extremely pragmatic approach is required, balancing operational, political, and legal considerations. The ICRC was already engaged in different activities in different countries – mainly in Latin America – including medical and first aid, detention-related activities, and support to National Societies. Yet the scale of the violence and its consequences in North Africa and the Middle East were a catalyst for more systematic and effective intervention by the ICRC in this domain. This also requires the ICRC better to adapt its knowledge of various bodies of law – such as human rights law – to the expected operational needs in certain specific domains (for example, arrest, detention, and use of force).

Needs assessment

As recent experiences in Haiti and Pakistan show, there is often an information gap in the early days of a crisis. Donors and other stakeholders may act without timely, accurate, or co-ordinated information. The humanitarian system is working to remedy this through a range of needs assessment tools and mechanisms, such as UN OCHA's humanitarian 'dashboard' and the UN's 'Global Pulse', a new technology-based resource.[42]

Within this potentially confusing picture of different initiatives, the ICRC, with its partners in the Red Cross/Red Crescent Movement, needs to be able to articulate a coherent position on precisely how it assesses needs. It is very clear that beneficiaries themselves must be better involved in identifying needs and formulating adequate responses. As the fast-moving developments in the field of web-based technology demonstrate – the aforementioned Ushahidi platform is just one example – this is already becoming a reality.

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42 See the website of the 'Global Pulse', available at: http://www.unglobalpulse.org/ (last visited 10 December 2011).

Early recovery

Another priority for the ICRC now and in the coming years is the issue of 'early recovery' in the wake of an armed conflict or other situations of violence. While there is still very much a grey zone between emergency relief and development, one that necessarily eludes fixed time spans and inflexible criteria, the main aim of 'early recovery' is (or should be) to promote resilience and self-sufficiency. By helping people and communities to develop long-term coping mechanisms, the aim is also to give them dignity in a way that food aid or other emergency relief alone cannot.

The commonly understood UN definition of 'early recovery' begins in a humanitarian setting and seeks to build on relief efforts to catalyse sustainable development opportunities. However, the term has been used to describe a variety of concepts and approaches related to recovery, including humanitarian assistance, development, stabilization, peace-building, and state-building, which are often overlapping and sometimes conflicting.[43]

As we have already seen in this article, there are fundamental challenges in balancing longer-term development approaches – which can become politicized – with immediate, life-saving activities. Donors can use development assistance to promote change and ultimately their own objectives – imposing conditionality – which is incompatible with the fundamental principles of humanitarian action.

Humanitarian organizations undoubtedly have a crucial role to play in immediate post-conflict settings, since it is often the most vulnerable sections of society, such as detainees, internally displaced people, women, and children, that risk not receiving the protection and assistance they need to start rebuilding their lives.

In practice, the ICRC has for many years been doing 'early recovery' activities that go beyond helping people with their short-term needs only (even though the term itself is a relatively new addition to ICRC jargon, replacing 'action in periods of transition').[44] In June 2011, during an internal discussion, the ICRC President, Jakob Kellenberger, defined the ICRC's early recovery work as

> aiming to restore and build up the physical and mental resilience of people affected by armed conflict and other situations of organized violence. It focuses on helping restore the autonomy of those affected and on action to help them cope with the shock and trauma caused. The organization conducts early recovery activities in tandem with other emergency humanitarian action and/or after the hostilities have ceased and should be adapted to the various realities of rural and urban environments.

43 See, for example, 'Untangling early recovery', Policy Brief No. 38, Humanitarian Policy Group/Overseas Development Institute, October 2009, available at: http://www.odi.org.uk/resources/docs/5309.pdf (last visited December 2011).
44 Marion Harroff-Tavel, 'Do wars ever end? The work of the International Committee of the Red Cross when the guns fall silent', in *International Review of the Red Cross*, Vol. 85, No. 851, September 2003, pp. 465–496.

The main question guiding the ICRC's activities is how the institution can best assist and protect people affected by armed conflict and other situations of violence, including by the long-term consequences of such situations (for example, the issue of missing persons, and the long legacy of explosive remnants of war). The type of activity is dictated by the particular needs and aspirations of affected people. The focus may be economic security, water and habitat, or medical services.

Capacity-building of rural communities in Darfur is one example. Another is Mirwais hospital in southern Afghanistan, which the ICRC has supported for almost two decades – initially just in treating war-wounded, but eventually much more broadly to assist the huge numbers of people indirectly affected by the conflict. Now the emphasis is more on capacity-building and training, to improve healthcare provision across the board (in obstetrics/gynaecology, paediatrics, etc). Yet another example is Iraq, where the ICRC provides emergency aid where needed, but also provides support to women-headed households through micro-economic initiatives. The fact that seven out of ten of the ICRC's current biggest operations are in situations of protracted armed conflict confirms the importance of identifying opportunities for early recovery in a humanitarian setting.

So, although 'early recovery' may not be anything particularly new for the ICRC, its clear ambition now is to approach the issue in a much more assertive, structured, and coherent way, and to consult carefully with development actors to define entry and exit strategies while keeping a careful distance from politically driven development processes.

Importance of acceptance

In response to the challenges facing the acceptance and perception of humanitarian aid, as described earlier in this article, the ICRC has in recent years (and particularly since 2003, which saw the bombings in Baghdad of UN and ICRC offices) been following a concerted strategy to strengthen the perception and understanding of its neutral and independent humanitarian action. At the same time, it has continued to decentralize its security management (based on acceptance rather than passive security measures), and to enhance engagement with the Muslim world. It is the ICRC's aim to be able to demonstrate the added value of its neutral, independent approach, and the value of IHL, in practical rather than semantic terms.

In order to achieve this, the ICRC principally needs to build a broader support base through engagement with more diverse stakeholders, particularly local partners including National Societies and local NGOs. Failure to do so will create a risk of being marginalized by the state, military forces, civil societies, or faith-based organizations. Lack of acceptance could also have negative repercussions on the security of staff in the field.

More broadly, the ICRC is working to diversify its traditional support base by developing strategic relationships with specific emerging state actors, aimed at gaining increased legal, operational, and, in some cases, financial support. In turn, the ICRC stands to gain a greater understanding of the perspectives and views of

particular countries on humanitarian action, and then to integrate its insight in the way it conducts its activities and operations worldwide.

One indispensable feature of all the objectives in the ICRC's strategy is the need to further strengthen and develop partnerships within the Red Cross/Red Crescent Movement. In many situations of armed conflict or violence, the National Society is already a vital partner. In such challenging operational contexts as Afghanistan and Pakistan, Somalia, and Libya, co-operation with – and support for – the National Society is indispensable. The spirit of partnership within the Movement (which was reaffirmed at the 31st International Conference) is essential if the ICRC is to tackle the complexity of humanitarian needs with which it is faced today.

Key to the achievement not only of forging partnerships and support, and thus securing acceptance, but also of all aspects of the ICRC's strategy, are the organization's 13,000 staff members. Capitalizing on their skills and experience – be they internationally or locally hired – is essential in order to fulfil the ICRC's goals and objectives in the years ahead. Ensuring the highest standards of professionalism in terms of performance and accountability is also crucial. New human resources strategies are being defined and implemented to support the operational objectives set out in the ICRC's institutional strategy, particularly those related to optimizing the ICRC's performance. These are in tandem with new information management and fundraising strategies (with the latter notably in favour of increased fundraising in the private sector).

Conclusion

This article has sought to provide a descriptive analysis of the wide-ranging challenges facing humanitarian action, now and in the next few years, and how the ICRC, for its part, aims to meet those challenges. In conclusion, some of the key 'landmarks' or characteristics of the changing humanitarian landscape that the ICRC, as well as other humanitarian actors, will need to navigate as it moves forward may be summarized, at the risk of oversimplification, in a few points.

The humanitarian 'system' as such is likely to become increasingly fragmented in the face of global trends and changes. There will probably be increasing coexistence of different types of aid, such as initiatives led by the private sector, deployment of military assets, bilateral state aid, UN-designed comprehensive actions, and neutral and impartial humanitarian action. Western states will eventually lose their monopoly on humanitarian funding, and newcomers will propose or impose their own agendas. Former aid recipients will play an increasingly important role in supporting humanitarian aid.

It has become evident over the past decade that military intervention has been insufficient to promote stabilization and peace. There is also a general consensus that economic divisions are at least contributing to conflicts. Pressures to control or direct humanitarian aid as a conduit for political crisis management are unlikely to disappear.

Humanitarian aid can sometimes be perceived as a form of colonial endeavour that creates an asymmetric relationship between communities and aid sector representatives. The shifting balance of international power will certainly jeopardize acceptance of integrated strategies such as nation-building or state-building where these are based on principles and values that are not necessarily shared. Diversity of staff will not, in fact, provide a lasting solution to the more profound philosophical problem of how to avoid dependency and how to empower communities. The imposition of 'universal' principles and technical solutions devised by Western academia will be met with increasingly stiff resistance. There is a need for better dialogue with local authorities and affected communities, and for the promotion of principled but not standardized solutions.

Recent developments in the humanitarian field have served as a reminder that humanitarian action does not happen in a political vacuum. In an international environment where states generally refrain from explicitly declaring their strategic interests and nationalistic ambitions, but rather promote notions of progress, stabilization, or development, the concept of 'pure humanitarianism' sits somewhat awkwardly. On the one hand, humanitarian action that serves no greater strategic purpose, that avoids examining the root causes of crises, and that largely borrows its ethics from the medical realm[45] is objectively less attractive to some states. On the other hand, some states are increasingly wary of humanitarian intervention being used as a front to impose political or other ideology. Re-establishing objective humanitarian action that allows unimpeded and timely access to people suffering from the effects of conflicts or natural disasters – without precluding the emergence of political and economic solutions – is the enormous task that lies ahead.

The crises in both Pakistan and Haiti have provided just two sobering manifestations of some of the most glaring weaknesses in the international humanitarian response 'system' – including the need to improve leadership; the need to improve capacity-building through effective local participation and appropriate co-ordination mechanisms; and the need to improve accountability, particularly to local populations. The overall failure in Haiti (which is by no means a unique case) even prompted the UK Minister for International Development at the time to declare that the global humanitarian system was 'not fit for purpose'.[46]

The limited success of recent humanitarian reforms, including the cluster system, in remedying these weaknesses is due at least in part to the primacy of individual agency mandates and interest. It is no secret that inter-organization rivalry, including within the UN itself, has hindered the development of a truly inclusive framework – be it in co-ordination or needs assessment – with individual agencies worried about losing profile and resources for their core mandates. These are fundamental issues, however, that no amount of ever more-refined structures and mechanisms can hope to remedy.

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45 Mark R. Duffield, *Global Governance and the New Wars: The Merging of Development and Security*, Zed Books, London, 2001.
46 'Aid must double to respond to disasters', *The Independent*, 29 March 2010, available at: http://www.independent.co.uk/news/world/politics/aid-must-double-to-respond-to-natural-disasters-un-warned-1929992.html (last visited 10 December 2011).

It is time now to move on. The fast-evolving context for humanitarian action leaves no room for complacency or for being stuck on past failures. Humanitarian actors across the board should acknowledge their differences and build on them, speaking a common language and working according to compatible principles.

All humanitarian actors should be ready to give honest answers to some tough questions: what is their actual capacity in situations of emergency, and does this include both natural disasters and armed conflicts? Are some humanitarian initiatives in fact fuelling violence? Where do actors have humanitarian access and where do they not? To what extent do they delegate activities to partners, and how effectively do they monitor this? To what extent do they co-ordinate their activities in a meaningful way with actors who are actually present and active on the local level? And do humanitarian actors ever cede principles to pragmatism when it seems convenient to do so?

The ICRC is just one player on an ever-growing field, with a plethora of new actors claiming to carry out protection work. Reputation and acceptance must be earned through action – continuously. For the ICRC, this means contributing to the relevance and credibility of humanitarian action through an impartial, neutral, and independent approach, engaging with all stakeholders and co-ordinating with relevant operational partners in the field to ensure the most effective possible response to the needs of people affected by crisis. And those people are anything but passive victims, as recent events in the Middle East forcefully confirmed. The way in which humanitarian actors interact with the people whom they aim to protect and assist – building on their resilience and their often formidable coping mechanisms – must continue to improve.

Other humanitarian actors – including UN agencies, NGOs, and donors, with all the particular pressures and constraints that they face – each have their own role to play in ensuring the transparency, accountability, and impact of humanitarian action. The common factor for all of them must be to ensure that resources and response are prioritized and allocated according to actual humanitarian needs, and not according to any other objectives. In other words, the lowest common denominator for humanitarian action in all its shapes and forms must be the principle of impartiality.

There are many highly professional, talented, and committed individuals in the humanitarian world, and many individual humanitarian organizations that do commendable work. Unfortunately, for now, the whole is not as great as the sum of its parts, as was made excruciatingly clear in Haiti and other recent crises. Much work remains to be done before it can confidently be said that the future of humanitarian action is as fit for purpose as it could, or should, be.