

Non-governmental organizations: an indispensable player of humanitarian aid

Philippe Ryfman*

Philippe Ryfman is an associate professor and researcher at the Department of Political Science of the Sorbonne and the CRPS (Sorbonne Political Science Research Centre), University of Paris I, Panthéon-Sorbonne. He also practises as a barrister and consultant.

Abstract

Although the humanitarian landscape is constantly evolving, one factor which stands out among the players of aid, and particularly non-governmental organizations (NGOs), is the significance of the private, not-for-profit dimension. After tracing the historical origin of those organizations, defining them and stressing how well known and well regarded they are, the article goes on to discuss the main questions they set. It points out that although each one has its own specific characteristics, their operating methods have much in common. In conclusion the role NGOs play on the international stage is also mentioned, as well as their position regarding UN plans to overhaul the international humanitarian system. Faced with a transnational environment and a growing demand for accountability both to beneficiaries and to sponsors, with uncertain times ahead and difficult choices to make, NGOs must be even more humanitarian in the approach they take.

⋮⋮⋮⋮⋮

Two of the characteristics of humanitarian action – and two that are little known – are its fluidity and the fact that it is constantly evolving. Since the end of the Second World War, each decade has brought extensive changes in the humanitarian environment and the ways in which humanitarian action is deployed. The

* This article is written in a personal capacity. cabinet.ryfman@free.fr

humanitarian aid of the early twenty-first century thus differs notably from the aid provided in the previous decade, which itself was radically different from the humanitarian action of the 1980s. Whenever this topic is broached, however, there ensues a classic discussion of the political, economic or social contexts of aid, geopolitical changes, atypical forms of conflict, worsening human and material consequences of natural disasters in the countries of the South and so on, or the scope of previous or new norms of international humanitarian law (IHL).

Although these changes concern the various players, a glance back over the humanitarian landscape since the mid-twentieth century reveals a new feature, namely the private dimension of humanitarian action – in other words the great extent to which humanitarian assistance is delivered by entities which are neither state nor inter-state organizations. This factor, too, is often underestimated in approaches that are either simplistic, ideologically divided or incapable of imagining international action other than by states or organizations created by them.¹ This private presence takes the form of non-profit, non-commercial structures such as, of course, the various components of the International Red Cross and Red Crescent Movement, ranging from the International Committee of the Red Cross (ICRC) to the International Federation (IFRC) and the National RC Societies, but also – if not more so in the eyes of public opinion, as a result of wider media coverage – by the humanitarian non-profit sector, known as non-governmental organizations (NGOs). Nor is the latter's importance in the humanitarian domain diminishing, contrary to what a pseudo-deterministic view might suggest. Their influence seems, on the contrary, to be growing. At all events, the regular predictions that humanitarian NGOs are on their way out are just as regularly and relentlessly disproved by operational realities in the field. In a book which caused quite a stir and much debate in humanitarian circles² at the turn of this century, the American essayist David Rieff held that independent non-governmental humanitarian action was coming to an end and that aid would henceforth boil down to action by two sole players – states and intergovernmental agencies. At most, he conceded a residual place to the ICRC. Recent events, from the tsunami in Asia in December 2004 to the earthquake in Pakistan in October 2005 or from Darfur, southern Sudan, to Haiti in 2006 have quashed this gloomy prophecy. Not only has no one player taken the lead over others, but NGOs are more present and more active than ever, both as part of the complex interaction system that is likely to lead to humanitarian intervention³ and as operational entities in their own right, vested with decision-making and analytical autonomy, or at least endeavouring to preserve it.

1 Incorrectly described as “international”, whereas it would probably be better to term them “inter-State” or “intergovernmental” organizations.

2 David Rieff, *A Bed for the Night: Humanitarianism in Crisis*, Simon & Schuster, New York, 2002. See e.g. Andras Vallin's harsh criticism of this publication in “Reflections on humanitarianism. David Rieff's “*A Bed for the Night*””, IRRC, No. 851, September 2003.

3 J. Holzgrefe and Robert Keohane (eds.), *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, Cambridge University Press, Cambridge, 2003. See more specifically, in *ibid.*, ch. 6, Thomas M. Franck, “Interpretation and change in the law of humanitarian intervention”.

It would therefore seem appropriate to review several of the main questions which NGOs as humanitarian private non-profit agencies set and are asking themselves now that the third millennium is well under way. But a brief account must first be given of the historical background of these rather singular bodies, as well as the relatively loose legal framework in which they operate, and the rather great public familiarity with them must also be underlined. It will be shown that, although each one has its own specific characteristics, their operating methods are fairly similar and they all share the same concerns, whether established in the countries of the North, the emerging nations or, as it is increasingly the case, southern countries. Some analysis of the role of NGOs on the international stage will follow. In conclusion, questions as to their position regarding the United Nations' proposed restructuring of the humanitarian system will be raised.

Historical background, legal framework and notoriousness

Always a specific historical origin

Although the modern history of humanitarian action has been rich in developments since the mid-nineteenth century and the founding of the Red Cross by Henry Dunant, the non-governmental not-for-profit sector has its own historical origin. Both in the North and in the South, what we refer to as “NGO communities”⁴ fall within a particular phase of history, and the humanitarian branch is no exception. Far from it. Position, size, place in society, relations with the political world and the state and so on depend on the historical circumstances in which private humanitarian action came into being in a given country and then on the extent to which it expands into the international field.⁵ This can be demonstrated quite easily. Think only of the humanitarian private organizations working at the international level that have been created over the last twenty-five years in the course of European Union enlargement, in countries ranging from Spain to Finland and Poland without any such previous endogenous tradition except for the presence of a National Red Cross Society. Or refer to the advent of large-scale NGOs in emerging countries such as Brazil or India, or of humanitarian – termed Islamic – NGOs in the Muslim world and in Western countries with large Muslim communities today, such as the United Kingdom, France or the United States.⁶

Without citing antiquity or the sixteenth century, it can be said that the upheavals of the age of Enlightenment in the eighteenth century popularized the

4 Mainly to denote that these circles are structured and have acquired a collective identity. For greater detail see Philippe Ryfman, *Les ONG*, Repères series, Editions La Découverte, Paris, 2004.

5 Ibid.

6 Abdel-Rahman Ghandour, *Jihad humanitaire: Enquête sur les ONG islamiques*, Flammarion, Paris, 2002; Jonathan Benthall, “L’humanitarisme islamique”, *Cultures et Conflits*, No. 60, L’Harmattan, Paris, 2005.

concept of “humanity”, introduced by the French encyclopaedists, in Europe and North America. It also saw philosophers such as Voltaire become passionate spokesmen of people infuriated by the shortcomings of the old monarchies in responding to natural disasters, in particular the Lisbon earthquake of 1755. In Great Britain, the fight to have the slave trade banned and then slavery entirely abolished at the turn of the next century was based at that very period on quasi-non-governmental networks and structures, whereas in other countries and France in particular, which placed the practice on a special footing in their colonial operations, it remained limited to a narrow intellectual and political circle. There, the abolition of slavery was essentially an affair of state and politics, and abolitionist associations never exerted any influence comparable to that of their British counterparts. Similarly, while the Crimean War saw the emergence of someone such as Florence Nightingale, it was essentially in the geocultural Anglo-Saxon sphere that her influence endured. From the late nineteenth century onwards the steady development of the Caritas network among Catholic believers and the simultaneous international spread of charitable movements born of Protestant communities, such as the Quakers, marked the lasting advent of faith-based organizations in the humanitarian field. Many others sprang up in the course of the following century, such as Catholic Relief Services (CRS) in the United States⁷ in the 1940s or Concern in Ireland two decades later. After the First World War initiatives were taken that were to have a far-reaching impact; one was the campaign launched in the United Kingdom in 1919 (opposing maintenance of the Allied blockade against Germany after the Armistice), which led to the creation of Save the Children, while the Second World War prompted the formation in the Anglo-Saxon democracies at war of NGOs such as Oxfam⁸ in the United Kingdom and CARE in the United States, designed to help the civilian populations in the occupied or newly liberated countries. Lastly, colonial propaganda in countries such as France, Belgium and the Netherlands both before and after 1945, with its emphasis on the iconic figures of the doctor fighting major epidemics and the missionary working to promote health and education, helped paradoxically to arouse public awareness of the broader issues of what was not yet referred to as the South.

The ground was thus prepared for the concept of structured development aid to give rise to an array of NGOs from the 1950s and 1960s onwards, some of whose founders had indeed taken active part in the political struggle for decolonization in Western countries: there were the Comité Catholique contre la Faim et pour le Développement (CCFD) and Frères des Hommes (FDH) in France, Novib in the Netherlands, German Agro Action in Germany, Diakonia in Sweden and so on, while in the United Kingdom Oxfam spectacularly shifted its main focus from humanitarian assistance to development aid.

But the new upheavals that followed in the 1970s and 1980s led in the West to the creation of voluntary organizations by people influenced by the events

7 Eileen Egan, *Catholic Relief Services: The Beginning Years*, CRS, New York, 1998.

8 Maggie Black, *A Cause for Our Times: Oxfam the First 50 Years*, Oxford University Press, Oxford, 1992.

of the year 1968 – especially student revolts in several countries and the political and cultural ideas they expressed. These organizations based their development in part on the same sections of the population, the baby boom generation broadly benefiting from economic growth. In that Cold War period when other entities such as UN agencies had less latitude, they gradually moved into new crisis areas resulting from the armed conflicts (particularly non-international conflicts) that were bathing certain newly independent countries in Africa, the Middle East or Asia in blood, while deadly natural disasters, especially in the South, aroused a level of public attention and feeling that had scarcely been devoted to them before. At the same time these new NGOs made their permanent entry into the public domain and the media, particularly television, which had become a global medium. Having more or less broken away from their predecessors, some used the generic term of “without borders” for a while to define their identity. This neologism, first used in the name of the French organization Médecins Sans Frontières (MSF, Doctors Without Borders) in 1971, was extremely successful for several years, but has now practically been abandoned. Other organizations – such as Médecins du Monde (MDM, Doctors of the World), or Handicap International (HI) – adapted or duplicated this original model. Over the next two decades a third generation of NGOs, such as Action Contre la Faim (Action Against Hunger) in France, Merlin in the United Kingdom and GOAL in Ireland, took up the defence of new categories of target groups, placing particular stress on professionalism and professionalization.

In turn, Oxfam, Care and several others (after having previously largely give up humanitarian action) repositioned themselves to a significant extent in the humanitarian sphere, while continuing to pursue their development aid programmes. For that matter, more and more organizations in both North and South came to describe themselves emblematically as “humanitarian”, although the activities of some had little in common with that connotation.

A legal entity whose nature is poorly delineated

The first mention of the term “NGO” is found in Article 71 of the Charter of the United Nations, in the provisions devoted to the world organization’s Economic and Social Council. This article stipulates that

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Yet this in no way means that NGOs are organizations under international law. They remain essentially private legal entities, formed under and essentially governed by the national laws of the countries in which they are established. A limited number of national laws even grant them specific recognition today within the wide non-for-profit world.⁹ Indeed, international

law has made little progress since 1945 in determining exactly which bodies are recognized as such. In Resolution 1996/31 of 25 July 1996 the Economic and Social Council did decide to specify that an NGO is

Any such organization that is not established by a governmental entity or intergovernmental agreement ... including organizations that accept members designated by governmental authorities, provided that such membership does not interfere with the free expression of views of the organization. The basic resources of the organization shall be derived in the main part from contributions of the national affiliates Any financial contribution or other support, direct or indirect, from a Government to the organization shall be openly declared to the ... United Nations.

But this remains an essentially institutional approach. It says nothing, for example, as to the phenomenon of transnationalization which is significantly affecting the circles concerned (as we shall see later), and it evinces pious intentions regarding resources. No major contemporary NGO is financed mainly through members' contributions – even where private funds are the predominant source, these come mainly from fund-raising from the general public or donations by foundations and companies.

One regional international organization, the Council of Europe, has drawn up a European Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations, known as “Convention 124”, which was adopted on 27 April 1986. Article 1 thereof designates as an “NGO”

associations, foundations and other private institutions ... which satisfy the following conditions: a. have a non-profit-making aim of international utility; b. have been established by an instrument governed by the internal law of a Party; c. carry on their activities with effect in at least two States; and d. have their statutory office in the territory of a Party and the central management and control in the territory of that Party or of another Party.

However, the fact that few countries have ratified this instrument, which has already been long in existence, testifies to the difficulties encountered in its implementation: it applies only to a relatively closed circle, it has still not entered into effect twenty years after it was signed, and in any case it would only be regional in scope. Nor has the European Union itself ever succeeded, despite years of effort, in simply proposing that its member states adopt a directive laying down the status of “European association” (i.e. not-for-profit groups). The European Commission in fact decided in 2005 to drop the idea, at least for the time being.

So it is no easy task to pin down exactly what the term “NGO” covers. Many definitions have been put forward, but they fail to come to grips with the extreme fluidity and diversity of the non-governmental world. Among various approaches that have been adopted, Stoddard, for instance, has suggested that with

9 Michel Doucin (ed.), *Guide de la liberté associative dans le monde: 183 législations analysées*, 2nd edn, La documentation Française, Paris, 2007.

regard to organizations operating (*inter alia*) in the humanitarian field a distinction could be made between faith-based organizations, “Dunantist” NGOs and “Wilsonian” NGOs.¹⁰ But this thesis is not very convincing either. Whatever the tradition from which they stem, NGOs tend to show similar behaviour in the field and to share common options and approaches. Whether food aid, for example, is provided by CARE, World Vision, Oxfam, Action Against Hunger or Islamic Relief, there is little difference in the operational practices employed.

Taking as a starting point the four main fields of action of NGOs throughout the world today – development, human rights, environment and, of course, humanitarian action – I for my part have put forward a methodology that seeks to determine a set of minimal common attributes by considering where the various academic subjects overlap. Five main characteristics should be noted:

- the concept of a volunteering or not-for-profit entity in terms of grouping together individuals who are free and considered to be vested with rights with a view to achieving a common purpose for the benefit of others and not for the members alone;
- the special legal framework it symbolizes, depending on national legislation;
- the relationship with public and private authorities both at the national level (with the state and its institutions, in particular) and at the international level;
- the reference to values involving both a voluntary commitment and the declared will to ensure that the work of the volunteering group is consistent with a civic approach geared, to a varying extent, to the “civil societies”¹¹ of which NGOs form an essential part; and
- the transnational nature of the work carried out, irrespective of the conditions and procedures that govern it.¹²

Favourable public opinion

Many people throughout the world are familiar today with the term “NGO”, and this familiarity is corroborated by various opinion polls both among the citizens of developed, emerging and developing countries and among groups of people in precarious circumstances or victims of conflicts or natural disasters. In the past few years the results have been systematically converging towards a high level of reference to “NGOs”. So not only is the denomination known, but its confidence rating is also tending to rise.

In late 2002, for instance, a survey initiated by the Davos World Economic Forum was conducted among 36,000 people in forty-seven countries on six continents, ranging in Europe from Austria, Germany and Switzerland to Poland,

10 Abby Stoddard, “Humanitarian NGOs: challenges and trends”, in Joanna Macrae and Adele Harmer (eds.), *HPG Report No. 14*, Overseas Development Institute, London, 2003.

11 Despite the reservations provoked by the use of this conceptually vague term. See e.g. Sunil Khilnani, “La société civile: une résurgence”, *Critique internationale*, No. 10, Paris, 2001.

12 See Ryfman, above note 4, for a more detailed analysis.

Russia and the United Kingdom and, outside that continent, from Turkey, Israel, the United States and Canada to Japan, Cameroon and South Africa. Asked to rate their level of trust in various institutions “to operate in the best interest of society”, the respondents ranked the armed forces highest (“A lot/some trust”, combined with multiple replies), with NGOs a close runner-up. Parliaments came last.¹³

These data were confirmed by a more recent survey conducted in October 2005 and January 2006 for one of the BBC channels. It was based on a sample of 37,572 people (not only in the United Kingdom but also in thirty-two other countries) and designed to find out which players on the international scene were thought to have the most favourable impact on the economic fate of the world. The results showed NGOs clearly in the lead, with a score of over 60 per cent. More than eight French citizens out of ten, for instance, apparently consider that they play a favourable role in the world economy, while the corresponding percentages in the United Kingdom and the United States were 70 per cent and 64 per cent respectively. A further example, in conclusion, is a public opinion poll carried out in France in December 2005,¹⁴ one year after the Asian tsunami of 26 December 2004: NGOs were most trusted by the public (43 per cent of respondents) to act effectively in disaster situations. International institutions lagged far behind, with a score of 18.6 per cent, while governments and firms came last (with 5.61 per cent and 3.81 per cent respectively) ...

Despite this strong reputation, non-governmental organizations working in the humanitarian field face major challenges as to their capability, operating methods and even their identity.

A player questioned

One of the main reasons is that NGOs, or at least the large and medium-sized ones, have become complex entities, a far cry from the popular image of the small organization composed of a group of friends and implementing micro-projects without any real competence or follow-up. They thus go through cyclical crises and regularly remodel their identity, as do other structures that have to cope with this type of situation. While some critics adopt the facile stance of merciless prosecutor¹⁵ and hold that they will either burn themselves out or even die out, less radical observers are more measured in their comments.¹⁶ There are nonetheless several basic questions that warrant debate and are common to the organizations concerned, despite the genuine differences between them. Even though care must always be taken to avoid referring to “the NGOs” in general and instead to say “some NGOs”, there is a striking similarity in their concerns.

13 WEF, “Trust will be the challenge of 2003”, Press release, Geneva, 8 November 2002.

14 By the Institut LH2 for Fondation de France (i.e. the biggest French foundation) and the weekly *La Vie*.

15 Rieff, above note 2.

16 See e.g. the recent publication by Christian Troubé, *L'humanitaire en turbulences: Les ONG face aux défis de la solidarité internationale*, Editions Autrement, Paris, 2006.

Financial resources must be enhanced

In a context that has become extremely competitive, access of humanitarian associations to private and public funding is, generally speaking, as described below. Given the general macroeconomic situation and the legal and fiscal environment, the average annual level of private donations appears to have been relatively stable in both Europe and North America for the last ten years. Though it looks likely to rise in the medium term, it will do so more slowly than during the 1980s or 1990s¹⁷ – except, of course, in exceptional circumstances such as the tsunami in 2004. But these situations are atypical and their influence on the general trend (over time) is minimal. The increase in response to the tsunami, for instance, seems to have contributed only marginally to extending the fund-raisers' base. Beyond compensating for the classic causes of write-offs from money-givers' data bases (change of address, waning interest in humanitarian causes, job loss or diminishing income, death, and so on), many NGOs (particularly medium-sized organizations) are finding it hard to acquire and retain new donors, even though 2005 (not counting tsunami contributions) and 2006 were relatively prosperous for certain NGOs in terms of private funding.

Public resources are a matter of endless and ultimately rather futile controversy, all the more so as the situation varies widely depending on the country of origin of the main humanitarian NGOs. In France, for example, they do not depend mainly on the state for funding. A statistical survey conducted regularly since 1991 shows that, expressed as a percentage of their total public resources, the state input accounted in 2003 for only 21 per cent in terms of direct financing, 7 per cent in terms of services and 4 per cent in terms of contributions from regional and local authorities. The proportion of public international funding, on the other hand, is steadily growing, having risen from 56 per cent of the total in 1991 to 68 per cent in 2003. The overall public–private ratio was thus 36:63 per cent.¹⁸ According to earlier calculations (which have, however, remained stable over time), the opposite is true in several countries: public funding is higher than private funding in the Netherlands (47 per cent compared with 22 per cent), Denmark (65 per cent compared with 10 per cent), Belgium (53 per cent compared with 48 per cent), and Norway (46 per cent compared with 25 per cent).¹⁹ The situation appears to be the same, or even more pronounced, in the United States, although the absence of overall statistics makes the calculation less certain. According to Lancaster, 30 per cent of official US development aid passed through development and humanitarian NGOs in 2000.²⁰ But the situation differs, of

17 This is of course a general trend, which by no means excludes exceptions. Médecins Sans Frontières-France, for instance, has been registering a high annual rate of increase since 2003; in 2004, its resources grew by 21 per cent compared with the previous year, and in 2005 by 26 per cent.

18 Commission Coopération Développement (CCD), *Argent et organisations de solidarité internationale*, 2002/2003, CCD, Paris, 2005. These data include development and humanitarian financing (without distinction).

19 Adèle Woods, *Facts about European NGOs Active in International Development*, OECD, Development Centre Studies series, Paris, 2000. Data likewise without distinction.

course, from one NGO to another. While MSF-France recorded a 94 per cent proportion of private funding (in 2005), approximately 70 per cent of the resources of CARE-USA came from public finance (mainly the US government).

In such an environment the future of humanitarian NGOs and their ability to maintain an acceptable degree of independence will largely depend on the delicate quest to stabilize resources through diversification and multi-year financial programming. Various efforts have been made to achieve this. To raise private funds, for example, various NGOs in continental Europe have since 2004 been introducing innovative “street marketing” fund-raising techniques which have been used in the United Kingdom for several years. These involve taking advantage of proximity or generational effects to persuade passers-by to donate by means of an automatic bank transfer. The use of new technologies to solicit funds (online donations, donations by SMS, and so on) is likewise gaining ground among the younger generation, who are immersed in computers and cellular phones. Lastly, the legal and fiscal environment can be conducive both to higher donations and to a significant increase in corporate contributions. The United Kingdom and United States are a well-known case in point, although other countries have meanwhile followed suit, such as France, for example, where a legislative reform introduced in 2003 and initially designed to promote cultural sponsorship has greatly benefited humanitarian organizations.²¹

At the same time – and even more so since the 2004 tsunami – the question of whether or not surplus funds collected for a specific cause should be reallocated to other less well-funded fields is arising anew. Similarly, the delimitations between the concepts of emergency, post-emergency, rehabilitation and development are also being widely queried. The idea of “sustainable humanitarian action” put forward by certain sources is still too new to tell whether it will provide a sound answer to these questions.²² It must also be borne in mind that the economic model for the private funding of these humanitarian NGOs, which is based (particularly in Europe) primarily on the accrual of small and middle-sized sums of money from a large number of individual donors, could soon be undermined by the arrival of a new category of big private sponsors, namely the new philanthropic foundations modelled on the Gates-Buffet Foundation in the United States. As yet they are concentrating their international funding on development-related projects, but it is quite conceivable that they might soon expand into the humanitarian field and that the world of foundations, still largely dominated by the Americans, will be supplemented in the future by new establishments in China, India, Russia, Malaysia and so on.

In public international funding the model where there is virtually one single contributor, which led to the demise of European NGOs such as Equilibre

20 Carol Lancaster, *Transforming Foreign Aid: United States Assistance in the 21st Century*, Institute for International Economics, Washington DC, 2000. Data likewise without distinction.

21 Law on Sponsorship, Associations and Foundations (No. 2003-709 of 1 August 2003), published in the *Journal Officiel* No. 177 of 2 August 2003.

22 Jean-François Mattei, *L'urgence humanitaire, et après? Pour une action humanitaire durable*, Hachette, Paris, 2005. The author is President of the French Red Cross.

or Medicus Mundi in the 1990s, is now an exception. Although the European Union remains the prime sponsor – essentially through the European Commission Humanitarian Office (ECHO, see below), medium-sized and large NGOs have become experts in the art of directly soliciting both funding from the diverse UN agencies and other international organizations and subsidies from various foreign governments. The Department for International Development (DFID) in the United Kingdom, the Japan International Cooperation Agency (JICA), USAID, the Norwegian Agency for Development Cooperation, the Australian Government Overseas Aid Program, and so on, regularly sponsor programmes run by European, North American, Islamic or other NGOs.

More efficient management of human resources needed

Professionalization of private humanitarian organizations aid workers, which was long viewed with suspicion, is now a “fait accompli”. Some people still fear, of course, that a social stratum of salaried staff will be created who “live off” the NGO, drawing subsidies and liable to take control in place of activists and members working on a voluntary basis.²³ This fear is more marked in France and the south of Europe, but merely residual in the north of Europe and the Anglo-Saxon cultural sphere. The questions now high on the agenda are more of a normative nature: better pay, career paths and indeed career management; general introduction of paid employment for expatriate and national staff. The latter is now the rule in NGOs in the United Kingdom, northern Europe and North America and is gradually becoming more widely established, though still under debate in certain NGOs in continental Europe or emerging countries.²⁴

There is also a marked discrepancy between the number of posts to be filled and the potential pool of qualified humanitarian workers. NGOs are now having trouble recruiting staff, particularly for technical and specialized posts, in view of the skills and experience demanded by recruiters and the commitment and solidarity they seek. The task of managing operations which are tending to become more and more demanding and complex is thus made particularly problematic by the shortage of human resources in the field and to a lesser extent at headquarters, although the financing of these operations is guaranteed through the organizations’ own or public funds. In this respect the number of expatriates deployed in western Sudan throughout 2006 (about a hundred for Médecins Sans Frontières and just under fifty for Action Contre la Faim), plus several thousand national employees, can be deceptive; these NGOs have had constant difficulties recruiting experienced and competent staff, particularly for pure management or team management functions.

23 Jean-Christophe Rufin, “Pour l’humanitaire: Dépasser le sentiment d’échec”, *Le Débat*, No. 105, Paris, 1999.

24 Rony Brauman and Sylvie Brunel, “Les ONG et l’Afrique”, *Questions internationales*, No. 5, La Documentation française, Paris, 2004.

A partial solution might be to create career paths which should be classified and increasingly accepted as “professional”, even if certain humanitarian analysts still consider that “humanitarian work is not a stage in a professional career path for members of NGOs. It marks a phase of voluntary commitment”.²⁵ How in fact are specialists and indeed more general staff (particularly if they have a family) to be persuaded after their first missions to translate their commitment to a humanitarian cause into a long-term engagement unless they are offered financial security commensurate with the context of humanitarian work, the risks specific to that work and the responsibilities they assume, as well as prospects of a rising salary, a higher grade and a higher level of duties or vocational training?²⁶ Although improvements can be observed (for example in posts for co-ordinators, heads of mission and administrators in the field), NGOs are still finding it hard to retain staff with certain specific technical skills. Quite apart from any attempt to measure up to the commercial and public sectors, the attraction of higher pay levels and better living conditions in the field – in countries often marked by extreme insecurity – weigh heavily against non-governmental humanitarian organizations, particularly the European ones, all the more so since other such organizations (the UN agencies, the ICRC, but certain transnational NGOs too, particularly those of American origin) are also looking for qualified staff. It is thus understandable that they try to recruit them by proposing more attractive financial deals than certain NGOs can offer. The latter often complain about this. However, although certain practices at the local level are sometimes questionable, there is open competition in this field as well. It is a fact of life for NGOs in the contemporary humanitarian environment.

Governance issues requiring consideration

“Associative or non-profit governance” has become a further major challenge shared by all NGOs. Like other aid agencies before them, humanitarian NGOs now get questioned about their working methods, their management, structural expenses, labour costs and so on; NGOs operating as citizens’ associations are even asked about any democratic shortcomings. Nor is there any serious reason, ethical or otherwise, for these questions not to be asked, for should not an NGO’s foremost concern be to perform its social mission, or in other words its mandate, to the best of its ability? What use would it be for an association to have funding, human resources and considerable material facilities at its disposal if it could not carry out relevant and if necessary long-term programmes that meet real needs? The increase in supervision and audits by public or private sponsors and the questions voiced by the media and the public at large testify to the growing accountability now required of humanitarian associations. The need of their senior executives for efficient steering tools also plays a part. Furthermore, governance

25 Pascal Dauvin, Johanna Simeant, *Le Travail humanitaire: Les acteurs des ONG, du siège au terrain*, Presses de Sciences Po, Paris, 2002.

26 *Rufin, above note 23.

influences the policies of NGOs; wrong choices can lead to their absence in the field, whereas more judicious choices would have enabled them to respond to priority emergencies. Similarly, governance that is not in line with reality and the expectations of members, personnel, volunteers, donors and supporters often gives rise to “governance crises”, with adverse effects for the operational capacity and even the very existence of the organization in question. Oxfam, Action Contre la Faim, Médecins du Monde and others have had to cope with such crises to varying degrees.

It is therefore also essential to establish appropriate and efficient best practices. The main form of governance currently adopted by NGOs focuses above all on the “stakeholders”. The idea is to make both beneficiaries and members, staff and volunteers – but also private donors, public sponsors, partner associations, suppliers and so on – feel that they are directly involved themselves. This long list of interested parties makes compliance with a principle of coherence more and more necessary. This in turn calls for improved internal procedures, for strategic planning and for the establishment of risk and quality identification and control processes, designed both to improve programme content, performance and credibility and to develop a culture of internal quality at all levels of the NGO.²⁷ Action Contre la Faim-France, for instance, has build up a “system of management through quality” since 2005.²⁸ Another new approach is to regard board members not as ultimate supervisors of the permanent paid structure and the volunteering part of the NGO but as guarantors of the interests of stakeholders, and primarily those of the beneficiaries of the NGO’s humanitarian work. The supreme purpose of the boards is then to monitor and follow up that work to ensure that the social mission is successfully accomplished.

Finally, the question remains as to whether or not NGOs should be encouraged to accept rating, certification and classification processes – carried out by external rating agencies, run by peers or established by public sponsors or even researchers or the media – to attest to their governance. Strong reservations have been expressed about this, for attempting to classify, label, certify or rate humanitarian NGOs is not a neutral venture. Two main objections are put forward: the risk of impairing their response capacity and sterilizing their inventiveness that the imposition of benchmarks, which would rapidly become restrictive, would entail; and the fear that large-scale organizations would be promoted to an even greater extent than smaller ones.

Nevertheless, these processes are gaining ground. Several initiatives merit careful scrutiny. Five US child sponsorship organizations (Children International, Christian Children’s Fund, Plan USA, Save the Children and World Vision) decided, for instance, in 2004 to have their programmes – both in the field and at headquarters – assessed by two independent agencies, both of them members of the Social Accountability International (SAI) pool of auditors. On completion of the assessment they were issued “multi-stakeholder” certification in

27 Benoit Miribel, “Les ONG à l’épreuve de l’excellence”, *Prospective Stratégique*, No. 28, Paris, 2006.

28 *La Démarche Qualité*, booklet, ACF-F, Paris, 2007.

July 2005²⁹. Although this type of mechanism, which allows these NGOs to put a special logo on their equipment and documents, is not directly “humanitarian”, given the content of the programmes concerned, it could rapidly become a new standard-setter. At European Commission level, ECHO has gradually been setting up a virtual system of classification for NGOs that sign a partnership agreement with it. So the humanitarian organizations have a good chance in the medium term of seeing the debate focus less on the principle of rating or certification than on the criteria to be selected and authorization of the body to be responsible for applying them.

The question of autonomous governance by a growing number of NGOs should be taken into greater account by the other humanitarian agencies. It would in particular give them a better understanding of certain processes, such as those of deciding whether to remain or withdraw when security and working conditions sharply deteriorate.

Legitimacy must be promoted

The fact that NGOs are (probably excessively) overrated in today’s world also has its downside: their legitimacy is now being much more widely questioned. Many politicians, journalists and researchers take them to task on this subject. There are two main reasons for this: first, it is argued that NGOs neither owe their existence to an international agreement nor fall within a legal framework determined by international law. And secondly, it is maintained that they have no political legitimacy since this is the prerogative of political power, whether or not its origin lies in democratic and universal suffrage. The NGO legitimation process in fact almost always starts with the “self-legitimation” which every non-governmental entity (beginning with its founders) first grants itself. Moreover, there is a constant risk that it will be fragmented, since there is a tendency for NGOs mandates to expand and their boundaries to become blurred. The resurgence of states on the international scene which some commentators perceive to be taking place³⁰ is accentuating this trend.

The legitimacy issue must consequently be re-examined, for given the very place and importance of NGOs in the contemporary humanitarian field it can no longer be avoided – on condition that debate is accepted, based on the premise that the fact that an NGO does not derive its legitimacy from a political process does not mean that it has none. The next step is to consider what makes an NGO legitimate or illegitimate and according to what mechanisms. To do so, various systems of reference can be used to verify how the transfer from self-legitimation to legitimation and then to legitimacy comes about, before the latter is perpetuated. The legitimacy of a humanitarian NGO operating in the field will thus be progressively established, primarily by the quality, effectiveness and success

29 Ken Giunta, “Five NGOs set new standard in accountability”, *Monday Developments*, 8 August 2005, Inter Action, Washington, DC, 2005.

30 Samy Cohen, *La Résistance des Etats*, Seuil, Paris, 2003.

of its missions and aid programmes. Evaluation and internal and external audits and monitoring, assessment of the intended beneficiaries' satisfaction, the tangible results obtained and the renewal of programmes are some of the main criteria to be selected. The legitimacy thus initially gained by an NGO through its operational capacity and successes will subsequently be corroborated by the expertise it has acquired over time in certain fields more specifically within its remit: the expertise of International Rescue Committee (IRC) in work for refugees or that of Médecins Sans Frontières in terms of war surgery or access to essential drugs can hardly be contested.

A third factor will reinforce and expand this first and inherently operational legitimacy, namely the extent to which the organization is firmly rooted in society (whether termed "civil" society or not). This factor, though difficult to assess, must not be disregarded. How can an NGO with a respectable number of members and in some cases a strong network of activists, supporters and/or local branches be said to lack legitimacy? Or one which enjoys the support of hundreds of thousands or even millions of private donors, with the financial resources that support provides? Even if the gesture of making a donation is complex in origin, with widely varying motivations and degrees of involvement on the part of both individual and corporate donors, a considerable percentage of people undeniably do support one particular NGO rather than another and demonstrate their confidence by sending money, often accompanied by messages of encouragement or support.

That firm basis in the societies of both North and South can be either generalized or found in certain professional sectors or social groups. It corresponds in any case to the organization's potential ability to enlist support, which may even extend to other sectors and groups, for action on behalf of a particular cause (forgotten conflicts, efforts to fight AIDS, and so on).

Although international law gives no exact definition of an NGO, an ever greater number of instruments and conventions signed between states recognize *de jure* the existence and work of such organizations and thus, perforce, also their legitimacy. It is an undeniable fact that several of these international instruments now specifically contain articles whose content ranges from simply mentioning the accepted role of NGOs to stating – in some cases very precisely – the place assigned to them in the implementation of a given provision in an international agreement. Examples are the Ottawa Convention of 18 September 1997 on the prohibition of anti-personnel mines³¹ or other instruments of international humanitarian law, from the Geneva Conventions and their Additional Protocols³² to the Statute of the International Criminal Court.

Finally, the legitimacy issue would gain by being correlated with the concept of representative capacity, provided that mechanisms can be devised and operated to assess it, which, of course, is not easy to do.

31 In Article 6, entitled "International co-operation and assistance".

32 Even if they do not mention them explicitly. But commentators generally consider that, although the Red Cross and Red Crescent are the only non-governmental institutions mentioned, this does not mean that these instruments exclude NGOs but simply that the ICRC enjoys special prerogatives under IHL, and that these references must be interpreted as examples illustrating what an impartial humanitarian organization, within the meaning of conventions and protocols, must be.

Harmonization of operational practices and behaviour

The NGO world prides itself on the tremendous diversity of its operational approaches and modes of action. Each organization is said to have its own jealously cultivated methods – this would ultimately rule out any cross-analysis of NGOs, despite the many similarities already mentioned, or any view of them as a collective whole. This opinion is questionable, being more akin to persuasive rhetoric than to sociological analysis. It is relatively easy to demonstrate that operational practices tend to become aligned. There are three main reasons for this alignment. First, the sponsors and other partners of NGOs are standardizing their procedures, and a shared bureaucratic culture is thus emerging and developing.

Secondly, this phenomenon is relayed and accentuated by aid workers. These men and women rarely remain “loyal” to one NGO. They move around, changing from Action Contre la Faim to Oxfam, from Merlin to CARE, from World Vision to the IRC, from Médecins Sans Frontières to Save The Children, depending on the fields, years of experience and know-how sought. Yet these successive moves would be neither so frequent nor so easy if cultures and operational standards were not similar.

Many exchanges lastly take place between the technical and logistic departments and the country or regional desks of individual NGOs, for instance through workshops where specialists get together, programme co-ordination and shared training sessions.

Affirmed presence on the international scene

Transnationalization is gaining pace

In non-governmental action the relationship with citizens is, and will remain, an essential factor. As mentioned above, in order to carry out and develop their activities NGOs have built up fairly broad support by public opinion in the countries of the North, but also in many countries in the South, particularly those directly concerned by aid programmes. NGOs are virtually taken for granted as a key element in the international system of aid, if only because, together with the institutions of the Red Cross and Red Crescent Movement, they are (generally) the aid agencies most visible and most readily available to populations in distress. For they have much closer contact with them than do other organizations.

It is therefore important to remember that humanitarian NGOs are also part of the globalization process, particularly as a result of transnationalization phenomena and efforts within a growing number of NGOs to achieve “critical mass”. They are in fact now seeking to acquire a truly transnational dimension through a network of “sister associations” or “branches”, and have accordingly set up their own groups or networks capable of planning for and deploying considerable resources. Oxfam, CARE and Save The Children were the pioneers in the 1980s and were then followed by Médecins Sans Frontières, Médecins du

Monde, Handicap International, Islamic Relief, Concern and so on. These organizations are currently in various stages of building up transnational networks. The outcome could be spectacular in terms of the entire network's consolidated resources and thus its capacity to intervene in crisis areas, or in other words its financial and logistic "striking capacity". The CARE network's budget was estimated at some €600 million in 2004 (financial statements of the various branches combined). The figure for MSF was around €460 million for the same year. World Vision leads with US\$1,950 billion – the figure for 2005.

More generally, the question of "critical mass" is gradually becoming another real challenge: both medium-sized and large NGOs are having to cope with programmes that are increasingly costly and restrictive in financial, human and management terms, hence their need to have adequate means and staff at their disposal. Management control, the close monitoring of expenditure both at headquarters and in the field, measures to improve telecommunication, attention to security rules and so on are now permanently on the agenda, not to mention the increasing number of inspections by innumerable national, european and international monitoring mechanisms and by auditing firms appointed by public or private sponsors. These require increasingly sophisticated accounting procedures and the recruitment of additional competent staff to establish them. The total number of expatriate and national members of staff deployed by transnational NGOs in their various fields of operation now likewise exceeds by far the number of staff at their headquarters, hence the need to enhance both headquarters/field interfaces and on-the-spot team management, while decentralizing to a maximum.

There are several options open to NGOs in this regard, such as self-restraint, the "niche" effect, or internal or external growth. Without going into details, internal growth does not necessarily mean a constant increase in size but a review, for example, of the content of action and the actual methods and procedures used. One of the topics to be discussed in this context is the sensitive issue of deciding whether to start programmes or discontinue them in order to concentrate more means on fewer countries and thus operate more selectively. Then there is the question of pooling projects among NGOs of equivalent size which complement one another at the national level. Quite apart from economies of scale, this could lead to sound partnerships, particularly in logistics, storage of supplies and joint staff management. Lastly, although the question has scarcely been broached as yet, the regional grouping of NGOs in large geographical or geopolitical entities (European Union, ASEAN, MERCOSUR, etc.) could prove rich in potential.

At all events, this progressive or already accomplished transnationalization of certain humanitarian associations is also subtly modifying the balance between humanitarian players. For example, it provides these NGOs with a whole range of broader operational options than those available to certain states, even in the North, not only because they immediately position themselves at the global and not the national level, but also because their own means by far exceed the more limited state budget allocations for humanitarian aid.³³

A sophisticated system of interaction and partnerships

In view of these various facts it is difficult for any analysis of world affairs today, particularly in the humanitarian field, to disregard the existence and influence of NGOs. Moreover, the traditional players in international relations – states and international organizations – now generally admit this. The same applies for parties to conflict: states, insurgent movements, warlords, militia, and local political and military entrepreneurs.

Yet the exact role NGOs play and the extent of their real influence in international relations are still insufficiently understood and indeed are controversial. The alternative for the other protagonists does not merely boil down to the triple option of ignoring them, fighting them or co-operating with them. It is instead a combination of three possibilities spiced with competition, rivalry and even open hostility. There are several reasons for this, starting precisely with the irresistible expansion of volunteering action to the international level that began in the last third of the twentieth century. Since that action encroached on the power and sovereignty of states and on their traditional “preserve”, namely the key areas of world interest that development, human rights, the environment and, of course, humanitarian assistance have meanwhile become, the context has become much more complex, as is shown by contemporary theories of international relations.³⁴

As a result, NGOs are now an integral part of the international aid system which extends worldwide and is deployed more or less intensively, depending on the crisis zones. Although the degree of their involvement varies, an analysis of their positioning reveals a sophisticated system of interaction and partnerships with the other main protagonists, be they big public sponsors, the UN agencies or states. From this point of view, the legal uncertainty characterizing NGOs and emphasized above is in no way incompatible with an increasingly extensive contractual formalization of their relations with those other players – on the contrary.

NGOs are thus a major partner for the European Union – the leading public sponsor of humanitarian aid in the world – which has developed a high level of co-operation with them. ECHO³⁵ has gradually been implementing such a system of formal contracts since it was set up in 1992, and the system is constantly being reviewed and further developed. In order to obtain ECHO financing NGOs must meet a series of very detailed criteria and then sign a Framework Partnership Agreement (FPA). These agreements are regularly revised, updated and complemented. The latest version of the FPA has been in effect since 1 January

33 As in France, although additional budgetary means are allocated in the case of certain crises and the services of various units and administrations are provided to supplement the human and logistic means available for the humanitarian action of the French government.

34 From the 1970s on see e.g. Robert Keohane and Joseph Nye, *Transnational Relations and World Politics*, Harvard University Press, Cambridge, Mass., 1972; James Rosenau, *Turbulence in World Politics*, Princeton University Press, Princeton, 1990; Bertrand Badie, *La Diplomatie des droits de l'homme*, Fayard, Paris, 2002.

2004. Its main objective was to improve working criteria while promoting more transparent and more efficient management of European public financing of humanitarian aid. All the signatory organizations still undertake to ensure compliance with the fundamental humanitarian principles of independence, impartiality and non-discrimination. These FPAs now cover the Commission's relations with some 150 NGOs, most of which have their headquarters in EU member states, although some are based in countries which do not belong to the EU. The various European authorities (Commission, Parliament, Council of Ministers) do periodically discuss completely overhauling this collaboration with NGOs and even replacing it (by endowing the EU with means of its own), or redesigning the FPA for the sole benefit of the UN humanitarian agencies. But quite apart from the humanitarian organizations' (understandable) hostility to these reform plans, several member states are not in favour of them either. And the Commission departments themselves are divided over the issue.

The main humanitarian agencies in the United Nations system have each developed their own forms of partnership with non-governmental organizations in their respective fields. The procedures governing these partnerships are likewise becoming more and more regulated and standardized. One of those agencies, the Office of the United Nations High Commissioner for Refugees (UNHCR), has often taken the lead and introduced many innovations, probably because NGOs are an essential local partner for it, even though it provides its assistance and seeks to carry out its mission through local authorities, states and other international institutions. It frequently delegates refugee camp organization and management, nutrition, logistics, health and education to NGOs. For the last ten years some 500 NGOs have been working regularly each year with the UNHCR in one way or another. These partnerships also relate to other domains such as training. The refugee agency has, for instance, developed a joint education programme with a coalition of NGOs (including CARE, Oxfam, Save the Children) and the International Red Cross and Red Crescent Movement which is entitled "Reach Out" and is devoted to protecting refugees in the field.³⁶ The World Food Programme (WFP) has similar links, based on agreements, with various NGOs with expertise in nutrition and food security such as Oxfam, Action Contre la Faim, World Vision and so on.

Towards non-governmental humanitarian diplomacy?

In this context, shall we see a form of "non-governmental diplomacy" develop and come into play in the years that lie ahead, practised by at least some humanitarian NGOs? In view of the above, this is part of the logic of events and almost a matter of course, even if the combination of the two terms may seem surprising. Indeed,

35 The Office became a Directorate-General of the European Commission in 2005 – the EC Directorate-General for Humanitarian Aid – but has retained the acronym ECHO.

36 *Protecting Refugees: A Field Guide for NGOs*, a joint NGO-UNHCR publication, UNHCR, Geneva, 2004.

it is not fundamentally new, since the ICRC, the other major non-governmental player, has been using it for at least a century.³⁷

Certainly, several preconditions for NGOs to do so now seem to have been fulfilled. They possess the operational competence and specialized know-how, combined with the expertise already mentioned in fields such as health, war surgery, water supply, sanitation, malnutrition, food aid, control of pandemics, education in refugee camps and camps for displaced persons, and so on. It is an increasingly accepted fact that “certain NGOs have expertise on a large number of technical subjects which is essential to well-informed debate and to acting as an effective counterweight”.³⁸ Also, as we have seen, besides their lobbying skill and their ability to rally public opinion to their cause, they command the admiration and support of large sections of the population and elite groups. And finally, there is the will to develop both a new balance of power and relationships of partnership with transnational companies, international organizations and states, a will which reflects their desire to participate in actual decision- and policymaking and the implementation of those decisions. In the opinion of Rouillé d’Orfeuil, one of the main inventors of non-governmental diplomacy, that diplomacy is not and must not be construed as a parallel diplomacy; it is, he says, a component of participatory diplomacy whose objective is to “help build a world of solidarity”.³⁹

To wonder whether events – from the tsunami in Asia in December 2004 to the food crisis in Niger in the summer of 2005 and the past and present situation in Darfur – have given humanitarian associations a new dimension in terms of purpose is consequently justified. The tsunami in particular could be thought to have accentuated a hitherto latent tendency to regard NGOs as tacitly mandated by public opinion to be one of the main providers of humanitarian aid, with a virtual obligation to produce results rather than merely account for how funds are spent: both the citizens of third party countries and the victims themselves overwhelmingly identified the aid supplied during that natural disaster with non-governmental organizations (NGOs and the Red Cross/Red Crescent Movement), although the response of states and international organizations was in fact tremendous. The “socially responsible reaction” would thus no longer be to expect the latter to play the role institutionally assumed to be incumbent upon them, but on the contrary to make international non-governmental humanitarian action the focal response to this type of crisis.

37 Marion Harroff-Tavel, “La diplomatie humanitaire du Comité international de la Croix-Rouge”, *Relations internationales*, No. 121, Geneva, 2005.

38 Pierre Jacquet, “La contestation de la mondialisation”, *L’économie politique*, No. 13, Paris, 2002.

39 Henri Rouillé d’Orfeuil, *La diplomatie non-gouvernementale*, Editions Charles Léopold Mayer et Alliance des éditeurs indépendants, Paris, 2006. After working in the French Ministry of Foreign Affairs and the World Bank, the author now directs Coordination Sud, the central body co-ordinating French development and humanitarian NGOs.

NGOs and the “humanitarian reform” of the United Nations

In humanitarian circles there is a sort of general verbal consensus on the need to achieve better co-ordination among the various agencies, especially in natural disasters. The unprecedented scale of the casualties and devastation caused by the tsunami of 2004, as well as the extensive mobilization of support and huge flows of aid (difficult to co-ordinate) to which it gave rise, accelerated the debate and led to the implementation of a first series of measures to remedy dysfunctional problems and improve the management and quality of international aid. The core idea is that greater and better-planned co-ordination would enable the humanitarian response to be more commensurate with needs by avoiding duplication and by dovetailing operations as far as possible in order to ensure that certain areas are no longer left out while others receive “too much” aid, as it were.

It was the United Nations, and more specifically the Office for the Co-ordination of Humanitarian Affairs (OCHA) and its director, as Under-Secretary-General for Humanitarian Affairs, that took the initiative of proposing what is referred to for the sake of simplicity as “humanitarian reform”. To begin with, an independent committee composed of four consultants was appointed. At the end of its deliberations it submitted a report, *Humanitarian Response Review*, in August 2005.⁴⁰

This report, which aroused both interest and controversy (its recommendations cannot be considered in detail here), triggered a reorganization process intended primarily for the humanitarian agencies of the United Nations, although NGOs were also invited to take part, as were other humanitarian organizations. From the non-governmental point of view, this initiative poses a series of questions which have crucial implications for the future.

Since 2005 the UN has namely pursued a course of action along three main lines. First of all nine key sectors (or “clusters”) were identified, pursuant to the recommendation that an approach by sector, and no longer by agency, be adopted. Some clusters correspond to the classic fields of humanitarian work (nutrition, provision of drinking water), others to auxiliary services (telecommunications or emergency shelters) and others to issues of general scope (camp management, protection). Each cluster is to be co-ordinated by a body specializing in the specific field covered, so that the experience of each agency (e.g. of UNICEF in providing drinking water and food, or of WHO in health care, and so on) will be turned to maximum account. The idea is to set up clusters both globally and locally, and thus on different scales. OCHA then insisted that a lead function be entrusted to a single financial structure, the Central Emergency Response Fund (CERF),⁴¹ which would redistribute the funds allocated by public donors and even big private donors (foundations or companies). It is also planned to co-ordinate

40 Costanza Adinolfi, David Bassiouni, Halvor Lauritzen and Howard Williams, *Humanitarian Response Review*, United Nations, New York and Geneva, 2005. This report is available on the OCHA website at <http://www.humanitarianinfo.org/iasc/content/documents/other/Humanitarian_per_cent20Response_per_cent20Review_per_cent202005.pdf>.

strategies for communication with donors so as to reinforce the long-standing but only relatively effective consolidated appeals system used by the various UN humanitarian agencies. And last, but certainly not least, in order to maximize synergies and interaction between the various players the United Nations would be entrusted, via OCHA, with the general organization of the world humanitarian system – and thus its supervision ...

In field trials launched in 2005 to test the mechanism's feasibility and suitability, the first clusters were set up at national level in the Democratic Republic of the Congo, Liberia and Uganda, then in Pakistan in the actual context of a natural disaster, following the earthquake there in October 2005. The new CERF has been in operation since March 2006; by February 2007 it had already received donations totalling \$162 million.⁴² In 2006, with the balance of the previous structure, the CERF has funded 331 projects in 35 countries to the tune of \$259 million. OCHA and the United Nations Foundation have moreover set up a system through which even individual private donors can contribute to the CERF.⁴³

What is the attitude of NGOs to the reform that has thus been proposed? The least one can say is that they are quite divided. While some humanitarian organizations are not against the reform in principle, many hesitate to really commit themselves. Oxfam is, however, taking part in running the “water and sanitation” cluster. But it criticized the sometimes lukewarm performances of the Fund, according to Oxfam's feeling, and also the transfer by donors of money from other programmes to the CERF.⁴⁴ Others, such as Médecins Sans Frontières, have grave misgivings, considering that there is a serious risk of the reform eroding the NGOs' independence. Action Contre la Faim, for its part, has expressed reservations about the “cluster” approach; although it regards the reform as positive on certain points, it has requested an evaluation of its impact before taking a final decision.⁴⁵

In this regard the debate, technically speaking, has been opened, notably thanks to an NGO, Action Aid, which carried out a retrospective analysis of the “Pakistan model”. The results clearly reveal the limited effects of this first application. It was found, for example, that the cluster leaders assigned to Pakistan (all appointed by the United Nations) did not make sufficient efforts to take the requests and suggestions of international and local NGOs into account. Some clusters, moreover, developed more quickly than others; the “protection” cluster gained hardly any members (perhaps because it seemed to be less of a priority) and

41 It is the successor of the Central Emergency Revolving Fund, which had been in operation since 1991. The new CERF is designed as a standby fund whose purpose is “to ensure funding is immediately available to support rapid response to humanitarian crises and address critical humanitarian needs in underfunded emergencies.” (Report of the Secretary-General of the United Nations to the General Assembly on improvement of the Central Emergency Revolving Fund (A/60/432).)

42 CERF Newsletter, February 2007.

43 Ibid.

44 Press release Oxfam-Belgium, Brussels, 9 March 2007.

45 Press release, Paris, 11 July 2006.

it is to be wondered whether its creation was warranted. Their support role and technical advice were also considered inadequate, with the result that the NGOs present in the field soon lost interest in becoming involved, tending to bypass the clusters and ignore the decisions they took.⁴⁶

From the perspective of action by non-governmental associations, the questions raised by this “humanitarian reform” can be summarized more generally as follows.

- The coherence of the overall strategy for improving the humanitarian response, a strategy of which it is part, is not clear. The clusters are defined as sectoral tools of vertical co-ordination, for example, but how is consistent management of issues common to several clusters to be ensured? Similarly, this approach is intended to be applied both in natural disasters and in conflicts. But what entity will be in charge of selecting the eligible zones, and according to what criteria? Depending on the circumstances, is there not a danger of political considerations having an adverse effect?
- With regard to financing, although the practical advantages of more centralized management of funds seem obvious, at least for public sponsors and certain UN agencies, NGOs point to the risk that this channel of financing might become exclusive and consequently be inclined to impose conditions and take arbitrary decisions in selecting operations to be financed. This would virtually amount to an administrative questioning of any plurality in the field, a plurality which, no matter what people say, is well suited to the complex cases that very frequently do arise and facilitates a more reactive and better adapted humanitarian response. At all events, the guarantees of transparency regarding the allocation of funds, and especially the selection methods, seem to lack precision at this stage.
- There is a danger that the possible use of military forces in connection with certain clusters (particularly the logistics cluster) will blur the distinction for target groups and local authorities between humanitarian agencies on the one hand and political and military entities on the other, a distinction which many NGOs feel it is imperative to maintain. This is not a matter for purely technical consideration since here, too, possible political aspects can have negative effects.
- The proposed reform does not seem to deal adequately with other issues, such as internally displaced persons (IDPs), the degree of involvement of local partners and local civil society or the actual ways, likewise not sufficiently clearly defined, in which the reform and cluster functioning are to be evaluated.
- At a more political level, over and above the operational improvements generally agreed to be necessary, opinions also remain very divided as to the compatibility with the humanitarian principles of any integrative system. Such

46 “The evolving UN cluster approach in the aftermath of the Pakistan earthquake: an NGO perspective”, Action Aid International, April 2006, available at <http://www.actionaid.org/pakistan/images/ActionAid_per_cent20Report_per_cent20on_per_cent20UN_per_cent20Cluster_per_cent20Approach_per_cent20April_per_cent202006.pdf>.

a system regards humanitarian action, particularly in situations of armed conflict, as one of many elements of crisis or post-crisis management. Lastly, some NGOs have expressed (off the record) the fear that they will find themselves used as instruments by OCHA and its director in institutional conflicts between UN agencies, some of which have not been exactly over-enthusiastic about the reform.

It is still too soon to give a verdict on the outcome of this UN-supervised overhaul of humanitarian aid. Although the UN seems to want to demonstrate considerable openness, not only towards NGO participation but also to raising their level of co-responsibility,⁴⁷ many questions remain unanswered,⁴⁸ even if a steering committee is working now especially on developing “Principles of Partnership” (POP) and elaborating a “Statement on Issues of Common Concerns”.

Would it not be better, in the final analysis, to strengthen coherence between the various humanitarian agencies on the basis of what already exists, namely by introducing improvements rather than by installing a new super-structure that is liable to prove unwieldy, bureaucratic and ultimately not very efficient? And it has the added risk of creating an unnecessary challenge to the independence of NGOs and indeed of all non-governmental aid agencies, including the ICRC.

Conclusion

Even without non-governmental agencies there would still certainly be humanitarian action in the world today. But it would lack the contours, the standing and the influence to which (with the necessary reservations) it owes its strength and effectiveness in assisting vulnerable or suffering populations. That strength and effectiveness are due precisely to the existence of this non-governmental component which, when all is said and done, is perhaps simply well suited to today’s post-Westphalian, deregulated and indubitably chaotic world.

For an ever greater number of people, especially since the fall of the Berlin Wall, humanitarian action constitutes an opportunity not only of direct access to an international domain traditionally regarded as the preserve of governments and their specialized agents (diplomats and members of the armed forces), but also of asserting themselves in that domain. It is above all an opportunity for them to

47 E.g. by entrusting responsibility for certain clusters to NGOs, rather than only to United Nations agencies.

48 An important consultation meeting bringing together representatives of various humanitarian agencies with OCHA was held in Geneva in July 2006. A steering committee composed of representatives of the UN, NGOs and the Red Cross and Red Crescent Movement was set up to prepare for establishing a “global humanitarian platform” (GHP) bringing the three groups of agencies together. But the committee’s proceedings (and the “reform”) seem to have made little progress since then, probably partly because the Under-Secretary-General was due to leave at the end of 2006 and be replaced by a new incumbent in January 2007.

exert influence outside the “classic” political considerations of states that often still prevail in inter-governmental organizations. Contrary to certain sometimes glib assertions, that influence is not “anti-political” in intention, a rejection of politics and policy. It is exerted, on the contrary, in the name of principles that have a moral and ethical foundation and are formulated in multiple ways, ranging from the “duty to provide assistance” to the “responsibility to provide protection”, “respect for life”, “respect for human dignity” and “humane duty” – principles which, when translated into the operational realities of humanitarian action, express a certain form of “moral politics” at the international level and solidarity at the global level.

But “moral politics” of this nature is not without ambiguity, as shown by the expression itself and by the very disturbing questioning to which the entire humanitarian community – and NGOs in particular – is currently being exposed. Especially in areas of non-international armed conflict (civil wars, factional fighting) the impartiality and the very presence of external aid agencies are being challenged more and more by local protagonists. Aid workers are reportedly faced with widespread refusal of access to victims, greater risks of instrumentalization of aid and the ever faster deterioration of security conditions in which threats, assaults and assassinations are a fact of everyday life. In other words the existence of a space reserved for autonomous humanitarian action, enabling needs to be assessed beforehand, aid to be provided without discrimination, its impact to be monitored and evaluated and access to victims ensured, is being increasingly contested. Hence the growing queries by the parties to certain conflicts as to the purpose, scope and very acceptability of the humanitarian gesture.

Although it is not up to NGOs alone to seek to preserve that humanitarian space, previous experience suggests that it is better to trust the solutions which the non-governmental humanitarian agencies will endeavour to apply, because their approach has already demonstrated its capacity for innovation and continues to be developed in this early twenty-first century through action in the field, trial and error, research and experimentation. Should not this approach be regarded, after all, as positive in that it tries, not in isolation, but in dialogue with the other players, to forestall any dysfunctional problems and setbacks and to capitalize on those which inevitably occur?

Evolving in an increasingly internationalized environment and guided by growing requirements of accountability both to aid beneficiaries and to private and public sponsors, NGOs will then be better prepared for that challenge and for the many others that they already face or that lie ahead. In other words, confronted with difficult choices in uncertain times, NGOs have hardly any other alternative for the future but to be even more humanitarian.