

Towards good humanitarian government

The role of the affected state in disaster response

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Key messages

- One of the goals of international humanitarian actors should always be to encourage and support states to fulfil their responsibilities to assist and protect their own citizens in times of disaster.
- Too often, aid agencies have neglected the central role of the state, and neutrality and independence have been taken as shorthand for disengagement from state structures, rather than as necessitating principled engagement with them.
- States should invest their own resources in assisting and protecting their citizens in disasters, both because it is the humane thing to do and because it can be politically popular and economically effective.

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Research relating to humanitarian crises has largely focused on what international aid agencies and donor governments do in response to disasters. Much less attention has been given to analysis of the role of the affected state in responding to the needs of its own citizens. Given the central role of the affected state in disaster response, this is a notable omission. The role of states is clearly recognised in law and in key statements of principle. According to the key UN humanitarian resolution, Resolution 46/182 of 1991, the affected state has 'the primary role in the initiation, organization, coordination, and implementation of humanitarian assistance within its territory'. Similarly, the Sphere guidelines 'acknowledge the primary role and responsibility of the state to provide assistance when people's capacity to cope has been exceeded'. For better or worse, the work of international aid actors depends on the consent of states: whether a state is strong or weak, abusive or concerned for its citizens' welfare, it is still the central determinant of whether or not humanitarian actors can be present in crises.

In recent years, the role of affected states in responding to disasters within their borders has begun to attract renewed attention. In part, this is a result of the increasing wealth of some developing countries, their growing willingness and ability to respond to disasters without external assistance and their emergence as providers of external aid themselves.¹ India, for instance, rejected offers of international help following the tsunami in 2004 and the South Asia earthquake in 2005, and Mozambique's successful response to floods and a cyclone in 2007 shows that it is also possible for African governments to assert greater control over relief processes.² In development policy, donors have refocused on the role of the state, signing up to principles of aid-giving that emphasise harmonisation, alignment and the national ownership

1 A. Harmer and L. Cotterrell, *Diversity in Donorship: The Changing Landscape of Official Humanitarian Aid*, HPG Report 20 (London: ODI, 2005).

2 G. Price and M. Bhatt, *India: A Case Study in the Role of the Affected State in Humanitarian Action*, HPG Working Paper (London: ODI, forthcoming 2009); C. Foley, *Mozambique: A Case Study in the Role of the Affected State in Humanitarian Action*, HPG Working Paper (London: ODI, 2007).

of development strategies. Likewise, the disaster risk reduction agenda stresses the importance of host government involvement, domestic resilience and governance reform.

Understanding state roles

Broadly speaking, the roles and responsibilities of states in relation to humanitarian aid are four-fold: they are responsible for ‘calling’ a crisis and inviting international aid; they provide assistance and protection themselves; they are responsible for monitoring and coordinating external assistance; and they set the regulatory and legal frameworks governing assistance. These functions are of critical importance to the initiation and management of a relief response, and are crucial in determining its effectiveness. As the case of Myanmar’s response to Cyclone Nargis shows, without state consent in some shape or form relief is very difficult to give, whatever the circumstances and however grave the crisis. In Sudan, the expulsion of aid agencies in March 2009 underlines the extent to which the whole aid enterprise relies on the acquiescence and support of the host government.

Definitions of what constitutes ‘a disaster’ typically include a clause to the effect that events are on such a scale that local capacities have been overwhelmed. This implies a need to analyse the nature and capacity of the state.³ This is more than a technical question: making such an assessment is an inherently political act, and political considerations often weigh heavily as donor governments decide whether and how to intervene. Humanitarian aid to Zimbabwe and Darfur, for instance, is delivered through international organisations, bypassing the state because donor governments are at odds with the regimes in Harare and Khartoum and see them as actively involved in creating the humanitarian crisis. Aid decisions may also be influenced by perceptions of corruption within recipient countries.

The growing literature on fragile states provides a useful typology for analysing state roles in disaster response. Three broad categories or typologies can be tentatively identified:⁴

- States where there is an existing or emerging social contract between the state and its citizens, by which the state undertakes to assist and protect them in the face of disasters.
- States that are weak and have extremely limited capacity and resources to meet their responsibilities to assist and protect their citizens in the face of disasters.

³ S. Collinson (ed.), *Power, Livelihoods and Conflict: Case Studies in Political Economy Analysis for Humanitarian Action*, HPG Report 13 (London: ODI, 2003).

⁴ Adapted from R. Chandran and B. Jones, *Concepts and Dilemmas of State Building in Fragile Situations: From Fragility to Resilience*, OECD/DAC Discussion Paper, 2008.

- States that lack the will to negotiate a resilient social contract, including assisting and protecting their citizens in times of disaster.

Where states are meeting their citizens’ needs in times of disaster, international humanitarian actors are more likely to play supportive roles, building capacity, filling gaps and advocating for more effective responses. Where states are weak but have some willingness to meet needs, a combination of substitution and capacity-building will probably be appropriate. States that are unwilling to assist their people or which are themselves actively involved in creating a crisis are clearly the most difficult to deal with; in these circumstances, a combination of substitution and advocacy, to encourage states to fulfil their obligations, is likely to be necessary.

Aid agencies are in the main not very good at assessing capacities as well as needs, although some tools for capacity analysis have been developed. These include Save the Children’s Child Rights Situation Analysis (CRSA), which provides a foundation for understanding the state’s responsibility as a duty-bearer for child rights. Monitoring and evaluation of humanitarian assistance likewise tends to focus on what international aid agencies are doing, and neglects government roles.

Reconciling development and humanitarian principles

Key humanitarian, developmental and fragile states principles tend to be viewed as discrete entities, applicable to separate actors. Yet there is plainly no simple distinction between the humanitarian and the developmental realm. There is a need to consider the extent to which these sets of principles are contradictory or complementary, and to think through how multi-mandate agencies in particular can maintain simultaneous commitments to independence, neutrality, government ownership and capacity-building in disaster-affected states.

The principles of independence and neutrality are central to how humanitarian actors position themselves in relation to the state. What these principles mean in operational terms is, however, little understood or analysed. Often, neutrality and independence are taken as shorthand for disengagement from state structures, rather than as necessitating principled engagement with them.

In many contexts, donors are simultaneously committed to the OECD-DAC Principles for Good International Engagement in Fragile States and Situations, the Paris Declaration on aid effectiveness and the Good Humanitarian Donorship initiative (GHD). This entails balancing a commitment to respecting the independence of humanitarian action with a commitment to ‘state-building as the central objective’ of engagement with fragile states and

respecting countries' 'ownership' of development strategies. Thus far, debates about fragile states and linking relief and development have tended to concentrate on the need for humanitarian actors to become more developmental. An equally important question, however, is why humanitarian principles should not apply just as well to development actors. Likewise, greater attention needs to be given to what a humanitarian commitment to ownership, alignment and harmonisation might look like, and whether or not this could be compatible with humanitarian principles. There is no reason why the Paris Declaration's principles of harmonisation and alignment should cease to be applicable at some hard-to-define point when development ends and an emergency starts.

In conflict contexts, where the state is unable or unwilling to meet the basic needs of its citizens, international humanitarian relief remains the aid instrument of last resort. Working with the state may not be possible or desirable, either because it does not control the parts of the country where services are needed or because donor governments are unwilling to engage for political reasons. Where this is the case, longer-term approaches which align with government to the extent possible are often still called for.

While there are undoubted tensions, it is possible to remain committed both to humanitarian and to developmental principles. Doing so requires humanitarian actors to realise that commitments to neutrality and independence are compatible with principled engagement with states to encourage and support them to fulfil their responsibilities to protect and assist their citizens. Humanitarian actors also need to give greater attention to respecting state sovereignty and ownership over humanitarian as well as development strategies, and to view substitution for the state as more of a last resort. Equally, development actors working in humanitarian crises should themselves be committed to humanitarian principles of independence, neutrality and impartiality.

Building and undermining capacity

International aid has often been criticised for ignoring, sidelining or actively undermining local capacities. The potential for international aid agencies to undermine or inappropriately substitute for the state has often led to tense relations between states and international actors.

The structures and organisational cultures of aid agencies and the attitudes of aid workers are critical components of the sometimes dysfunctional relationship between aid agencies and governments. An ability to speak local languages is clearly important, as is better knowledge of national contexts. Both, however, are often in short supply.

The rapid turnover of humanitarian staff inhibits the development of local knowledge and the personal relationships needed to work effectively with government counterparts.

More fundamental than concerns about duplication or inappropriate substitution for the state is the idea that international relief somehow undermines the social and political contract between a state and its citizens by allowing governments to evade their responsibilities for responding to disasters. It is important not to overstate the importance of international relief actors in influencing the politics of developing countries. The idea that abusive, corrupt or authoritarian regimes responsible for creating or ignoring humanitarian crises would show more concern for their citizens in the absence of international aid agencies is a largely unprovable counter-factual. It seems unlikely that bad regimes would display greater regard for their humanitarian responsibilities were aid agencies to depart. A more serious concern is perhaps that the action of international relief in ameliorating the worst suffering in humanitarian crises might delay or prevent desirable regime changes by masking the worst effects of misrule. Again, however, it is difficult to see how this can be avoided without undue cruelty and a willingness to stand by in the face of unacceptable suffering, neither of which the humanitarian imperative should permit.

There is often a tendency to assume that governments will be too corrupt to deliver aid effectively, without considering alternatives to international agencies substituting for the state and without acknowledging that aid agencies are themselves not immune to corruption. Greater attention should be given to supporting state actors to provide assistance more accountably and transparently. There has been a propensity for analysis to portray assistance as either completely state-led or completely state-avoiding. There is a halfway-house here: state-led responses with significant investments in oversight, monitoring and audit. Humanitarian aid channelled through governments does not have to be unaccountably handed over.

It is important to balance criticism of humanitarian aid as undermining capacities with recognition of genuine attempts to build and work with existing government capacities. The comparative wealth and strength of the international humanitarian system can make it an easy target for knee-jerk criticism that fails to acknowledge both real efforts to build capacities, and real constraints to working with local institutions in some contexts. In Mozambique, for instance, international donors have given strong support to the government body responsible for disaster response, the National Institute of Disaster Management (IGNC), helping to fund the employment and training of 285 staff and equipping a national headquarters and several regional offices.

Conclusion

A long-overdue reappraisal of the roles and responsibilities of states in relation to humanitarian action is finally taking place. Substitution for the state may sometimes be appropriate, particularly in conflicts, and in both conflicts and natural disasters there will always be a need for independent and neutral humanitarian action. However, one of the goals of international humanitarian actors should always be to encourage and support states to fulfil their responsibilities to assist and protect their own citizens in times of disaster. International aid agencies need to review what this means for how they operate, and to more systematically assess state capacities. The trend will be to move from delivering aid directly in ways that substitute for the state to supporting states to deliver on their own responsibilities and advocating for state actors to address gaps in responses. The disaster risk reduction agenda increasingly recognises the primary role of governments in disaster risk management, but the issues this agenda raises are often divorced from the central concerns of humanitarian actors.

There is a clear need for greater dialogue with government authorities at national, regional and international levels. At the international level, those forums that do exist, such as the OCHA Donor Support Group (ODSG), the Good Humanitarian Donorship initiative and the Humanitarian Liaison Working Group, do not properly represent the interests and perspectives of countries in Africa, Asia and Latin America. Aid agencies and their staff need to examine their own attitudes towards government authorities, and the way in which those authorities perceive them. Hostility towards international aid agencies on the part of government officials is often ignored or downplayed. In inductions, training and capacity development, policies and guidelines, greater emphasis should be placed on respect for the sovereign authority of governments in assisting and protecting their own citizens. Government officials need to feel that sovereignty is being respected, and that their primary role is being properly acknowledged. In particular, humanitarian reforms such as the cluster approach to coordination and financing initiatives, the GHD agenda and forthcoming milestones such as the revision of the Sphere standards should all include a greater focus on how aid agencies relate to governments.

In responding to natural disasters in contexts where states have developed capacities to meet their own responsibilities, international aid agencies should play an increasingly minor role. For donor governments, this means looking again at how they fund disaster response. Currently, funds are still channelled overwhelmingly through international aid agencies and increasingly the UN (through

consolidated and flash appeals and the Central Emergency Response Fund (CERF)). In some contexts, it may be more appropriate for donors to fund governments directly. This does not mean that international humanitarian aid will not continue to be needed in responding to natural disasters where state capacities are stretched or overwhelmed, but it does imply that the way it is delivered should start to look different. Where governments are parties to conflicts, principled, independent and neutral international humanitarian action will still be required. However, there is a need for much greater attention to the practical application of commitments to independence and neutrality, particularly in contexts where aid actors are simultaneously committed to principles of state-building, harmonisation and alignment.

The tendency to portray relief as state-avoiding and recovery as state-building risks setting up a false dichotomy. Relief should not avoid the state, but seek at least in part to induce the state to meet its responsibilities. In situations where this is difficult in the short term, it still needs to be a long-term goal. Relief, recovery and development should all be state-building, but in ways that are realistic and based on good, context-specific political analysis, which recognises both the strengths and weaknesses of particular governments and regimes and their willingness and ability to meet their humanitarian responsibilities. Humanitarian actors should advocate for those affected by crises in ways that critically challenge states to live up to their responsibilities.

If governments are to meet their responsibilities to assist and protect their citizens in times of disaster, and fulfil the commitments made in the Hyogo Framework and embodied in international humanitarian and human rights law, many clearly need to invest more in their capacity to manage disaster risk. States should invest their own resources in this key function of government, both because it is the humane thing to do and because it can be politically popular and economically effective. Building up a social and political contract between a state and its citizens to provide in times of crisis can strengthen state legitimacy and make the state more effective in preparing for and responding to disasters. It also makes economic sense.

Aid agencies and donors currently bypass and marginalise governments partly because of a lack of trust in the ability of states to deliver effective and accountable relief. This trust deficit can only be tackled by making a stronger case to donors and aid agencies, demonstrating effectiveness and building up trust over time. Where relations between governments and aid agencies are tense, governments as well as agencies have an interest in improving them, and should make time and space for greater dialogue and engagement.