

**NGO Policy Dialogue II**  
**The Challenge of Belligerence and Criminality in Assisted Populations**  
**January 15, 1998**

The discussion, held at the headquarters of Lutheran World Relief in New York, was attended by eleven officials from nine major U.S. and Canadian NGOs and InterAction. Observers from three foundations and six persons from the Humanitarianism and War Project rounded out the group.

Following a round of introductions, the objective of the policy dialogue series was reiterated: to provide a forum for informal and candid exchanges of views on issues of concern to NGOs. The interface between humanitarian action and human rights, the subject of an Issues Note that had circulated in advance of the session, had been identified as one such issue in an earlier session in March 1997.

In introducing the subject, Mark Frohardt, who is conducting research on behalf of the Project, noted that the Goma experience had led to new approaches by humanitarian actors at each of the levels identified in the Issues Note. Responding to the dilemma created by the abuse of emergency assistance by belligerent and criminal elements among the Rwandan exile population, changes had taken place in the operational guidelines of individual agencies, in the relations among NGOs, and in their thinking about international law and conventions. Mark reviewed the experience and resulting innovations introduced by MSF in some detail.

The ensuing discussion focussed on those three arenas, the changes introduced to date, and an agenda for the future. What changes has your agency made, or is considering making?, he asked. Is the humanitarian community now better prepared to deal with the challenges of another Goma? Is there anything "out there" beyond individual agency mandates and guidelines that might serve as an objective benchmark for aid agencies seeking to become more attuned to human rights considerations?

Institutional innovation and change within a given agency were illustrated by the CARE experience. CARE views the tension that aid organizations manage in Goma-type situations as a conflict between essential humanitarian and human rights principles, not between a given principle and other less important considerations. As part of a process of agency redefinition sparked more by field than by headquarters concerns, CARE is revising its mission statement to make more explicit the humanitarian and human rights principles undergirding its work. It is now reviewing its groundrules not so much to clarify its terms of engagement and disengagement but rather to guide fieldstaff working in situations of recurrent human rights abuses.

Institutional innovation and change at the level of federations and coalitions of NGOs was highlighted by the experience of many of those present. Clear World Vision policy exists to guide various national WV units, yet such policy is interpreted quite differently. In the crisis in North Korea, for example, WV's Asian chapters emphasize the importance of relief assistance while WV-US attaches greater importance to addressing the human rights context. Regarding Burundi, CRS noted that European Caritas members want more attention to advocacy on

human rights issues while others are more focussed on relief delivery questions. The devolution of decision-making to increasingly autonomous national chapters in Save the Children has made it more difficult to achieve consistency on human rights matters throughout the federation as a whole. Lutheran World Relief implements human rights objectives through local partners, some of them not church-related, while the Lutheran World Federation pursues a more largely assistential mandate.

The CARE-US process itself has engaged the national chapters that make up CARE International, each with perspectives on human rights obligations of humanitarian agencies reflecting their respective national settings. In Myanmar, where CARE-Australia is the lead agency within the family, it reports on a quarterly basis on the human rights situation and CARE's operational response to it, as do other lead agencies in other crises.

On the dynamics of relationships between NGO federations and among NGOs more broadly, the Mennonite experience in East Africa suggests that multiple and shifting coalitions can be expected to develop. Some NGOs have engaged with the UN, which is perceived as having more of a humanitarian and less of a human rights and peace agenda in a conflict such as the Sudan's. At the same time, NGOs that attach greater importance to human rights and peace concerns have developed their own coalitions and activities. Different approaches to the tensions between humanitarian assistance and human rights can be expected to continue and to be reflected in the coalitional and operational activities of individual actors, with definite limits to the possibilities of coordination.

The efforts of MSF, both within the MSF family and among a wider group of organizations, were also noted. In late 1994, the MSF-Belgium team in Goma hammered out a set of eleven indicators to guide their operational activity in the presence of unprecedented criminality and belligerence. The indicators were designed to keep the field team aware of the larger political and human rights context of their work. The MSF groups also held a useful conference in February 1996 for humanitarian and human rights organizations, although the involvement of US NGOs was minimal and until recently follow-up has been slow. A new MSF initiative is currently generating new momentum. The general sense was that institutional change both within individual agencies and among them has been disappointing.

Regarding institutional innovation and change at the level of international law, the consensus was that aid agencies need to be much better informed about international human rights and humanitarian law, which provide a framework of recognized legitimacy for their activities. There has been some talk of creating new or streamlined legal instruments: for example, to apply more clearly in situations of internal armed conflict. The group felt, however, that the focus should be on stepping up pressure on international actors and national governments to meet the legal obligations they have already accepted rather than on hammering out new formulations.

There was some discussion about the extent to which the human rights agenda was perceived in many crises as a western rather than a universal one. The Mennonites, viewing tensions between universality and specificity as an opportunity rather than as a problem, caution against a "single lens" approach. Others noted that human rights organizations themselves are rethinking

their mandates and strategies, making it an opportune moment for humanitarian agencies to engage with them in a reflection process. The InterAction meeting in April might afford an opportunity for dialogue with southern (as well as European) NGO counterparts.

A number of suggestions were made for further research and discussion. One was to examine relations between NGOs and the UN in selected settings. The UN was perceived as being “mandate driven,” the NGOs as more consensus-oriented. The positive relations in Afghanistan, where the UN recognized and worked through ACBAR, could be contrasted with the more negative experience in Goma, where, the general perception was, the UN (at headquarters, although not at the field level) did not treat NGO partners with the hoped-for collegiality. A second topic would be to examine the policy formation and implementation process within individual NGO families (e.g., World Vision or Save the Children or among Catholic agencies) to identify how differences are managed. Such a review might shed light on the difficult issue of developing agency-wide principles and standards and of ensuring broader accountability.

It became clear from the examples cited that in addition to Goma and the Great Lakes region, experiences in Afghanistan and Liberia had also been particularly pivotal for NGOs. Regarding Liberia, for example, several persons from agencies with programs on the ground encouraged examining the contrast between the strategies adopted by the NGO community before and after April 1996, when agency resources and personnel were the subject of blatant attacks. The influence of UN or donor government funding on the NGO strategies pursued might also be reviewed.

One of the innovative practices which might bear review is the work done by Mary Anderson’s Local Capacities for Peace Project. Not only the development of the “do no harm” guidelines but also the invitation for the LCPP to do training in crisis settings themselves seemed apropos. The need for greater reflection at the headquarters level was underscored as well. The suggestion was also made that agencies in the early stages of mounting relief operations might include on their teams a person specifically charged with providing broader contextual analysis. Participants spoke of the “hunger for analysis” as well as the need for practical resources.

The session concluded with an assessment of the discussion just completed and some thoughts about the future sessions. The Project was encouraged to continue the dialogue series, perhaps returning to human rights interface issues when its research was further advanced. The Issues Note was found to have been useful and the exchange of views stimulating. The treatment of a specific issue and experiences in depth was felt to be a useful approach which should be replicated, with an emphasis on practical outcomes.

Agencies seemed in agreement with that an informal NGO working group on human rights interface issues be constituted, made up of a contact person from each interested agency, to facilitate a continued dialogue. We were asked to share more information farther in advance of future sessions. We promised to reflect upon the various suggestions made, to incorporate the perspectives expressed into our research and publications on this issue, and to get back to participants with a topic and possible dates for the next session.

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