



Afghanistan: Humanitarianism Unraveled?

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A UN fortified aid compound, Kabul, January 2010 (Photo A. Donini).

Background: Implications of Recent Crises for the Future of Humanitarian Action

Since the fall of 2009, researchers at the Feinstein International Center (FIC) at Tufts University have embarked on a major two-year research project on Humanitarian Action and Politics. This project builds upon and expands on the earlier research on “Humanitarian Agenda: Principles, Power and Perceptions” (HA2015) which involved 13 country case studies of local perceptions of humanitarian action and a synthesis report.¹ The earlier undertaking, which spanned the years 2006-2008, was widely disseminated and discussed by governments and aid agencies in a series of debriefings in North America, Europe, and the countries studied.

¹ This involved 13 country case studies of local perceptions of the work of humanitarian agencies, various country up-dates, a preliminary report, and a final synthesis report issued in 2008 on “The State of the Humanitarian Enterprise;” all outputs are available at fic.tufts.edu. The final report is available in printed form from Tufts/FIC and electronically at: <https://wikis.uit.tufts.edu/confluence/display/FIC/Humanitarian+Agenda+2015+--+The+State+of+the+Humanitarian+Enterprise>.

The Feinstein International Center develops and promotes operational and policy responses to protect and strengthen the lives and livelihoods of people living in crisis-affected and marginalized communities. The Center works globally in partnership with national and international organizations to bring about institutional changes that enhance effective policy reform and promote best practice.

This report is available online at fic.tufts.edu



Our new research is in two separate but related phases. Phase I is policy-oriented: building on the HA2015 case studies and subsequent field work, it looks at the challenges faced by humanitarian actors in recent crises – Afghanistan, Sudan, Sri Lanka, Somalia, and possibly others – and at the policy and operational implications for UN agencies, NGOs, and donors. Phase II will take a historical approach and analyze in depth a number of long-running crises, as well as some cross-cutting themes, with a view to gaining a better understanding of lessons relevant to the humanitarian present through a retrospective analysis of the past.²

Humanitarians have been following events in Afghanistan with growing apprehension. The viability of time-tested approaches to address the assistance and protection needs of at-risk groups are under threat, both from attempts to incorporate humanitarian players into partisan political agendas and by the targeting of aid workers by non-state actors. An additional concern relates to the way the UN mission has positioned itself and the implications of taking sides, and being seen as taking sides, for the humanitarian system's ability to address humanitarian need in Afghanistan. But Afghanistan is not unique: there is a widespread feeling that developments in other crises are also challenging the fundamentals of humanitarian action. In Sudan, Sri Lanka, Somalia, and Pakistan, the mixing of disparate agendas under the banner of peace-making or peace-building and attacks against aid workers by non-state actors have resulted in the shrinking of humanitarian space, with deleterious consequences for principled humanitarianism and for the collective ability of aid agencies to assist and protect vulnerable groups.

There are commonalities and differences in the crises mentioned above that it is useful to explore and for which policy recommendations need to be identified. In all cases, humanitarians have lost a lot of ground because of political agendas that disregard the humanitarian imperative; humanitarians are under increasing threats given perceived political alignments. In some of these crises, programs are being developed (“early recovery” in Sudan; “hearts and minds” in Afghanistan) with little relationship to the realities on the ground. In others, issues of nationalism and sovereignty are increasingly encroaching on the humanitarian agenda and on the ability of aid agencies to provide a minimum of assistance and protection to the most vulnerable. In all, the extreme politicization, militarization, and instrumentalization of the aid environment, the narrowing of humanitarian space, insecurity for aid workers, and vitriolic or nationalistic attacks against aid agencies are deeply affecting the ways humanitarian agencies operate on the ground.



Kabul street scene, March 2010 (Photo UNAMA)

In order to take stock of this rapidly evolving situation, analysts from Tufts/FIC are researching and writing up a series of *short briefing papers* on the policy and operational implications of recent crises for the future of humanitarianism.

These papers are addressed primarily to policy-makers in donor, UN, and non-governmental aid agencies. They focus on the policy implications of developments on the ground and on possible alternatives to the current modus operandi of aid agencies.

For example, in Afghanistan, in addition to looking at the issues of neutrality and impartiality arising from the perceived alignment with political agendas of aid agencies that provide humanitarian assistance, we look at practical ways in which humanitarian work could be better separated or insulated from other forms of international recovery or developmental engagement on the ground.

These papers are being circulated to a wide set of stakeholders for comments and will be used as a basis for discussion, with an accompanying summary policy brief, in a number of briefings and consultations in the countries concerned, in New York, Washington DC, Geneva, and in donor capitals.³

The present note expands on the briefing paper on Afghanistan issued in March 2009,⁴ taking into account developments in the past year. It is based on some 40 interviews with UN and NGO aid agency staff, donors, a selection of Afghan government officials, and Afghan intellectuals and analysts in Kabul in January and March 2010. An earlier draft was circulated in Kabul in late March 2010 as an input into a workshop for aid agencies and donors hosted by ACBAR and supported by OFDA and UN-OCHA.

² Phase I will run through the summer of 2010. Phase II will run through the end of 2011. Support from donors, to complement available funds, is sought for both phases of the research.

³ All papers are posted on the Tufts/FIC website: fic.tufts.edu.

⁴ Antonio Donini, “Afghanistan: Humanitarianism Under Threat,” Feinstein International Center, Tufts University, March 2009.

Saving Lives or Taking Sides?

Afghanistan today is without doubt the most dangerous place to be born.

– Daniel Toole, UNICEF Regional Director for South Asia⁵

Humanitarian work has never been as difficult as now.

– Reto Stocker, ICRC, Kabul⁶

As political pressures to “show results” in troop contributing countries intensify, more and more assistance is being channelled through military actors to “win hearts and minds” while efforts to address the underlying causes of poverty and repair the destruction wrought by three decades of conflict and disorder are being sidelined.⁷

Nine million Afghans (36 percent of the population) live in absolute poverty, and five million “non-poor” live on less than US\$2 a day.⁸

The four quotes above encapsulate the bleak situation of ordinary Afghans and the challenges faced by those trying to assist and protect them. Afghanistan, after 30 years of unending conflict and crisis, presents a number of unique and unenviable characteristics:

- The world’s longest-running major armed conflict
- Some of the world’s worst social indicators: highest infant mortality rate; second- highest maternal mortality rate; the only country in the world where women have lower life expectancy than men
- Second worst place on the Transparency International corruption index
- Huge structural underdevelopment and development deficit
- Extremely high levels of structural violence and gender discrimination
- A distressing protection of civilians and human rights situation

- A high level of vulnerability to disasters associated with natural hazards and very poor disaster risk reduction capabilities/investment

- A significant, but unquantified, humanitarian caseload

- An aid community that is ill-equipped (or unwilling?) to make the necessary effort to build up a composite picture of the extent of conflict-related human suffering and vulnerability, and to address it

More importantly, Afghanistan is:

- The only complex emergency where all major donors are also belligerents (the exceptions being Switzerland and India). As a result, the militarization of aid has reached unprecedented levels.

- The only complex emergency where the political UN is fully aligned with one set of belligerents and does not act as a honest broker in “talking peace” to the other side

- The only complex emergency where the humanitarian UN – i.e. OCHA – and the broader humanitarian community are not negotiating access with the other side nor openly advocating for the respect of humanitarian principles with all parties to the conflict. This represents a failure of mandate⁹ and of leadership. Unlike the UN, the ICRC has nurtured its relationship with all the belligerents. It is the only humanitarian agency that has been able to develop a modicum of trust with the other side – to the extent that, for example, WHO needs to rely on ICRC’s contacts for its immunization drives.

Thus, there is no humanitarian consensus that would define the basic operational requirements of humanitarian agencies, no clarity on humanitarian needs, and an extremely politicized environment where aid agencies are pressured into supporting the Coalition and the government’s political and military agendas. As a result, there is little understanding of, and respect for, humanitarian principles by the Taliban and other insurgents who tar the UN and NGOs with the occupiers’ brush. Moreover, there is at best limited interest or support for principled humanitarian action by Coalition forces, major donors, and the political UN, whose emphasis is on the co-optation and militarization of aid or, failing that, on its displacement via for profit actors.

⁵ UNICEF Press conference, Geneva, 21 November 2009.

⁶ IRIN, 17 March 2009, accessed at: www.irinnews.org/Report.aspx?ReportId=83528.

⁷ “Quick Impact, Quick Collapse,” statement by seven international NGOs, 27 January 2010, accessed at: www.reliefweb.int/rw/rwb.nsf/db900SID/RMOI-8244U9?

⁸ Afghanistan National Risks and Vulnerability Assessment (NRVA) 2009 quoted in “Mansions amid Poverty,” IRIN, 20 May 2010.

⁹ UN General Assembly Resolution 46/182, which established DHA (now OCHA) specifically gives OCHA the responsibility of “actively facilitating, including through negotiation if needed, the access by the operational organizations to emergency areas for the rapid provision of emergency assistance by obtaining the consent of all parties concerned, through modalities such as the establishment of temporary relief corridors where needed, days and zones of tranquility and other forms” (Annex, para. 35 (d)).

The beleaguered aid community is increasingly bunkerized behind blast walls of seemingly ever-increasing height.¹⁰ It is cutting itself off from the Afghan population it is meant to assist. This is particularly true of the UN, whose international staff can only move around, with crippling restrictions, in armored vehicles (save for a few more stable areas in the center and the north of the country); but, for the NGOs as well, the universe of operation is rapidly shrinking: long-standing relationships with communities are fraying because of the impossibility of senior staff to visit project activities. Remote management and difficulties in monitoring are affecting program quality. Responsibility and risk are being transferred to local staff and the risk of being associated with the government or the Coalition is one that, understandably, many are not prepared to take. In short, the one-sidedness of aid agencies, real or perceived, is affecting both the reach and the quality of their work. Undoubtedly, acute vulnerabilities requiring urgent attention are not being addressed. With the exception of the ICRC and a few others, mainstream international agencies, UN and NGO alike, who claim to have a humanitarian mandate are becoming more risk-averse and loath to rethink their modus operandi. As a result, they are allowing their universe of responsibility to be defined by political and security considerations rather than by the humanitarian imperative to save and protect lives.

In the fraught urban geography of Kabul and other major cities, there is little to distinguish the blast walls of UN compounds from those of the Coalition or of private security companies. That so much prime real estate and so many blocked-off roads have been taken over by foreign military (and para-military) establishments in Kabul is not only a source of continuous traffic jams and increasing aggravation for the population of the city but also a violation of international humanitarian law (and one that the UN has failed to raise forcefully).¹¹ In Kabul and around the country, Afghans rightly feel endangered by the presence of western troops occupying the center of towns or moving in heavily-armed convoys in crowded urban areas. Because they are a magnet for insurgent attacks, common sense (as well as IHL) would militate for their removal from urban areas. The fact that the UN has not publicly raised this issue with the NATO leadership, contrary to the Karzai government, which on occasion has asked for the removal of NATO bases to the outskirts of town,

more for easing congestion than for IHL, and the fact that the UN shelters behind much the same concrete fortifications can only reinforce the perception that the UN and the foreign militaries are parts of a joint enterprise.

How did we get there?

There are “structural” causes (on which the humanitarians and the wider aid community have no influence). These have not changed since our last report. If anything, the issues have become more acute and prospects for the future more threatening. They include:

- Three “original sins” were committed in the aftermath of 9/11: the Bonn agreement was a victor’s peace from which the Taliban were excluded; reviled and despised warlords who had been defeated by the Taliban were brought back; and there has been no traction on accountability for egregious human rights violations.

- The international community’s uncritical support for the Karzai regime from the outset was compounded by the various Security Council resolutions establishing UNAMA, supporting ISAF and Operation Enduring Freedom (OEF). These resolutions repeatedly refer to “synergies” and strengthening cooperation and coherence between the UN’s Special Representative, the foreign military forces, and the Karzai government.¹² The frequent references to links between the US civilian surge and UNAMA’s activities also reinforce the impression that the UN is joined at the hip with the international military intervention and the Karzai government.

- The public messaging of the UN bureaucracy from its top level down adds to the perception of one-sidedness. Examples of this abound. Both the UN Secretary-General and his Special Representative for Afghanistan (SRSG) have publicly and repeatedly welcomed the military surge and the prosecution of the war.¹³ The SRSG is often seen in public with General McChrystal, ISAF commanders, or visiting belligerent dignitaries (e.g., with Senator John Kerry in early November 2009). Many aid workers, UN and NGO alike, felt that the UN Secretary General’s remarks to the press expressing “admiration” for ISAF, after the October 2009

¹⁰ This trend, which does not only apply to Afghanistan, is analyzed by Mark Duffield, who describes the international “gated communities” in urban areas, the fortified aid compounds, and the exclusive means of transport that mesh these secure sites into an “archipelago” of international aid. Mark Duffield, “The Fortified Aid Compound: Architecture and Security in Post-Interventionary Society,” *Journal of Intervention and Statebuilding* (forthcoming, 2010).

¹¹ Article 58 of the Additional Protocol 1 of 1977 to the Geneva Conventions states that “The Parties to the Conflict shall, to the maximum extent feasible ... avoid locating military objectives within or near densely populated civilian areas.”

¹² See for example UN Security Council resolution 1868 (2009) extending UNAMA, para. 4 (b); resolution 1917 (2010) (b) extending UNAMA, para. 5 (b); resolution 1890 (2009) extending ISAF, para 5.

¹³ See for example, “UN Afghanistan envoy backs call for more NATO troops,” Xinhua, 23 Oct 2009, news.xinhuanet.com/english/2009-10/23/content_12309531.htm.

attack on the Bakhtar guest house in which five UN colleagues were killed, were particularly insensitive.¹⁴ Such statements also allow the armed opposition to underscore the lack of impartiality of the UN as a whole for not acting “as per its responsibilities and caliber as a universal body” and for “calling for more brutality under the leadership of USA.”¹⁵ More generally, the level of trust of ordinary Afghans in UNAMA is deeply fractured.¹⁶

- The integration and coherence agendas of the international community have continued apace through a strategy that attempts to associate all types of assistance with the military objectives of the Coalition and its broader stabilization agenda. In recent months, NGOs have sharpened their criticism of the militarization of aid. The assumption that “hearts and minds” activities can actually deliver security for communities in areas affected by conflict has been also increasingly questioned.¹⁷ The UN has become more vocal on issues of human rights and humanitarian principles (in addition to recognizing more openly the need for reconciliation). But its posture – an integrated mission in support of the government and aligned with the Coalition – and its credibility are weak. Should talks, or even just talks about talks, with the armed opposition start in earnest, it would be difficult for the UN to shake off the legacy of its lack of equidistance from the warring parties.

- From a humanitarian perspective, the consequences of the early declaration of “post-conflict” and of the subsequent closing down of OCHA and downgrading of the UN’s humanitarian capacity in early 2002 are now in stark relief. While OCHA was re-established in early 2009, its capacity remains uncertain and its ability to negotiate humanitarian access and space untested. This is compounded by the absence of reliable data on the depth and breadth of the crisis as well as donor reluctance to acknowledge that a robust humanitarian response is necessary.

- More broadly, the aid community suffers from the confusion faced by ordinary Afghans, not to mention the armed opposition, in distinguishing humanitarians from other aid and political

actors. The perception that the aid enterprise has taken sides is of course reinforced by the fact that aid agencies are only present in government-held towns and by the increasing bunkerization of aid agency presence.

While there is little that humanitarian actors can do about these structural issues, other than advocating for their change or removal, there are “contingent” issues on which the aid industry did/does have influence:

- Inability of the aid enterprise to address structural/humanitarian concerns in the “window of opportunity” phase after the fall of the Taliban regime

- The continued acceptance of “post-conflictness” by many NGOs and that it was therefore OK to implement government (or PRT) projects

- The multi-mandate nature of most aid agencies and their reluctance or inability to separate development/advocacy from humanitarian work¹⁸

- The absence of a strong contingent of reputable humanitarian agencies – with the exception of the ICRC and the recent return of MSF – willing and able to assert a neutral and impartial humanitarian profile

- The disbanding (in 2002) of the humanitarian information collection and analysis capacity and its slow re-establishment (post-January 2009 when OCHA returned to Afghanistan)

- The loss of a staff capacity, informal relationships, and (back) channels to engage and negotiate humanitarian access and space with trusted interlocutors

- The weak to non-existent humanitarian capacity/focus in the Kabul-based donor community, with the notable exceptions of OFDA and ECHO

¹⁴ “I express my admiration for all the dedication of the women and men of the United Nations, voluntary humanitarian workers, NGOs and other members of the international community, including ISAF (International Security Assistance Force) for their dedication and commitment,” press conference, Kabul, 2 November 2009, accessed at: <http://unama.unmissions.org/Default.aspx?tabid=1761&ctl=Details&mid=1892&itmID=6374>.

¹⁵ Statement of the Islamic Emirate of Afghanistan, 5 November 2009, accessed at: [/www.alemarah.info/english/index.php?option=com_content&view=article&id=438:why-the-un-is-so-disturbed-at-the-murder-of-the-western-nationals&catid=1:afghanistan&Itemid=2](http://www.alemarah.info/english/index.php?option=com_content&view=article&id=438:why-the-un-is-so-disturbed-at-the-murder-of-the-western-nationals&catid=1:afghanistan&Itemid=2). The statement goes on to lament that “We have not seen any resolution by the Security Council, which speaks of grace, tolerance and altruism.” Similar criticism of the UN’s “partial standing” was expressed on 22 March; see http://www.alemarah.info/english/index.php?option=com_content&view=article&id=1197:response-of-the-islamic-emirate-of-afghanistan-regarding-the-remarks-of-un-former-envoy-to-afghani&catid=5:statement-&Itemid=22.

¹⁶ This was a recurring theme in interviews with Afghan analysts and NGO and UN staff in Kabul in January 2010.

¹⁷ Including by a major Tufts/FIC study on hearts and minds activities in Afghanistan. See <https://wikis.uit.tufts.edu/confluence/pages/viewpage.action?pageId=34085650>.

¹⁸ The difficulties (and risks) faced by multi-mandate agencies are discussed in some detail in A. Donini, *NGOs and Humanitarian Reform: Mapping Study, Afghanistan Report*, commissioned by the NGOs and Humanitarian Report Project, London, 2009, available at <http://www.careinternational.org.uk/12583/emergencies/ngos-and-humanitarian-reform-mapping-study-afghanistan-report.html>.

- The absence of a strong humanitarian leadership in the UN where the function of Humanitarian Coordinator, who also acts as Deputy SRSR and Resident Coordinator, is embedded in a political mission (as evidenced, for example, in the role played by UNDP in providing electoral support)

The red, the blue, and the black

The confusion of identities in the minds of ordinary Afghans is illustrated by a snippet from a conversation with the driver of an international NGO. Asked if Afghans could distinguish between the various types of UN agencies, he replied: "It's very simple: there is the good UN, the so-so UN, and the bad UN. The good UN goes around in white vehicles with a big red cross. They do good work. The so-so UN goes around in big white vehicles with blue markings. They are OK. The bad UN are those guys who have big white vehicles with black markings and drive around like crazy."

Conversations with aid agency staff in Kabul in early 2010 were somewhat disconcerting in that there was a widespread feeling of pessimism with respect to the evolution of the situation, but also a sense that agencies had lost the initiative and were reluctant to move outside their comfort zone. The situation was paradoxical in that funds for humanitarian activities were readily available – both OFDA and ECHO had large unspent budgets – but NGOs were either unwilling or unable to rise up to the challenge. Several observers, including a couple of donors, lamented the fact that the UN and the NGOs were not making a strong enough effort to document the breadth and depth of the crisis and to find ways of extending their assessments and their activities beyond the rapidly shrinking stable areas. The lack of hard data on vulnerability, coupled with the absence of vigorous attempts to negotiate access – a task that normally would have been for OCHA to undertake – provided donors, with the exception of the two mentioned above, with an easy way out: as one donor representative put it, “unless you can prove that there is a humanitarian crisis, we see no need to shift our funds from recovery to humanitarian activities.” Thus, paralysis can easily become a self-fulfilling prophecy. At the same time, a new sense of urgency was also starting to be perceptible. Donors and agencies alike had started to realize that an endgame might be looming. With the withdrawal of US troops starting in less than 18 months and unpredictable changes, including increasing fragmentation of the political environment, in the offing, some had caught on to the urgency of repositioning themselves. All of a sudden, talking to the other side, which had been anathema until then, seemed to be an idea whose time was rapidly coming.

In sum, while the above assessment may seem unremittingly bleak, this does not mean that there are not opportunities than can and should be seized. During the past year there have been a number of positive developments:

- The issue of protection of civilians is now front and center. The UN capacity to document and advocate on the issue of civilian casualties has become an important asset, and one that has probably influenced how the Coalition prosecutes the war.

- So far, only the ICRC has been able to sustain a continuing relationship with the leadership of the armed opposition and achieve some level of mutual trust. It is as yet unclear if the Taliban or other armed groups are prepared to entertain similar contacts with OCHA (on behalf of the wider humanitarian community). However, recent statements on the Islamic Emirate’s website seem to indicate that the leadership is listening. They seem to be more sensitive on the issue of civilian casualties (and according to some reports, recent suicide attacks have sought at least to reduce direct civilian casualties). They seem also to be changing their tune from an Islamist message to an anti-imperialist and nationalistic discourse that is focused on the withdrawal of the foreigners and their troops. It may well be that as the prospect of talks approaches, there may be more room for humanitarian confidence-building measures.

- The idea that humanitarian agencies, in Afghanistan as happens elsewhere, need to work on both sides of the conflict lines, or at least be in a position to negotiate access with all belligerents, is gaining traction. For example, both the UNAMA leadership and the Ministry of Health recognized the need to talk to the armed opposition in order to ensure the success of immunization campaigns. The Taliban in some areas have issued “support letters” to vaccinators so they could move around freely. This could be a (small) first step towards reaching a “humanitarian consensus” involving all the parties to the conflict. Recent Taliban statements showing openness to local agreements on the basis of which they would “vouch for the safety” of aid workers and their convoys are encouraging in this regard.¹⁹

- While access to vulnerable groups and information on protection and assistance needs remain serious constraints, some of the clusters (protection, health) are making a difference and are contributing to the mainstreaming of a humanitarian perspective. Some progress is being made in collecting and analyzing information on vulnerability. At the same time, as mentioned above, there is a more widespread recognition among aid agencies and some donors that a more proactive approach is required to address humanitarian need in areas where access is difficult or constrained – and that the security and operational issues are not insurmountable.

- A sense of realism is perceptible in the aid community, both in terms of what can and cannot be done. There is more openness in recognizing that the universe of aid action is shrinking – partly because of the inherent risks of working in opposition-controlled areas and the limits of managing or controlling activities remotely, and partly because most mainstream NGOs are now more vocal in eschewing incorporation in the Coalition’s military and civilian

¹⁹ “Talking to the Taliban,” IRIN on 11 March 2010, accessed at: www.irinnews.org/Report.aspx?ReportId=88390.

surge agendas. NGO advocacy coalitions and ACBAR have spoken out repeatedly against the militarization of aid and have been joined on occasion by OCHA and the HC/DSRSG²⁰ Even some donors are starting to recognize that there is a need for a separate humanitarian window. A few admit privately that in Afghanistan donors are in breach of the Good Humanitarian Donorship (GHD) principles.²¹

What is to be done?

If, as many observers and ordinary Afghans increasingly recognize, “Bonn was wrong,” then the premises on which the Bonn agreement was built will eventually have to be changed. This is a political task, not a humanitarian one. It is only mentioned here to underscore the fact that humanitarian action in Afghanistan is hostage to the consequences of decisions taken in 2001. The overarching incorporation of assistance into the political/military designs of the coalition is a fact on the ground and so is the alignment of the UN with these designs. Even with the reestablishment of a separate OCHA presence, the credibility of the organization is badly tarnished. In Afghanistan, among locals and internationals alike, there is a widespread perspective that “the UN is no longer the UN” and that it has lost its agency as an independent actor.

“UNAMA is the eyes and ears of the PRTs.”
“UNAMA is just the child of the UN Security Council.”
– Senior staff from Afghan NGOs, Kabul, January 2010

Humanitarian agencies will be treading very carefully in 2010 and 2011. Practically all those interviewed for this study agreed that things are likely to get worse before they get better—both for Afghans and for the ability of aid agencies to address humanitarian need. In addition to the challenges of access and security, they will continue to face increasing attempts aimed at incorporating their work into the Coalition’s so-called comprehensive or integrated approaches to stabilization. The overt manipulation of NGOs to achieve political or military objectives will continue to plague an operational environment that is becoming more fraught and volatile. While “talks about talks,” if not outright peace negotiations with the armed opposition, seem increasingly likely, there is no light, for now, at the end of a tunnel that is sure to be tortuous and long. Jockeying for position on all sides will make life more difficult, especially for those agencies attempting to work in contested areas.

As mentioned, multi-mandate agencies, both NGO and UN, face especially difficult choices as they risk being seen as aligned with a government whose legitimacy is questioned and a foreign

military presence that is increasingly viewed with hostility or apprehension by Afghans. To be clear, working for the government (or in joined-up government-Coalition programs) inevitably implies taking sides, and is seen as such by those who are fighting the government. Taking sides is a political act, defensible or not depending on one’s views. Agencies that do so cannot expect to be seen as neutral and independent, although they can at times be impartial in their activities. This “Wilsonian” position implies a degree of identification between the agency and the foreign policy objectives and values of its sponsors. At the other end of the spectrum, “Dunantist” agencies put a premium on time-tested humanitarian principles. They see neutrality not as an end in itself but as a means to be effective in accessing, assisting, and protecting those in need of humanitarian action to secure their survival. In situations of violent conflict, such as Afghanistan, it makes sense to try to achieve a clearer separation between Wilsonians and Dunantists, not so much for political or ideological reasons but because the Dunantist approach tends to be more effective in reaching those in need. Insulation or separation from partisan political agendas is a better guarantee of access and acceptance by belligerents and communities on the ground.

While the political, military, and humanitarian crisis continues to deepen, humanitarian agencies need to be prepared for an increasingly confusing and volatile operational environment. The military surge is likely to lead to a further shrinking of humanitarian space, at least initially. This has been the experience with the US military operations in Marjah (spring 2010). Just the talk of a planned major operation in Kandahar has resulted in a serious deterioration of the security situation in the city and in the UN all but closing shop (May 2010). At the same time, the beginnings of a peace process may lead, on the one hand, to increased risks for aid agency staff, as spoilers on all sides may be tempted to scuttle the outcome of talks, and, on the other, to opportunities for improved negotiated access that should not be missed. A capacity to assess and analyze the conflict and its fast-moving ramifications from a humanitarian perspective will be of crucial importance.

After more than one year back in the country, OCHA Afghanistan still has a long way to go, despite much effort and good intentions, if it is to become the advocate for humanitarian space and negotiator of humanitarian access. Moreover, it is by no means certain that different insurgent elements are prepared to engage with the UN on such issues, nor that reliable interlocutors can be found. In any case, it will take time before a modicum of trust can be established with those who might be prepared to talk. In the meantime, shifts in the external environment (surge, intensification of conflict, jockeying, and volatility around peace talks) might further narrow the space for independent, neutral, and impartial humanitarian action. In a polarized conflict environment – and even if political negotiations with some insurgents get underway – it is far from

²⁰ See for example ACBAR statement “NGOs are not a soft power,” 9 March 2010; also DSRSG Watkins at UNAMA press conference on 17 February 2010.

²¹ For a discussion on how GHD is not being respected, see the chapter on Afghanistan in *The Humanitarian Response Index 2009. Whose Crisis? Clarifying Donor Priorities*, DARA, Palgrave-Macmillan, London, 2009, pp. 103-107.

clear that the Afghan government, the political UN, and the Coalition forces would actually welcome more principled expressions of even-handedness from the humanitarian community. UNAMA has supported, and the government has allowed, WHO negotiations with the Taliban for the immunization campaign. But moving beyond time-bound agreements in the health field is likely to prove difficult. According to one view, talking to the other side would be seen by the Coalition as tantamount to “collaboration with the enemy.”²²

While it is obviously necessary to tread very carefully, we see scope for practical measures to identify and address humanitarian protection and assistance needs in a more effective and principled manner. This is predicated on meeting three challenges:

- Negotiating a “humanitarian consensus” with all parties to the conflict that will allow humanitarian agencies to operate according to the time-tested principles of neutrality, impartiality, and independence. This will require the “un-branding” of the humanitarian wing of the UN and its NGO partners so that they can operate to the extent possible in insulation or separation from political and military agendas.
- Documenting the breadth and depth of the humanitarian crisis and being able to demonstrate that principled humanitarian action can do more and better to save and protect civilian lives than other (militarized, politicized) forms of action
- Investing more in protection because, as the crisis deepens, issues of safety, dignity, and marginalization as well as constraints in accessing essential services are likely to increase

People in need of any medical services must take extreme risks to travel through conflict areas to reach a health structure, usually a poorly functioning one.
– MSF statement April 2010²³

²² ANSO quarterly report, January 2009, p. 1.

²³ “Afghanistan, A Return to Humanitarian Action,” MSF, Geneva, Switzerland, April 2010, available online.

²⁴ The UN had negotiated such a “consensus” with the Afghan government and the leaders of all mujahedin factions after the Geneva Accords of 1988. This allowed the UN (and by extension the NGOs) free access cross-line and cross-border from Pakistan, Iran, and the then-Soviet Union for humanitarian staff and commodities. See Antonio Donini, *The Policies of Mercy: UN Coordination in Afghanistan, Mozambique and Rwanda*, Occasional Paper #22, Watson Institute for International Studies, Providence, RI, 1996, pages 35-36, available online at: www.watsoninstitute.org/pub/op22.pdf.

²⁵ Such as the Basic Operational Guidelines (BOGs) negotiated in Nepal with the government and the Maoists or the similar agreements in Sri Lanka and elsewhere.

Conclusions and Recommendations

This briefing note has highlighted key challenges and dilemmas that the humanitarian community is facing in Afghanistan today. In order to move forward, and in order to eliminate as far as possible the dangerous confusion of identities among the various sets of players, a paradigm shift or, at least, a major clarification of roles and responsibilities is required. Eight specific recommendations are discussed in detail below.

1. Humanitarian Consensus. Ideally, the UN Humanitarian Coordinator and OCHA should take the lead in openly negotiating a *humanitarian consensus* with all parties to the conflict (as existed in earlier phases of the Afghan crisis²⁴). This would imply, as in other conflict situations, an agreement with all belligerents built around basic humanitarian principles and the operational requirements of aid agencies. It should include the provision of minimum guarantees of acceptance and safety for aid workers in all parts of the country.²⁵ The difficulties in reaching such an agreement are likely to be momentous, at last initially, and the outcome far from certain. However, as mentioned above, there are signs that the armed opposition (or at least parts of it) is amenable to at least starting a conversation. Negotiations could be initiated at the local level – in areas of urgent need and/or where NGOs have good levels of acceptance with local communities – but they should also be started urgently with the Taliban leadership and be backed up with an advocacy and information strategy. The approach of days of tranquility for immunization could be replicated in other sectors, such as food aid deliveries or broader health programs. It should be recalled that such agreements for humanitarian access are routine in many conflict situations. They are neither rocket science nor an innovation and have been used extensively in Afghanistan under UN and ICRC auspices in the past, including in Taliban times.

There are a number of prerequisites for this approach to be successful:

- Un-branding: there must be clear separation between those actors that are part of the “consensus” and those that are not. Recognition could be based on a distinctive logo or symbol (e.g. pink vehicles). One option would be for a “humanitarian consortium” (see recommendation 4 below) within which agencies, UN, and NGOs, would agree to operate under a common logo, including

cross-line where possible and appropriate, according to agreed principles and criteria.²⁶

- A clearer separation between humanitarian agencies (Dunantists) and agencies that work with the government and the Coalition (Wilsonians). For example, multi-mandate agencies would have to agree to abide by the rules of the consortium and refrain from undertaking non-humanitarian activities in those areas in which the consortium is active.

- Negotiations with the armed opposition for humanitarian access and acceptance should be accompanied by a vigorous advocacy campaign in the vernacular languages in the local media, as well as targeted messages to community leaders and local interlocutors.

- A humanitarian-led negotiation process with the opposition should be initiated—including the offer of opening a “humanitarian liaison office” in a suitable location, or a “safe humanitarian zone” – in order to facilitate face-to-face discussions with non-state actors or their representatives on access, operational security, and protection of civilian issues.²⁷

2. A clearer separation between the political and the humanitarian UN. While it is unrealistic to expect that the mandate of UNAMA could change significantly in the near future, donors, NGOs, and OCHA itself should advocate for a clearer separation between the UN’s political and humanitarian functions. One of the more serious stumbling blocks for the approach envisioned here is the posture and *architecture of the UN in Afghanistan*. While the integrated UNAMA mission has many critics and the negative consequences of integration (in Afghanistan as elsewhere) for the humanitarian wing of the UN and the wider humanitarian community have been well documented,²⁸ the essentially political nature of the mission and its lack of interest, if not disdain, for the humanitarians’ perspective is unlikely to change any time soon. OCHA now has its own identity, but it is still in a “one foot in, one foot out” situation vis-à-vis UNAMA and is perceived as such. UN Security Council resolution 1917 (the current version of UNAMA’s mandate), still requires UNAMA to “play a central coordinating role to facilitate the delivery of humanitarian assistance in accordance with humanitarian principles.”²⁹ However, the same resolution, as the previous ones, also reaffirms the one-sidedness of UNAMA, if not its direct involve-

ment in the war effort. UNAMA is asked to strengthen cooperation with ISAF at all levels and throughout the country, “in order to improve civil-military coordination, to facilitate the timely exchange of information and to ensure coherence between the activities of national and international security forces and of civilian actors in support of an Afghan-led development and stabilization process, including through engagement with provincial reconstruction teams and engagement with non-governmental organizations.”³⁰

The conflating of such contradictory objectives in the same mandate borders on institutional schizophrenia. Operationally, this has led to frequent friction between political and humanitarian objectives in the mission, with the latter more often than not playing second fiddle to the former. More fundamentally, there is an inherent contradiction in placing humanitarian action –which derives its legitimacy from the UN Charter, UN General Assembly resolution 46/182 establishing DHA/OCHA and international humanitarian law – within a structure that is the result of political, and potentially fickle or at least changeable, compromise in the Security Council. Such confusion is deleterious to the overall credibility of the UN. Ordinary Afghans (and the Taliban) can be excused for concluding that the UN is “part of the Coalition.”

3. Humanitarian Leadership. A measure that would help in re-establishing the bona fides of the humanitarian UN would be the *separation of the UN Resident Coordinator from the Humanitarian Coordination function*. As it would be difficult for OCHA to advocate for this, it is recommended that NGOs, as well as interested donors, should advocate for the separation, both functional and physical, of the HC position from the RC/DSRSG position. The HC should thus sit in the OCHA office and have a direct reporting line to the Emergency Relief Coordinator (ERC). If it proves impossible to achieve this separation, it is unlikely that a humanitarian consortium serviced by OCHA would be seen as sufficiently credible and independent. The only alternative, then, would be for the consortium to be managed by an ad hoc arrangement among NGOs (or by ACBAR).

4. Humanitarian Consortium. It is recommended that in order to enhance the perception of neutrality, independence, and impartiality of their humanitarian activities, particularly in those areas of the country where working with legitimate local authorities is no longer possible, UN humanitarian agencies and NGOs should

²⁶ A similar approach was used during the Kabul Winter Emergency program in 1994-1995, as well as in Cambodia after the Vietnamese intervention, and elsewhere.

²⁷ A similar approach was used with some success by the UN in 1989-1991 when it established “Salam Mobile Units” (SMUs) in mujahedin-held areas, with the knowledge and support of all parties to the conflict. The SMUs coordinated humanitarian activities such as mine action and food aid. It is interesting to recall that the current SRSR was the coordinator of the Arghistan SMU (Kandahar province) at the time.

²⁸ See for example, A. Donini et al., *The State of the Humanitarian Enterprise*, final report of the Humanitarian Agenda 2015 project, Feinstein International Center, Tufts University, 2008; available online at fic.tufts.edu.

²⁹ SC resolution 1917 (2010) of 22 March 2010, para. 6 (c).

³⁰ Resolution 1868/2009 para. 4 (b); resolution 1917 (2010) para. 5 (b).

establish a *Humanitarian Consortium* that would distinguish itself from other actors on the ground by a recognizable symbol, color, or a particular logo and by a set of principled, clear, and transparent operational guidelines (e.g., based on the Basic Operational Guidelines adopted by the aid community in Nepal and Sri Lanka).

Individual NGOs participating in the consortium would coordinate their activities in such a way as to maintain operational management control of their own activities while working under a common logo. Ideally, OCHA should service the consortium, and negotiate humanitarian access and space on its behalf, as soon as it is able to demonstrate its independence from UNAMA's political agenda and its compliance with the consortium's guidelines.

What then of multi-mandate agencies? Many NGOs, and some UN agencies, do both humanitarian and development work. Must they choose one or the other? In an ideal world, perhaps they should. There are various shades of grey here and much depends on perceptions. The question is not so much whether NGOs do development, but how. Agencies that are rooted in communities and have a track record of nurturing participation and accountability to beneficiaries stand a better chance of being accepted than newcomers with top-down or mechanistic approaches. Nevertheless, activities that go beyond life-saving assistance and protection *always* run the risk of being perceived as political or divisive or of benefit to certain groups rather than others. And, importantly, they will be portrayed as such.

In sum, perception and distinction are key. Multi-mandate NGOs working in violent and contested environments would be wise to consider how best to position themselves without putting their beneficiaries and themselves at risk. Whether they provide humanitarian or "early recovery" assistance is less important than whether they do so in a transparent and accountable manner or whether they have the support of the communities in which they work. If they are working as implementing partners for the government or the Coalition, they cannot be seen as neutral and independent humanitarian actors. This is a red line they should not cross.

5. Communications Strategy. Once it is established, the Humanitarian Consortium should immediately launch an *advocacy and communications strategy* aimed at the general public and all belligerents to explain who they are and what they do. This should include efforts to ensure that the vernacular media provide a balanced presentation of humanitarian activities, a campaign to sensitize decision-makers at the sub-national level (provincial councils, governors, leading mullahs) and as deep as possible into areas where insurgents are active. The consortium and OCHA should also devise innovative ways to inform and influence the leadership of the insurgency on humanitarian access and the rights of civilians to be treated as civilians. This could involve trusted intermediaries, contacts developed through long-term relationships at the community level, op-eds in the vernacular Pakistani media, and the like. Moreover, the Basic Operational Guidelines (BOGs) – if and when they are agreed to by all parties to the conflict – should be printed in all local languages and distributed widely. Humanitarian consortium staff

should carry them on their person at all times. Ultimately, the objective should be to secure the public endorsement of the BOGs by all belligerents.

6. An independent and reliable source of humanitarian information and analysis. The collection and analysis of data that documents the conflict-related assistance and protection vulnerabilities of the population is an urgent requirement. OCHA has started to set up a system but it is still far from its target. There is a risk that the best is the enemy of the good here. The objective should be a "good enough" system based on the best available information and a methodology for its improvement over time, as and when access or possibilities for remote data collection evolve. Information on Afghans at risk is slowly building up, both in conflict-affected areas and in areas affected by drought and other hazards. The current surge in foreign troops and attendant military operations is likely to lead to increased displacement and hardship, especially in the southern provinces. There are some 80,000 civilians of concern in Marjah district in Helmand and perhaps as many as two to three million Afghans in the southern region, with over a million of those in the province of Kandahar now facing a major increase in threat and related protection issues as both sides gear up for intensified warfare. A nationwide rapid assessment of key humanitarian needs should be conducted as a matter of urgency and donors should be lobbied to ensure funding for such a key exercise.

7. A stronger capacity to engage in protection. Given the nature of the crisis in Afghanistan, and the factors which drive it, it is highly likely that civilians will face increased threats in the coming months that run the risk of undermining their safety as well as their ability to maintain livelihoods and access to essential services. The Marjah experience, for example, shows that many at-risk civilians were poorly equipped to make informed decisions, including whether to stay or seek refuge in a safer location. This illustrates the importance of ensuring that protection perspectives inform contingency planning and subsequent humanitarian interventions. The likely intensification of armed conflict in and around Kandahar in the summer of 2010 points to the urgency of increased attention to, and investment in, efforts geared to protecting those at risk. This includes the need to beef up advocacy to all stakeholders to prioritize the safety of civilians and in particular respect for humanitarian space, helping affected communities to make informed decisions, and strengthening the ability of OCHA and other agencies to monitor and document actions by all parties to the conflict that result in harm to civilians and/or affect the safety of humanitarian personnel.

8. Coordination. Now that an OCHA office has been re-established, NGOs should support its development and ensure that it becomes a credible force for principled humanitarian action. NGOs should support physical separation of OCHA offices from UNAMA offices in the field.

The Humanitarian Country Team (HCT), comprised of UN humanitarian agencies and an NGO representation, should

become the key forum for humanitarian coordination in Afghanistan. It should continue to be chaired by the HC and replicated as necessary at the sub-national level. The HCT, in addition to ensuring coherence of operational coordination and response, would be the locus for discussions on humanitarian policy and advocacy, on perceptions of neutrality, and on negotiations of access and humanitarian space. For example, the HCT might discuss practical measures to ensure that humanitarian actors – in particular multi-mandate agencies – are able to affirm their humanitarian profile and counter perceptions of alignment and other de-confliction measures.

Given the widespread perception that so far the humanitarian reform process has benefitted UN agencies rather than NGOs, the HC and the HCT should reemphasize the importance of impartial and objective chairing of cluster meetings, particularly when Central Emergency Response Fund (CERF) or pooled funding allocations are being discussed and in the context of the appeal preparation. UN agencies should not systematically be cluster leads. Clusters should be chaired by officials without agency management responsibilities. Where this is not possible, cluster leads should request their co-leads to chair funding/appeal-related discussions. Ways of strengthening NGO capacity to take on lead functions should be explored.

About the Author

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ACRONYMS

ACBAR	Agency Coordination Body for Afghan Relief
ANSO	Afghanistan NGO Security Office
BOG	Basic Operational Guidelines
DARA	Development Assistance Research Associates
DHA (UN)	Department of Humanitarian Affairs
ECHO	European Commission Humanitarian Office
ERC	Emergency Relief Coordinator
FIC	Feinstein International Center, Tufts University
GHD	Good Humanitarian Donorship
HA2015	Humanitarian Agenda 2015
HC	Humanitarian Coordinator
HC/DSRSG	Humanitarian Coordinator/Deputy Special Representative of the Secretary General
HCT	Humanitarian Country Team
ICRC	International Committee of the Red Cross
IHL	International Humanitarian Law
IRIN	International Relief Information Network
ISAF	International Security Assistance Force
MSF	Médecins Sans Frontières
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OEF	Operation Enduring Freedom
OFDA (US)	Office of Foreign Disaster Assistance
PRT	Provincial Reconstruction Team
RC/DSRSG	Resident Coordinator/Deputy Special Representative of the Secretary General
SMU	Salam Mobile Units
UN	United Nations
UN-OCHA	Office for the Coordination of Humanitarian Affairs
UNAMA	United Nations Mission in Afghanistan
UNDP	United Nations Development Programme
WHO	World Health Organization

³¹ The most recent report on Afghanistan “Humanitarianism under Threat” is available at <https://wikis.uit.tufts.edu/confluence/display/FIC/Afghanistan+--+Humanitarianism+under+Threat>.