1. Burundi – An example of poor communication on the UN’s mandate and intentions

In 1999, a worsening humanitarian crisis in Burundi brought an increased presence of the United Nations. In initial phases, the UN did not provide clear information on its mandate and intended actions. There was confusion among all groups: the Burundian army accused the UN of “feeding the rebels”, while the opposition forces accused the UN of being too close to the government and distributing aid only where the government dictated. These accusations had a tremendously negative impact on the UN’s capacity to ensure humanitarian assistance. The absence of clear communication on mandate and humanitarian principles sparked misunderstanding that got in the way of humanitarian action.

2. Burundi – An example of effective pre-negotiation by the UN

It became clear that in order to gain greater access to populations caught up in conflict zones, the UN and humanitarian agencies should first explain their roles and mandates. Until then, none of the warring parties understood clearly the role or the activities of the humanitarian community or the UN in Burundi. The Henry Dunant Centre in Geneva called a meeting in 1999, which gathered representatives of the Burundian army, opposition forces and the humanitarian community. This was the first meeting of its kind and the objective was to clearly explain the mandate of the humanitarian community and the fundamental humanitarian principles. The opportunity to explain the programmes and assert the neutrality of the international humanitarian community was a key breakthrough in the meeting and in following communication.

3. Sudan – An example of incorporating humanitarian principles and explicitly mentioning women and children in an agreement

Background: In July 1995, the head of the UN’s Operation Lifeline Sudan southern sector (OLS) signed an Agreement on Ground Rules with the Commander-in-Chief of the Sudan People’s Liberation Movement/Army (SPLM/A). In August, a virtually identical agreement was signed with the Commander-in-Chief of the South Sudan Independence Movement (SSIMA), and again a year later with the SPLM-United.

Excerpt from text where humanitarian principles are incorporated:

“This agreement is intended to lay out the basic principles upon which Operation Lifeline Sudan (OLS) works and to lay out the rules and regulations resulting from such principles. It seeks to define the
minimum acceptable standards of conduct for the activities of OLS agencies and Sudan Relief and Rehabilitation Association (SRRA), as the official counterpart in areas controlled by the Sudan People’s Liberation Movement/Army (SPLM/A).

We, the undersigned, enter into this agreement in a spirit of good faith and mutual cooperation in order to improve the delivery of humanitarian assistance to and protection of civilians in need.

In signing this agreement, we express our support for the following international humanitarian conventions and their principles, namely:


ii) Geneva Conventions of 1949 and the 1977 Protocols additional to the Geneva Conventions

3. All humanitarian assistance provided is for the use of identified civilian beneficiaries. Priority at all time must be given to women and children and other vulnerable groups such as the elderly, disabled and displaced people.”

4. Angola – An example of WFP’s problems over neutrality

In Angola (1993-1994), constraints on access by WFP assessment teams to UNITA controlled areas resulted in a greater percentage of food aid being delivered to government-controlled areas (where WFP had more access). Due to the lack of clear communication on the humanitarian principles, WFP faced accusations of impartial delivery of assistance in favour of the government controlled areas. UNITA asserted that these areas were better able to withstand UNITA advances due to the food aid. This resulted in tensions between UNITA and WFP, which at times manifested itself in blockage of road convoys and incidents of shooting at aid aircraft.

5. Liberia – An example of clear text on neutrality from the Liberia Agreement

The excerpt below shows how neutrality is incorporated into the Liberia agreement and defined so that there is a common understanding of the principle by all parties involved:

“Neutrality: Not taking the side of any of the parties to the hostilities nor supporting any aspect of the conflict. ...

Our work should have independent access – i.e., it should be neutral in respect to political and military concerns. Negotiations to enable access to work in an area, and maintain that presence, involve three components:

The general humanitarian principles for humanitarian operation should be circulated to faction leaders to be understood as a general template on which humanitarian assistance will be based.

Negotiation for access to particular areas is the responsibility of each agency. Where requested, the humanitarian community can negotiate access on behalf of particular agencies in a broad sense, i.e. the negotiation of the opening of a particular road.
However, it is still the responsibility of individual agencies to make personal contact with the factions, particularly when present in the areas under their control.

Recognizing the interdependence between humanitarian agencies, they should adhere to standards and protocols of working and agree to discuss problems when they arise.”

6. Burundi – An example of effective pre-negotiation by the UN

In 1999, a worsening humanitarian crisis in Burundi brought an increased presence of the United Nations. In initial phases, the UN did not provide clear information on its mandate and intended actions. There was confusion among all groups: the Burundian army accused the UN of “feeding the rebels”, while the opposition forces accused the UN of being too close to the government and distributing aid only where the government dictated. These accusations had a tremendously negative impact on the UN’s capacity to ensure humanitarian assistance. The absence of clear communication on mandate and humanitarian principles sparked misunderstanding that got in the way of humanitarian action.

It became clear that in order to gain greater access to populations caught up in conflict zones, the UN and humanitarian agencies should first explain their roles and mandates. Until then, none of the warring parties understood clearly the role or the activities of the humanitarian community or the UN in Burundi. The Henry Dunant Centre in Geneva called a meeting in 1999, which gathered representatives of the Burundian army, opposition forces and the humanitarian community. This was the first meeting of its kind and the objective was to clearly explain the mandate of the humanitarian community and the fundamental humanitarian principles. The opportunity to explain the programmes and assert the neutrality of the international humanitarian community was a key breakthrough in the meeting and in following communication.

7. Sudan – An example of a written agreement containing the principle of impartiality

Background: In July 1995, the head of the UN’s Operation Lifeline Sudan southern sector (OLS) signed an Agreement on Ground Rules with the Commander-in-Chief of the Sudan People’s Liberation Movement/Army (SPLM/A). In August, a virtually identical agreement was signed with the Commander-in-Chief of the South Sudan Independence Movement (SSIMA), and again a year later with the SPLM-United.

Excerpt from text where the principle of impartiality is incorporated:

"2. The guiding principle of Operation Lifeline Sudan (OLS) and Sudan Relief and Rehabilitation Association (SRRRA) is that humanitarian neutrality – an independent status for humanitarian work beyond political or military considerations. In other words:
    i) Humanitarian aid must be given according to considerations of human need alone. Its granting, or its acceptance must not be made dependent on political factors or upon race, religion, ethnicity or nationality. It must not seek to advance any political agenda. Where humanitarian assistance is inadequate to meet the needs of all, priority must be given to the most vulnerable.
    ii) The passage of humanitarian assistance to populations in need should not be denied even if this
requires that aid passes through an area controlled by one party in order to reach the needy in another area, provided that such passage is not used for military advantage.

iii) Relief assistance is provided solely on the basis of need; those providing assistance do not affiliate themselves to any side in the ongoing conflict.

iv) The only constraints on responding to humanitarian need should be those of resources and practicality.

3. All humanitarian assistance provided is for the use of identified civilian beneficiaries. Priority at all time must be given to women and children and other vulnerable groups such as the elderly, disabled and displaced people.

4. Those carrying out relief activities under the auspices of OLS must be accountable to the beneficiaries and their representative structures in the first place, and to those who fund the activities. This places the following obligations on the various parties:

i) Those rendering humanitarian aid have a duty to ensure its appropriate end use. This includes a right to monitor and participate in the distribution of humanitarian aid on the ground in partnership with SRRA.

ii) Local authorities, through the SRRA, must ensure that aid is distributed fairly to civilian beneficiaries. Diversion of aid from intended beneficiaries is regarded as a breach of humanitarian principles.

iii) Decision-making on the selection of beneficiaries and the monitoring of the use of inputs and resources must be, and be seen to be, transparent and responsive to broad-based decision-making at the level of affected communities. Local authorities and relief agencies should involve local representatives of communities in the processes of targeting and monitoring of aid. Where possible, this should be done through the Joint Relief and Rehabilitation Committees which include elected community representatives.”

8. Angola – An example of separating and clarifying a negotiating role

There was no clear strategy for negotiating humanitarian access in Angola in the months immediately following the resumption of fighting between UNITA and government forces in September 1992. This renewed fighting followed rejection by UNITA of the September 1992 election outcome.

In response to worsening humanitarian conditions, the UN Security Council passed Resolution 811 (12 March 1993) which called on parties to the conflict to allow unimpeded access to those in need, and mandated the SRSG to “coordinate humanitarian assistance with the resources at her disposal.” This resolution provided the mandate for the SRSG to conduct humanitarian negotiations, at a time when she was also facilitating political negotiations. Concerns about this linkage between political and humanitarian negotiations lead the Department of Humanitarian Affairs to set up a Humanitarian Assistance Coordination Unit (UCAH) in April 1993.

UCAH’s mandate included negotiation of humanitarian access and protection of humanitarian space. The UN Humanitarian Coordinator directing UCAH drew up an Emergency Relief Plan (ERP) for humanitarian assistance, to which both parties to the conflict subsequently agreed, if only in principle.

By establishing itself as a distinct humanitarian entity, thereby severing the linkages between
political and humanitarian negotiations, UCAH played a central role in negotiations with the Government of Angola and UNITA on humanitarian issues, and worked to maintain a neutral and impartial posture by referring issues of a political nature to the SRSG.

9. Bosnia – An example of inconsistent approaches among UN offices

In dealing with the warring parties, humanitarian officials in Bosnia often failed to present a united front. On the contrary, they often undermined and contradicted each other. Approaches taken by different staff depended largely on which side of the front line they were based. For example, those based in Bosnian Serb areas were often far more sympathetic to the Serb positions than those in Bosnian government areas. Unfortunately, differing points of view on the way in which the humanitarian operation should be conducted were not reconciled. This led to inconsistency at the negotiating table and was invariably exploited by the warring parties.

10. Sri Lanka – An example of the value of conducting a thorough pre-negotiation analysis

The UNICEF engagement with Liberation Tigers of Tamil Eelam (LTTE) is one of the most fruitful ones leading to agreements and action plans mainly with regard to humanitarian access, protection and in specific child soldiers. Before starting the actual negotiations UNICEF conducted an in depth assessment of the LTTE in order to understand their situation and motives. The UNICEF Country and Field Offices in Sri Lanka decided to engage with the Liberation Tigers of Tamil Eelam (LTTE) because it is a significant group involved in the two decade armed conflict with the Government of Sri Lanka and controlling parts of the war-affected North Eastern provinces of the country. UNICEF found many concrete characteristics that affect the behaviours of the LTTE. Two broad characteristics that influenced UNICEFs engagement were the following:

1.) The LTTE has a very sophisticated structure, with lines of command and a clear political agenda. Also, the LTTE made a clear distinction between its political wing and a military wing. Based on assessment of those wings UNICEF decided to mainly interact with the political wing.

2.) UNICEFs assessment also showed that despite that the LTTE’s distinct line of command experience it is still important to be cognizant of the power politics that take place within the group, and to clearly understand whether or not the person with whom the humanitarian organization is engaging is in a position to make commitments on behalf of the group as a whole.

Through UNICEF’s analysis of the LTTE, UNICEF was able deepen its understanding of how it functions in advance of negotiations. This allowed UNICEF to target the most appropriate group of individuals and be prepared to handle power dynamics within this group.

11. Angola – An example of UNICEF’s value-added in negotiations and coordination with other agencies
In order to keep the Government of Angola satisfied, the humanitarian community in Angola provided the Government with a stronger negotiation role. The humanitarian community also conducted most of its negotiations with UNITA outside of Angola.

In August 1990, a senior UN delegation lead by the Under Secretary-General for Humanitarian and Political Affairs, and including UNICEF’s head of emergency operations and a high-ranking WFP official, flew to Luanda to convince the government of Angola (GoA) to accept a cross-line emergency aid programme. The government agreed in principle, but emphasized that any programme must acknowledge the legitimacy and sovereignty of the GoA, and the illegitimacy of UNITA. Under no condition were the two parties to be treated as equals. Negotiations with UNITA were to be conducted by lower ranking UN officials than those with the government, and they were meant to take place outside Angola. UNITA should, necessarily, accept any operational plans drawn up between the UN and the GoA, but should not be given the opportunity to challenge or change them.

The UN accepted these preconditions, and agreed that a UN working group, led by the UNSCERO, would be set up to devise and coordinate a plan of operations. The working group was to liaise with an inter-ministerial commission, led by the Angolan Minister of Planning. The UN brought in veterans of OLS to help draw up the plan of operations who were integrated into the existing Emergency Coordination Unit (ECU) within UNDP. This unit was designated to manage what would become the SRPA.

The Plan of Operations for the SRPA was a highly detailed document. The first edition covered a period of six months. It set out the principles for the SRPA programme, which have now essentially become accepted as humanitarian principles. These were:

- That all assistance be provided on a basis of neutrality.
- That assistance be made available to all civilians in need.
- That assistance be provided on the basis of needs assessments carried out by or with UN officials.
- That vulnerable groups receive special attention.
- That all UN agencies and NGOs agree only to supply humanitarian commodities.

The Plan of Operations specified methodology for needs assessment and the distribution of aid. It allocated responsibilities for different parts of the programme. For example, WFP was in charge of logistics and transportation; UNICEF took on nutritional surveys, supplementary feeding, and provision of non-food items; the FAO would provide agricultural assistance; UNDP would act as coordinator through its ECU; and UNHCR would provide support where needed. The UN, as a whole, was to secure humanitarian access, get security clearances from the two parties, and take the lead in mobilizing funds and resources for the programme. Under the Plan of Operations, NGOs were to act as implementing partners for the UN and were clearly subordinate to the UN. The Plan of Operations set out the intended number of beneficiaries, their geographical locations, and the aid to be provided to them. The majority of aid supplied under the SRPA consisted mainly of food. The plan proposed four road corridors for the transportation of the aid. The first three of these corridors gave access to government-held territory, while the fourth gave access to UNITA’s stronghold in the south-east. The UN was to provide the two parties with notification of the destination and composition of each aid convoy 15 days before its departure date. The warring parties were to guarantee the safe and unimpeded passage of the convoys.

In September 1990, the UNSCERO, accompanied by the Resident Representatives of WFP and UNICEF, flew to UNITA’s headquarters in Jamba to present the plan of operations to the movement. Comments, but not approval, were sought from UNITA. It was made clear to them that, henceforth, the UNSCERO
would have no further direct contact with them, and that any future negotiations would be conducted by the WFP and UNICEF representatives, outside Angolan territory. Subsequent talks to hammer out operational details took place in Namibia, Zaire and Togo.

UNITA broadly accepted the plan of operations, which was subsequently turned into an appeal document, launched on 27 September 1990.

In general, **UNICEF can leverage its position as the organization mandated to access, assist and protect children** to make a strong point to engage with NSEs. The government may allow UNICEF contact with NSEs as a way of cultivating favour with local populations. **UNICEF should make clear its position of neutrality.** Some country offices have found that reluctant governments may be convinced by the argument that they can improve their image as caring for their citizens – particularly children and women – by letting the UN engage with NSEs to deliver services.

12. Sierra Leone – An example of effectively communicating with all levels of an armed group

In Sierra Leone during 1999-2000 the UN World Food Programme (WFP) found that in many cases it could not be taken for granted that armed group leaders had communicated the existence, scope or objectives of any negotiated agreement to local-level commanders and members of the group. One approach used to bridge this communication gap was ‘sensitization’ of members of the group on the ground by influential armed group commanders. This helped to ensure that access would be given on the ground during major food distributions by WFP, especially since the message came directly from influential RUF commanders.

13. Somalia – An example of the value of a written agreement clarifying the frequent demand for “taxes”

Although Somali is basically not a written language, and drafting and signing of agreements is not part of the tradition of the Somali people, humanitarian negotiators did manage to have faction leaders sign up to written documents in a few cases. Referring to those was very useful, particularly concerning the demand for taxes which kept coming back over and over again.

14. Liberia – An example of a written agreement clarifying the frequent demand for “taxes”

An excerpt from the agreement:

“There should be no payment for access to any area.

The importation of relief items into an area is a tempting target. A principle is that no payment should be made to bring relief to civilian populations. This applies to all levels from the faction leadership to the level of the checkpoint. Demands from factions for a “cut” of relief aid should be refused. At all times compensation should only be given for a legitimate service, not as a precondition to working or access.
Therefore, should international organizations require implementing partners – either local NGOs, or on occasion, the political wing or ministry of a faction – reimbursement for services should be considered carefully, keeping in mind the principles above.

Payments in cash or kind should not be made at checkpoints to enable passage through.

Payment will inevitably be followed by further demands. Persistent demands for payment will inevitably result in delays and inconvenience. It may be necessary to turn a vehicle or convoy around and abort the mission to avoid payment and return to negotiations. These demands should not be resisted where there is a threat of injury. However, such a situation should be treated as armed robbery and the incident reported to their "commander" to take action. Other members of the humanitarian community should also be informed.

Humanitarian vehicles should avoid carrying any passengers, with the exception of those who are legitimately injured and needing hospitalization or those concerned with the work of the organization.”

15. Angola – Example of well detailed routes for humanitarian access

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· Luanda – Sumbe – Gabela – Quibala
· Benguela – Huambo – Kuito
· Lubango – Caluquembe – Caconda
· Mucusso (on the Namibian border) – Mavinga
17. Detailed description of protection responsibility of the NSE – OLS