

Roundtable Summary Report, Oslo, 18 September 2012

The humanitarian principles and bridging the transition gap: The case of South Sudan

On 18 September 2012, the Norwegian Refugee Council held a roundtable in Oslo entitled, *The humanitarian principles and bridging the transition gap: the case of South Sudan*. Participants explored the challenges and opportunities for principled humanitarian action in contexts of transition. The roundtable was the first in a series of events organised by NRC as part of a broader, *Strengthening Principled Humanitarian Response Capacities* project, supported by European Commission's department for Humanitarian Aid and Civil Protection (ECHO) the Norwegian Ministry of Foreign Affairs. It built on the findings of a case study undertaken as part of the *Tools for the Job: Supporting Principled Humanitarian Action* study, with the final report available at www.principlesinpractice.org. The project is focused on 1. Examining the extent to which humanitarian principles are implemented in field operations, and 2. Analysing how donor policies and practices either facilitate or impede principled action.

1. OPENING REMARKS

Ms. Elisabeth Rasmusson, NRC Secretary General, stressed the importance of the humanitarian principles as providing a framework and tools for facilitating access to crisis-affected populations, especially those who are most vulnerable. She emphasised the need to ensure that the principles are translated into concrete actions on the ground, using examples from NRC's operations to illustrate her argument.

2. PANEL PRESENTATIONS

Ms. May-Elin Stener, Deputy Director and Head of Section for Humanitarian Affairs, Norwegian Ministry of Foreign Affairs, emphasised the need for ownership by the authorities in South Sudan to build resilience and enable sustainable development after 30 years of humanitarian aid. However, addressing humanitarian needs is still a key priority requiring support, whilst the authorities strengthen their capacity, at both the local and national level. To achieve more consistent, predictable and relevant operations responding to the humanitarian needs, whilst also not undermining the responsibility of the authorities, it is necessary to ensure clearer understanding of the key questions concerning traditional short term humanitarian funding balanced against longer term development investments.

Mr Ivor Morgan, Policy Advisor, NGO Secretariat, Juba, South Sudan, stated that South Sudan's challenges – whether humanitarian or developmental – are interconnected and occupy the same space. He emphasised the necessity of finding a way to protect principled and context-specific responses while systematically addressing longer-term needs, in order to prevent crises from reoccurring. The boundaries between humanitarian' and

‘development’ action is not clear and there are no commonly-agreed definitions. Despite elements of recovery being included in humanitarian action, humanitarian funding is often restricted to ‘life-saving’ activities, which can leave out considerations of the interventions impact on longer term socio-economic development. Furthermore, the Government has increasingly sought to restrict the operating space for NGOs and is increasingly seeking to channel development funding through state structures.

Ms. Wendy Fenton, Coordinator, Humanitarian Practice Network, Overseas Development Institute, presented some of the key findings of the Organisation for Economic Co-operation and Development's Development Assistance Committee (OECD-DAC) multi-donor evaluation of support to conflict prevention and peace-building activities in South Sudan. The evaluation highlighted several inaccurate assumptions made after the Comprehensive Peace Agreement (CPA) that affected the approach of the international community. It was assumed that South Sudan was in a post-conflict reconstruction process when, in reality, it was more in a state of ‘suspended war’. State-building became donor’s main focus, with emphasis on the need to ‘move from relief to development’ and ‘deliver peace dividends’ as quickly as possible. This generated reduced humanitarian funding, much of which was used to provide essential services, before longer-term development funding mechanisms were in place and able to facilitate delivery. There is a need for better and more nuanced analyses of power relations, causes of vulnerability and the drivers of conflict in fragile post-war contexts. The transition from conflict to peace is a political process and not a technical one. Humanitarians need to understand and engage with these processes to ensure principled action.

3. ADDITIONAL PRESENTATIONS

After the panel, two interventions were made by the representative of the Embassy of South Sudan, His Excellency **Akol Kong Monyjok** and by Ms **Inge Brees** from VOICE in Brussels. Mr. Akol Kong Monyjok emphasised the significance of continued international support to South Sudan and the importance of a vibrant NGO community. He also stressed the need for close cooperation between humanitarian and development agencies. Inge Brees gave a brief overview of the European Unions’ (EU) approach to transition – LRRD (Linking Relief Rehabilitation and Development). She advised that the EUs long term policy and funding priorities for 2014-20 seek to take greater account of LRRD. However, she cautioned that the positive impact of such initiatives largely depends on the development of an action plan by the EU, with the inclusion of concrete milestones against which progress can be measured. This will be an important tool for other actors to engage in a predictable manner and to hold the EU accountable.

4. DISCUSSIONS

The discussions focused on issues related to access and principled action; the politicisation of aid; capacity building of the government and civil society; whether continuing NGO involvement in service delivery undermines government ownership and presents obstacles to hand-over; what humanitarian action is and how it links to development; and finally humanitarian funding challenges.

4.1 Principled action and access

The utility of humanitarian principles was discussed in terms of whether abiding by them benefits the groups who are targeted by these interventions. It was argued that the principles are important for gaining access and must be considered in conjunction with other international frameworks and mechanisms. However, despite recognition that the principles are important, evidence that principled humanitarian action leads to more effective humanitarian response required stronger documentation. Different interpretations of humanitarian principles and humanitarian space – leading to inconsistent application of principles on the ground – can also cause confusion among the affected population and governments concerning the objectives of humanitarian actors and may undermine the acceptance of the principles.

Secondly, the possibility of adhering to neutrality and impartiality was questioned. An interesting case was raised by one of the NGO actors which operated in the country during the 1983-2004 civil war between the Government of Sudan (GoS) and the Sudan People's Liberation Army (SPLA). During the war the actor made no attempt to be neutral or independent, publicly declaring its support for and solidarity with the SPLA. They chose not to operate under the *Operation Lifeline Sudan (OLS)* tripartite agreement between the UN, GoS and SPLM/A largely because they felt the agreement was political and restricted access to large parts of the population in need of assistance. Arguably, this actor prioritised the principle of humanity and impartiality, over neutrality and independence in order to provide assistance to people in need in South Sudan who were inaccessible through the OLS agreement. Having the protection and support of the SPLA also facilitated access and programme negotiations within SPLA controlled areas. This discussion highlighted grey areas with regard to the link between adherence to principles and access, and the difficulties which arise with balancing the principles when State actors seek to politicise the operating context.

4.2 Building capacity of service deliveries

The argument that by providing services, humanitarians weaken the capacity of government to provide basic services was debated. In contrast, it was argued that many agencies actually worked closely with the local authorities during the conflict to provide basic services which helped to build the capacity of government. This has established the basis of services as it exists today. It was recognised that there is a need to better document these experiences. All agreed that increasing the capacity of the Government to provide basic services should be accompanied by strengthening and empowering civil society. Participants also highlighted that considering that two generations had received limited access to education due to the civil war, overcoming the human capital gap and empowering the people requires increased focused on increasing literacy and education levels.

4.3 What is humanitarian action and how does it link to development

Many of the participants emphasised that a dichotomy between humanitarianism and development is problematic and needs to be challenged, and that they can exist in parallel in protracted situations. Where emergency situations last over several years, such as in South Sudan, development and humanitarian interventions need to coexist. Yet, it is extremely difficult to define emergency and non-emergency needs (i.e. as either humanitarian or developmental) when there has been high levels of poverty and 30 years

of conflict. The sometimes artificial distinction can generate a lack of coordination between humanitarian and development coordination mechanisms, which can leave a gap. As a result, certain activities, such as returnee reintegration, risk being excluded. Though many emergencies tend to reoccur, the causes of displacement (such as floods and droughts) are often not properly addressed. It was stressed that humanitarian intervention requires a more strategic and longer term focus, which is consistent with the humanitarian principles. Emergency short-term response, should not be confused with principled humanitarian action. Principled humanitarian action can, and often does, occur for many years and requires more nuanced operations than short-term, quick impact programming. Improving resilience and disaster risk reduction (DRR) were mentioned as elements which could address some of these gaps. However, a key problem for humanitarians has been to address long term issues with short term funding, as funding is often focused on 'emergency' response, rather than humanitarian needs.

The humanitarian principles are often framed around situations of conflict, but it is difficult to determine when they cease to apply. While impartiality is also a guiding principle of good development programming, development often entails difficult choices in terms of prioritisation. Humanitarians need to consider whether they are sufficiently equipped to use development tools.

4.4 Funding challenges

The pooled funding mechanism in South Sudan, the Common Humanitarian Fund (CHF), has not been well regarded by the donors, although it has improved considerably during the last few years as a result of better leadership and with the establishment of the cluster system. It has also been recognised as one of the better functioning pooled funds by many NGOs, and has filled a gap where the Government has been developing their capacity to deliver.

Some of the challenges with the CHF have been:

- The criteria for success and efficiency were measured on the basis of commitments and disbursements rather than on delivery and tangible results.
- The narrow definition of 'life-saving activities' excludes notions such as 'alleviating suffering', 'maintaining human dignity' and 'facilitating return to normal lives and livelihoods'.
- There is currently little or no flexibility in donor policy or funding mechanisms to enable agencies to engage in longer term development in order to use some of the development funding to respond to fast onset emergencies.

Some additional funding challenges include, that diversified funding might function well in terms of vulnerabilities, yet at the same time, it adds to the administrative burden. Similarly, short term funding mechanisms are challenging for humanitarians as it involves risk-taking and the need to chase funds while delivering programming. Participants emphasised that donors could contribute to overcoming the transition gap by making multi-year flexible funding available for humanitarian response. The participants stressed the need for funding priorities to be made on the basis of needs rather than on political definitions and priorities in order for principled action to be protected. Ensuring that support for the Government is complemented by support for independent humanitarian action is another key aspect for ensuring that humanitarian needs are met.

5. RECOMENDATIONS

Based on the discussions a number of recommendations were put forward by the participants to address the transition gap and safeguard principled humanitarian action:

INGOs should:

- Improve documentation of how humanitarian principles are used and draw conclusions about their utility.
- Enhance focus on do no harm (including conflict analysis and context specific drivers of conflict) and the causes of vulnerability in order to tailor projects that better contribute to stability and sustainability.
- Strengthen results-based programming and monitoring of adherence to humanitarian principles and the impact this has on access, dignity, rights, efficiency, effectiveness and quality of results.
- Make better use of their multiplicity of roles. Principled humanitarian action centres on upholding people's basic rights during crises and INGOs should use their leverage to advocate for this with governments. Similarly, engaging with political actors is important to advocate for respect for principled action.
- Engage in closer dialogue with donors and identify when more sustainable approaches can be included in humanitarian project design in order to build resilience.

Donors should strive to allocate funds in the following ways:

- **Timely:** Facilitating prompt and uninterrupted aid interventions.
- **Predictable and of appropriate duration (i.e. multi-year):** Enabling agencies to take a long term perspective and addressing the evolving needs of communities and their programmes.
- **Needs-driven:** Based on needs and priorities (and conflict sensitivities) of target communities.
- **Flexible:** Allow appropriate response as needs change and the context evolves (with the example of the crisis modifiers recently introduced by OFDA). This will include allowing for more sustainable approaches and longer term funds in humanitarian-type response to build resilience and strengthen local capacities.
- **Measurable:** Donors should be able to measure the efficiency of humanitarian interventions on delivery and impact on the ground both in terms of addressing immediate humanitarian needs and ensuring longer-term changes.

Annex: Participants

Panel

- Elisabeth Rasmusson, Secretary General of the Norwegian Refugee Council (NRC)
- May-Elin Stener, Deputy Director and Head of Section for Humanitarian Affairs, Norwegian Ministry of Foreign Affairs (MFA)
- Ivor Morgan, Policy Advisor, NGO Secretariat, Juba, South Sudan
- Wendy Fenton, Coordinator, Humanitarian Practice Network, Overseas Development Institute (ODI)

Moderator

- Ingrid Macdonald, Resident Representative, NRC Geneva

Participants

- Yngvild Berggrav – Norwegian Ministry of Foreign Affairs (MFA)
- Inge Brees – Voluntary Organisations in Cooperation in Emergencies (VOICE)
- Anders Breidlid – Oslo and Akershus University College of Applied Sciences (HIOA)
- Morten Bøås – Institute for Labour and Social Research (FAFO)
- Hans Inge Corneliusen – Norwegian Agency for Development Cooperation (NORAD)
- Pio Ding – Norwegian Church Aid (NCA)
- Maria Gabrielsen Jumbert – Peace Research Institute Oslo (PRIO)
- Erik Giercksky – Norwegian Refugee Council (NRC)
- Akol Kong Monjok – South Sudan Embassy, Norway
- Hege Opseth – Bistandsaktuelle (Norwegian Development site)
- Nicolay Paus – Norwegian Refugee Council (NRC)
- Tine Ramstad – Norwegian Refugee Council (NRC)
- Youri Saadallah – Norwegian Refugee Council (NRC)
- Hilde Salvesen – Norwegian Ministry of Foreign Affairs (MFA)
- Beate Simarud – Norwegian Refugee Council (NRC)
- Henrik Stabell – Norwegian People's Aid (NPA)
- Ketil Vaas – Save the Children Norway
- Rolf Vestvik – Norwegian Refugee Council (NRC)