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ABSTRACT

World leaders will meet in Istanbul on 23-24 May 2016 for the first-ever World Humanitarian Summit. Led by the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), the summit will call upon states and other stakeholders to commit to five responsibilities to reform the international humanitarian architecture. This Special Report unpacks these reform proposals, their implications for global humanitarian action, and the prospects for change. The

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UNSG report is bold in its call for a shift from humanitarian exceptionalism to collective action, bridging the humanitarian-development divide, and the localisation of humanitarian response. However, the reform agenda rests on the assumption of a single unified humanitarian architecture, even when the understandings and practices it reflects on are specific to UN agencies and INGOs. It also does not adequately distinguish between the various humanitarian contexts and the differing responses they might require, nor addresses the issue of implementation, which risks relegating the summit to a primarily rhetorical commitment.

INTRODUCTION

The first-ever World Humanitarian Summit is set to be held in Istanbul on 23-24 May 2016. Led by the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), the summit will propose an agenda for reforming the international humanitarian architecture for providing emergency relief to civilians affected by armed conflict and natural disasters. Based on two years of extensive global consultations, UN Secretary General Ban Ki-moon's agenda for reform—'One Humanity: Shared Responsibility'—calls upon states, international organisations, business leaders, and other relevant stakeholders to commit to five core responsibilities: to exercise political leadership to prevent and end conflict; to uphold the norms that safeguard humanity; to leave no one behind; to move from delivering aid to ending need; and to invest in humanity. This Special Report examines these reform proposals and their implications for global humanitarian action, and the prospects for change.

The UNSG report may be described as bold and visionary for its call for a shift from humanitarian exceptionalism to collective action across multiple-stakeholders, and for political, financial and institutional investments to facilitate the localisation of humanitarian response. It rests, however, on the implicit assumption that there is a single, unified global humanitarian architecture*, even when the understandings and practices it reflects on are primarily specific to UN agencies and international non-governmental organisations (INGOs). Moreover, the report does not address the urgent question of reforming the governance structures of this specific humanitarian architecture, nor that of UN and INGO mandates. It also fails to prescribe adequate recommendations for implementation, which risks relegating the summit to a primarily rhetorical commitment by states and other stakeholders.

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* Using the term 'global humanitarian architecture' is problematic as even while international humanitarian action is intended to be anchored around international humanitarian law, there isn't a singular humanitarian system to speak of -- there is a UN-led system, coordinated by UN OCHA and implemented through UN agencies and various INGOs, but there are also numerous actors outside this system that are engaged in humanitarian action. Moreover, the UN-led system is also based on a loose set of rules and there are numerous differences among agencies, particularly INGOs. This point is taken up in the following section. The remainder of this report thus avoids the term 'global humanitarian architecture' and instead uses the term 'dominant humanitarian architecture'.

I. FRAMING THE PROBLEM

The UN is convening the first-ever World Humanitarian Summit (WHS) to address what it says is the “world's greatest humanitarian crisis.” UN Secretary General Ban Ki-moon's report—building on the consultation process and released in February 2016—argues that “brutal and intractable conflict”, growing pockets of fragility “marked by extreme poverty and weak institutions” and “climate induced disaster” are all “testing the resilience of communities and national institutions and the ability of regional and international organizations to support them.” Moreover, the report notes, there is a growing sense of “outrage” that “humanitarian action is being used as a substitute for political action”, particularly troubling at a time when the number of people forced to flee their homes is at the highest since the second world war. The “international aid system” has also not kept pace with the growing complexity of the challenges at hand: “It is seen as outdated and resistant to change, fragmented and uncommitted to working collaboratively, and too dominated by the interests and funding of a few countries.”

The report makes an assessment of the current context of humanitarian response—acknowledging both the external challenges to it and the internal failings of the dominant architecture. Yet any policy prescription for reform can only be as good as the definition of the problem. The challenges presented in the report are so far-ranging that it seems unlikely that any single set of policy responses would prove adequate. Moreover, most of the external challenges described in the report fall beyond the capacity and mandate of humanitarian actors. The purpose of the WHS thus seems more like a call to make humanitarian concerns central to political and organisational processes, rather than a concrete agenda for action. A more tightly defined problem statement would have made for a more a concrete reform agenda.

An equally important omission in the SG's problem statement is the lack of distinction between humanitarian response in armed conflicts and in natural disasters. It is important to distinguish these two as their political and operational realities are drastically different. In the context of armed conflict, for example, the lack or contested nature of domestic governance structures, combined with a volatile security environment, can make the provision of even basic services difficult. Thus the focus on implementing a social-change agenda—even in the form of the Sustainable Development Goals, as the report proposes—is neither feasible nor welcome.[1] The report would have benefitted by providing specific problem statements for various humanitarian contexts.

The UNSG report also fails to adequately address the changing landscape for global humanitarian action. Since at least the Cold War, the dominant humanitarian architecture has been led primarily by northern donors and humanitarian agencies. In the past two decades, however, southern actors and organisations have begun to play a more important and visible role in international humanitarian action, bringing to the table their own understandings and practices of humanitarianism. Principles of impartiality, neutrality, and independence, for example—for long the guideposts of northern humanitarianism—are missing from the mandates of a number of

southern actors who instead frame their action in the language of solidarity and cooperation.[2] By failing to adequately acknowledge this, the report glosses over one of the biggest changes to the global humanitarian landscape since the mid-20th century.

Fundamentally, this oversight is reflective of the tendency to assume that there is a single unified global humanitarian architecture. However, the architecture that the reform agenda speaks of is one primarily led by UN agencies and INGOs. In the early days of WHS consultations, this point was raised by a number of advisers: that there are in fact many different actors and approaches to humanitarian action, and that the report should limit itself to analysing and reforming the UN and INGO architecture, rather than attempt to speak for all humanitarian actors and systems across the globe. But the report does exactly that—it presents the UN-centric architecture as global and universal and in doing so reinforces the centrality of the UN system rather than acknowledging that it is only one of many humanitarian systems operating in crises today. In a sense, it presents the 'particular' as the 'universal' and thus risks crowding out other unique voices that have an equal and legitimate claim to humanitarianism. This tendency has long characterised the dominant humanitarian architecture, laying claim to the language of morality and humanity and presenting itself as universal and therefore legitimate. It cannot be overemphasised that the report would have had more credibility by either setting an agenda for itself that is limited to the UN and INGO system, or tackling head-on the fact of multiple, co-existing humanitarian systems across the globe and finding ways to build complementarity.

II. AGENDA FOR REFORM

From Humanitarian Exceptionalism to Collective Action

The dominant humanitarian architecture has long been predicated on a sense of humanitarian exceptionalism—that humanitarian action is a distinct form of aid defined by a unique normative framework that is, in turn, derived from international humanitarian law. This paradigm presumes that only a certain type of actor guided by a certain set of principles can lay claim to legitimate humanitarianism. International humanitarian agencies have thus focused their attention on maintaining a distinction between humanitarian and political action in order to safeguard their operational autonomy and ensure safe access. However, Ban Ki-moon's report is an acknowledgement that such exceptionalism is inadequate for addressing contemporary humanitarian crises. What is required instead is collective action by multiple actors using a range of instruments and operational modalities, many of which are outside the traditional humanitarian sector. Two proposed core responsibilities speak directly towards this shift from humanitarian exceptionalism to collective action: the need for political leadership to resolve conflict, and the need to bridge the humanitarian-development divide.

Political Solutions for Humanitarian Crises

Previous attempts at reform by humanitarian agencies have focused on how to improve the internal workings of the system—creating, for example, codes of

conduct, operational guidelines, and coordination mechanisms for international humanitarian agencies. Many of these have been intended to further insulate humanitarian action from political objectives and re-affirm a distinct identity for humanitarian agencies.[3] Increasingly, however, humanitarian agencies are acknowledging that such internal reform will be without meaning unless accompanied by political solutions. It is in this context that Ban Ki-moon's emphasis on exercising political leadership is an important step in bringing together humanitarian and political action, moving from humanitarian exceptionalism to a need for collective political action. As the UNSG's report argues: "When conflicts are protracted and intractable, it often seems easier for the international community to invest in humanitarian responses than in concerted efforts to prevent and resolve conflicts…however, humanitarian assistance will never be the solution and the deployments of peacekeepers will not be enough…the answer ultimately lies in far greater global leadership to find political solutions."

The challenge, of course, is how to create such political leadership; the report does not provide any concrete recommendations. What it does is to call upon the Security Council to "move from being a predominantly conflict management body to one that is actively engaged in conflict prevention." But this does not provide much hope for change, particularly as the P5 are implicated in a number of ongoing humanitarian crises. Moreover, the emphasis on prevention and "sovereignty as responsibility" could be seen as a call to R2P, and that will likely ruffle feathers among a number of southern states.

To recognise that there are no humanitarian solutions for political conflicts is to raise the question of whether the dominant humanitarian architecture is fit for the purpose. According to latest estimates, 86 percent of humanitarian funding is currently allocated towards political conflicts.[4] In such contexts, international humanitarian agencies can do little, providing Band-Aid solutions at best and, at worst, perpetuating the very factors that fuel the conflict.[5]

Assuming that there are no humanitarian solutions to political problems, and if it is political conflicts that use up the bulk of humanitarian funding, should the international community then not be asking whether this money would be better spent elsewhere? International humanitarian agencies might have a bigger role to play in disaster contexts, for example, yet only 14 percent of humanitarian spending currently goes towards disaster response. The UNSG report does, however, devote considerable attention to humanitarian response in disaster contexts, and it is a welcome move from most previous attempts at reform.

Bridging the Humanitarian-Development Divide

The second important recommendation in terms of moving from humanitarian exceptionalism to collective action is the emphasis on bridging the humanitarian-development divide, and linking humanitarian action to the broader 2030 development agenda. The relationship between international humanitarian and

development agencies has been historically tenuous. While many international humanitarian agencies have acknowledged the need to work with development agencies to provide long-term solutions, concerns about compromising humanitarian principles of impartiality and neutrality, combined with separate financing streams or budget lines, have hindered earlier attempts at collaboration.

Such divisions make little sense in today's context, in which the average duration of conflict is 37 years. In such contexts, it is imperative that international humanitarian agencies work with development actors rather than continue to provide emergency relief for decades on end. In this regard, Ban Ki-moon's report sets a clear new agenda for humanitarian action in which "success will now be defined by the achievement of measurable reductions in people's risk and vulnerability and their ability to become more self-reliant rather than simply attain basic needs for years on end." The UN Secretary General thus calls upon humanitarian and development agencies to work together "over multi-year time frames with the Sustainable Development Goals as the common overall results and accountability framework."

The challenge is in translating this into practice. The common approach is intended to address financing models over a multi-year horizon, as well as the collection of data, assessment of needs, and analysis of risk. The best way to do this would be to dissolve the separate agency structures, but there is no mention of UN reform in the proposal. Nor is there any mention of the coordination structures that would be required to ensure that actors are operating on the basis of complementarity and comparative advantage. Notably missing is also the question of what "bridging the divide" implies for humanitarian principles, particularly as it would involve forging new partnerships not only with international development agencies, but also national governments and the private sector.

Bridging the humanitarian-development divide towards ending need will require new financing models. Current models favour short-term projects, often resulting in competition among humanitarian agencies. The report calls for a new approach to financing, one that is flexible and focused on collective outcomes. Noteworthy is the proposal to create a new financing platform to address protracted crises, with an initial capital investment of $5 billion to $7 billion, potentially as an endowment. This is important considering that the question of fragile states was mostly neglected in the Agenda for Sustainable Development negotiated in 2015. But the prospects for such an endowment seem bleak, considering that ODA budgets have been declining over the past decade. Moreover, creating such new flexible financing models must not result in a diversion of development funding towards humanitarian programs; rather, humanitarian assistance should be programmed to support development outcomes. South-South Cooperation can also not be expected to put any new finances on the table, other than those generated through mutual economic growth initiatives.[6] Perhaps the biggest contribution of the report with regard to financing, and an important low-hanging fruit, is the emphasis on improving the efficiency and transparency of current money flows. In particular, it calls upon UN agencies to reduce overhead costs, particularly when dispersing funds to implementing partners.

Finally, it is important to consider whether there are political contexts and actors that do require a certain kind of humanitarian exceptionalism. It is unimaginable, for example, for medical relief organisations in Syria to start programming in line with the Sustainable Development Goals. In a similar manner, the International Committee of the Red Cross is mandated by states to monitor compliance to international humanitarian law and its legitimacy rests squarely on maintaining an impartial and neutral position. The SG's report thus seems to have thrown out the baby with the bath water, advocating for an end to humanitarian exceptionalism but failing to consider the contexts in which it might still be necessary. This follows from the failure to integrate into the problem statement a distinction between the various kinds of contexts in which humanitarian agencies operate, as well as the problematic assumption that there is as single humanitarian architecture on whose behalf the UN is mandated to suggest reform.

Localisation of Humanitarian Response

The second critical set of recommendations concerns the role of international humanitarian agencies vis-a-vis national governments and local humanitarian agencies. A frequent criticism of international humanitarian agencies is that they tend to work around, rather than with, national and local actors; that they displace rather than build local capacity; and they tend to focus on implementing their mandates without adequate consideration of local realities and capacities.[7] Important to highlight in this context is that in 2014, only 0.2 percent of international humanitarian funding went to national NGOs, and only three percent to governments.[8] Here the SG report hits the right notes by arguing that it is only by strengthening national systems and organisations that the international community can move from a model of delivering aid to ending need. International engagement, the report notes, "should be based on trust and a good understanding of existing response capacity and critical gaps, to arrive at a clear assessment of comparative advantage and complementarity with national and local efforts." This recommendation could have far-reaching consequences as it envisions a system in which international humanitarian agencies operate on the principle of subsidiarity,[9] filling gaps in the national and local response, rather than rushing in to assume full responsibility or establish a parallel system. Much of the discussion at the pre-WHS consultations also emphasised the importance of localisation, at the level of both national governments and local communities.

A welcome first step in promoting such localisation is Ban Ki-moon's call for 15 percent of funding for UN-led humanitarian appeals to be channeled through country-based pooled funding mechanisms, the largest source of direct funding for national NGOs. However, 15 percent is still a paltry sum and a much greater financial commitment could have been made. During the consultation process, some northern donors also expressed concern that direct funding for national NGOs would pose a challenge in terms of monitoring and accountability. The report does not indicate the mechanisms for such direct funding, and it is possible that the conversation will once

again be stuck on the specific modalities. The report also does not make mention of reforming the governance structure of the dominant architecture to facilitate localisation. IASC membership, for example, is currently restricted to western NGOs[10] and the OCHA Donor Support Group is composed of primarily northern governments, even while southern states and organisations have long contributed to humanitarian action through refugee hosting and, more recently, direct relief contributions.

Placing national actors and organisations in the driving seat of humanitarian response will require a fundamental change in mindsets among international humanitarian agencies—to infuse a sense of willingness to cede some degree of power and control to local actors so that international actors are filling a gap rather than determining the response. Whether international humanitarian agencies are indeed ready for such paradigm shift is yet to be seen. During the consultations, some agencies welcomed such change but others continued to privilege international 'expert' knowledge over local ways of working and raised concerns about trust and accountability.

Reaffirm Existing Legal Instruments

Violations of international humanitarian law are at a historical high and 92 percent of people killed or injured by explosive weapons are civilians. In this context, the SG report calls upon member states "to recommit to protecting civilians and the human rights of all by respecting the rules that have already been agreed upon." The prospects for stronger IHL observance however seem bleak, as states were unable to agree to a new mechanism for strengthening IHL compliance during the ICRC and Red Crescent conference in 2014 after four years of negotiations.[11] It is also worth pointing out that over 60 percent of all arms exports are currently led by Security Council permanent members themselves.[12]

One of the report's proposals is the setting up of a dedicated 'watch-dog' to "systematically track, collect data and report on trends" on violations of international law. The question is which actors will assume this watchdog role and whether the watchdog will hold northern and southern states accountable alike. The International Criminal Court, for example, has arguably been mostly a court to prosecute African leaders, contrary to its mandate.[13] The report also calls upon 'journalists, human rights defenders, and civil society' to report violations of international humanitarian and human rights law. This recommendation, however, is bound to be challenged on the grounds that it violates state sovereignty and is likely to complicate humanitarian access. The emphasis the report makes on a right to access is similarly contentious as international humanitarian law does not provide for such a right and international humanitarian agencies have in the past violated the terms of their access by engaging in development and human rights based programming.[14]

A missed opportunity to pose concrete reform is the issuance of a strong statement on the impact of counter-terrorism measures that prevent humanitarian

agencies from engaging in dialogue with all warring parties and restrict funding to a number of humanitarian agencies, including local organisations. In their current form, counter-terrorism regulations prevent access to many in need and also challenge the supposed neutrality and independence of humanitarian agencies. The report acknowledges that some change is required, but the assertion is rather weak and unspecified. This was a critical point for a number of southern NGO participants in the WHS consultations, and the meekness with which it is proposed could reinforce the perception that the dominant humanitarian architecture is far from impartial and neutral.

Address Forced Displacement

A final point is the imperative of addressing the issue of forced displacement and its link to the Sustainable Development Goals. This is important for re-framing refugee issues as development concerns: it recognises that addressing forced displacement is a test of the international community's commitment to the principle of 'leaving no one behind' in the pursuit of the 2030 global development agenda. It is particularly welcome in the context of the current refugee crisis in Europe, which is massive—in 2015 alone, more than a million migrants and refugees crossed into the continent. In this context, the UNSG report makes an important call for the opening up of more legal pathways for migration and for greater international financing to reinforce national systems in the global south. The recent EU-Turkey deal for refugee exchange, however, is a blatant violation of international refugee law, highlighting once again the limited capacity of humanitarian agencies to force change when the interests of member states lie elsewhere. Ambitious targets are also set for reducing internal displacement by 2030 by at least 50 percent and ending statelessness in the next decade. Another important link is that between forced displacement and climate change—to accommodate those who do not qualify for refugee status under international law but are displaced due to climate-related causes.

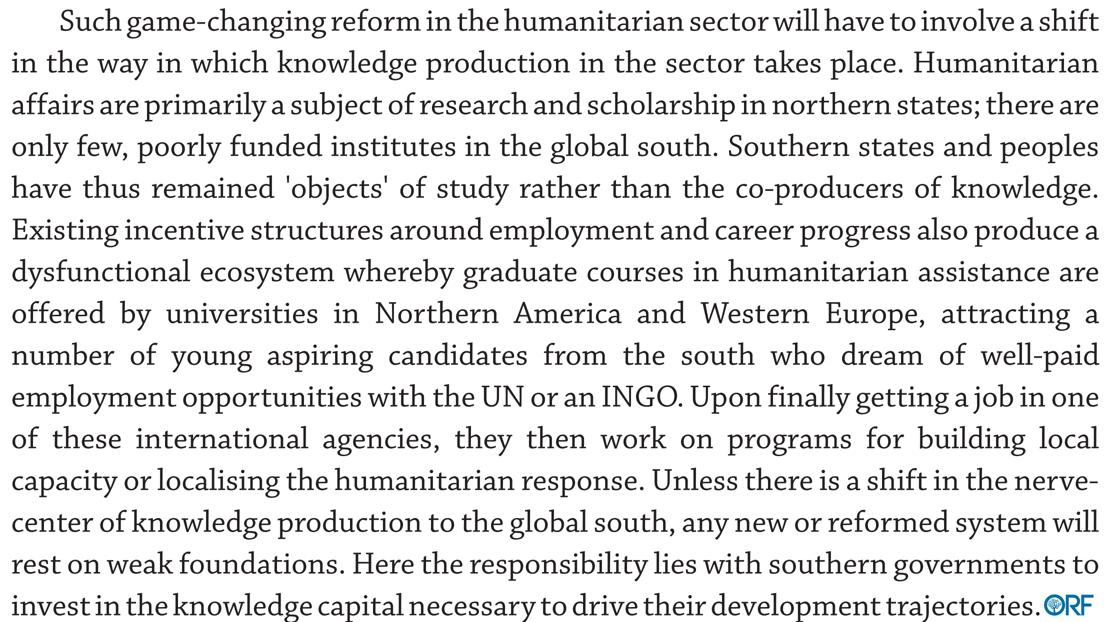
III. PROSPECTS FOR CHANGE

The UNSG report is a mix of some bold steps forward and other steps that may be called confused. An important bold step is the move away from humanitarian exceptionalism towards collective action by multiple stakeholders using multiple instruments, in particular by bridging the humanitarian-development divide. Another important step forward is the emphasis on localising response, with the dominant global humanitarian architecture operating on the basis of subsidiarity and comparative advantage. But the report stumbles in its failure to distinguish between the various kinds of humanitarian contexts and to articulate clearly that the architecture that the report speaks of is primarily one led by the UN and INGOs. The result is that there is almost no discussion of the specific contexts that might still require humanitarian exceptionalism nor a discussion of the concrete ways in which the dominant global humanitarian architecture can build complementarities with emerging southern and regional humanitarian systems. Failing to distinguish between the various kinds of contexts means that the implications for some of the

proposed reforms are not adequately unpacked: many of the proposed reforms would work well in the context of natural disasters, but not necessarily in the context of armed conflict or protracted crises. The assumption of a single architecture also calls to question the commitment to localisation agenda, as do suggestions for an IHL watchdog and the right to access. What is surprising is the silence on UN agency mandate reform or the broader governance structure of the dominant global humanitarian architecture. Finally, the report does not consider issues of implementation which, when combined with a weak problem statement, risk relegating the summit to a series of rhetorical commitments (or disagreements) rather than a concrete agenda for action.

It is a truism, of course, but the proposed agenda for reform will only be relevant if it is implemented. Much of this will depend on the political will and leadership of states to manage conflicts and make the appropriate political, institutional and financial investments. Some northern donors keenly followed the consultation processes and there seems to have been a gradual warming to the importance of localisation in humanitarian response and the need to bridge the humanitarian-development divide, as well as an acknowledgement of the importance of disaster preparedness. But most member states were not engaged in the consultation process, most of which was led by UN agencies, INGOs, and other non-governmental stakeholders. This has reduced the buy-in from a number of member states. Moreover, the lack of systematic engagement with southern and regional practices of humanitarian action might mean that the relevance of the WHS process is not particularly apparent to a number of southern states. However, many of the proposed changes do not require high-level commitment by states, but rather organisational changes among international humanitarian agencies. Many of the organisational level changes, if implemented, could have far-reaching consequences for transforming the structure and workings of the dominant humanitarian architecture, particularly in the context of natural disasters and protracted conflicts.

A more radical and game-changing agenda for reform would have been to tightly define the scope of the dominant global humanitarian architecture, limiting it primarily to sudden-onset disasters in which national governments and organisations might be overwhelmed and which would directly benefit from an international surge team and a pool of reserved finances. In such a system, political conflicts would be typically outside the purview of international humanitarian agencies and states would be required to take political action rather than use humanitarian action as a moral cloak for inaction. The ICRC would be the only international humanitarian agency mandated to be present to monitor compliance with international humanitarian law and assist with detainees and prisoners of war. The Red Crescent Movement could be strengthened globally to enable its various national units to continue to provide emergency relief in the midst of conflict. Protracted conflicts would be the responsibility of primarily development actors — national institutions and government and civil society organisations, where possible, supported by international development agencies, regional organisations, and international financial institutions. Slow-onset natural disasters and other climate-



related challenges would again be within the purview of development actors, with a specific focus on disaster preparedness and building resilient systems.

Such game-changing reform in the humanitarian sector will have to involve a shift in the way in which knowledge production in the sector takes place. Humanitarian affairs are primarily a subject of research and scholarship in northern states; there are only few, poorly funded institutes in the global south. Southern states and peoples have thus remained 'objects' of study rather than the co-producers of knowledge. Existing incentive structures around employment and career progress also produce a dysfunctional ecosystem whereby graduate courses in humanitarian assistance are offered by universities in Northern America and Western Europe, attracting a number of young aspiring candidates from the south who dream of well-paid employment opportunities with the UN or an INGO. Upon finally getting a job in one of these international agencies, they then work on programs for building local capacity or localising the humanitarian response. Unless there is a shift in the nerve-center of knowledge production to the global south, any new or reformed system will rest on weak foundations. Here the responsibility lies with southern governments to invest in the knowledge capital necessary to drive their development trajectories. ORF

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ENDNOTES

1. There is a huge body of literature on the subject - for a good introduction see: Adele Harmer and Joanna Macrae, ' Beyond the Continuum: The Changing Role of Aid Policy in Protracted Crises'. London: ODI, 2004.
2. See for example: 'Conference report: South-South Humanitarianism', South-South Humanitarian Conference, Jindal School of International Affairs, 26-27 November 2014; http://www.jsia.edu.in/PDF/South-South-Humanitarianism-Conference-Report-JSIA.pdf
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4. Christina Bennet, 'Time to Let Go: Remaking Humanitarian Action for the Modern Era', London: ODI, April 2016
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7. See for example: Steven A. Zyck with Hannah B. Krebs, ' Localizing humanitarianism: Improving Effectiveness through Inclusive Action', London: HPG Briefing, July 2015.
8. Bennet, 2016
9. The principle of subsidiarity, in this context, suggests that responsibility for addressing a crisis should rest with the most 'local' level possible.
10. The Inter-Agency Standing Committee is the supreme body for coordination of humanitarian assistance, bringing together key UN agencies, consortia representing largely Western NGOs and the Red Cross and Red Crescent movement.
11. No agreement by States on mechanism to strengthen compliance with rules of war', ICRC News Release, 10 December 2015; <https://www.icrc.org/en/document/no-agreement-states-mechanism-strengthen-compliance-rules-war>
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13. Adam Taylor, 'Why so many African leaders hate the International Criminal Court', The Washington Post, 15 June 2015; https://www.washingtonpost.com/news/worldviews/wp/2015/06/15/why-so-many-african-leaders-hate-the-international-criminal-court/
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