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# Report

## The 'Joint Policy of Operation' and the 'Principles and Protocols of Humanitarian Operation' in Liberia

Study 2 in: The Politics of Principle: the principles of humanitarian action in practice

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## Study Notes

This report is one of four from ODI study entitled *The Politics of Principle: the principles of humanitarian action in practice*. The other three reports are: *Leader, (2000) The Politics of Principle: The Principles of Humanitarian Action in Practice: Study 1*; HPG Report 2; Bradbury et al, (2000) *The Agreement on Ground Rules: Study 3*, HPG Report 4; Mackintosh, (2000) *The Principles of Humanitarian Action in International Law*: HPG Report 5. A Relief and Rehabilitation Network Briefing Paper entitled *Humanitarian Principles in Practice: A Critical Review* which summarise some key findings and issues from the study in a much shorter paper, is also available from ODI.

All the reports are available at the ODI website at [www.odi.org.uk/hpg/publications](http://www.odi.org.uk/hpg/publications)

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## Acronyms

ACF	Action Contre le Faim	UNOPS	United Nations Office for Project Services
ADRA	Adventist Development and Relief and Agency	UNSCOL	United Nations Co-ordination Office in Liberia
AFL	Armed Forces of Liberia	WFP	World Food Programme
CHAL	Christian Health Association of Liberia		
CRC	Central Revolutionary Council		
CRS	Catholic Relief Services		
DDR	Disarmament, demobilisation and reintegration		
EC	European Commission		
ECHO	EC Humanitarian Office		
ECOMOG	ECOWAS Monitoring Group		
ECOWAS	Economic Community of West African States		
ICRC	International Committee of the Red Cross		
IGNU	Interim Government of National Unity		
INGO	International Non-Governmental Organisations		
IRIN	Integrated Regional Information Network		
JPC	Justice and Peace Commission		
JPO	Joint Policy of Operations		
LNTG	Liberian National Transitional Government		
LPC	Liberia Peace Council		
LUSH	Liberians United to Serve Humanity		
LWS/WF	Lutheran World Service/World Federation		
MSF	Médecins Sans Frontières		
MSG	Management Steering Group		
MTLA	Minimum Targeted Lifesaving Activities		
NDDC	National Disarmament and Demobilisation Committee		
NPFL	National Patriotic Front of Liberia		
NPRAG	National Patriotic Revolutionary Assembly Government		
NPP	National Patriotic Party		
OCHA	Office of the Coordination of Humanitarian Affairs		
PCVC	Programme Compliance and Violations Committee		
PPHO	Principles and Protocols of Humanitarian Operations		
REST	Relief Society of Tigray		
SCF	Save the Children Fund		
SELF	Special Emergency Life Food		
SRSG	Special Representative of the Secretary General		
SPLA	Sudanese People's Liberation Army		
SSIM	South Sudan Independence Movement		
ULIMO	United Liberation Movement for Democracy		
UNHACO	United Nations Humanitarian Assistance Coordination Office		
UNOMIL	United Nations Mission in Liberia		

## Preface

### 1. The Principles and Protocols of Humanitarian Operation and the Joint Policy of Operation

Confronted with some of the most serious challenges ever faced in the provision of relief aid in conflict, the humanitarian community in Liberia developed two inter-agency mechanisms intended to reduce the extent to which their assistance was manipulated, and to increase respect for the principles of International Humanitarian Law (IHL). The Principles and Protocols of Humanitarian Operation (PPHO) was developed in late 1995 and included UN and NGO agencies. The Joint Policy of Operation (JPO) was developed in response to the massive looting of relief resources in Monrovia in April 1996, and underwent several revisions as the situation changed. Unlike the PPHO, it was developed by and restricted to NGOs only.

Both the PPHO and the JPO have received considerable publicity and have won the attention of policy-makers, field staff and researchers alike. At the policy level, their example has spawned other similar mechanisms, such as the 'Principles of Engagement and Disengagement' currently being developed in Eastern Congo. At the field level many aid workers have carried their experiences from Liberia into other situations, for example in Sierra Leone. The PPHO and JPO have also received attention from the research community, with the OCHA report on Strategic Co-ordination in the Great Lakes, for instance, recommending that OCHA 'build on NGO experience in Liberia with codes of conduct' (Lautze et al. 1998: 101). This case study is an attempt to develop an independent understanding of the two mechanisms and the impact they have had on the humanitarian situation in Liberia, and forms part of a wider study of humanitarian principles.

### 2. The study

In recent years there has been a significant growth of interest in the idea of humanitarian principles. This has produced a rash of papers and conferences on the subject. It has also led to attempts in several countries by groups of agencies to develop a more explicitly 'principled' approach to working in conflict; the PPHO and the JPO, the subjects of this case study, represent one such attempt.

The case study is part of a wider study by ODI into the idea of 'Humanitarian Principles'. The purpose of the study was to investigate three broad questions:

- What do humanitarian principles mean to agencies?

- What difference does the adoption of an explicitly principled approach make to agency decision making and behaviour in the field?
- And finally, what impact does this approach have on the behaviour of the warring parties?

In order to investigate these questions two field studies were carried out in countries where inter-agency agreements to promote a principled approach have been adopted – South Sudan and Liberia. In Liberia (the subject of this study), we looked at two mechanisms known as the Principles and Protocols of Humanitarian Operation (PPHO) and the Joint Policy of Operation (JPO). In Sudan we studied what is known as the agreement on Ground Rules (Study 3: Bradbury et al, 2000). An investigation was also made into the legal foundations for principles in international humanitarian law (IHL) (Study 4: Mackintosh, 2000). A separate report has been produced for each of these three case studies in which much of the detail of the research is contained. A synthesis report is also available with the overall findings and recommendations of the study (Study 1: Leader, 2000).

This case study is rather long, but includes all aspects of the adoption of a principled approach in Liberia, providing an important context on humanitarianism and the specifics of the Liberian conflict before examining in detail the nature and impact of the mechanisms adopted.

### 3. The limits of war

The idea of humanitarian principles, or that war has limits, is as old as war itself. In the twentieth century this idea is expressed in the detailed commitments made by state signatories to the Geneva Conventions to respect each other's soldiers, sailors, prisoners of war and civilians. One element of this expression is the right of humanitarian agencies, notably The International Committee of the Red Cross (ICRC), to offer assistance and protection to those beyond the limits. But carrying this out is neither straightforward nor uncontroversial; where the limits should be drawn is inevitably disputed by the warring parties and there is always the possibility of humanitarian action being perverted to evil ends.

In order to cope with these problems, the ICRC developed a practical philosophy known as its fundamental principles. The ideas of neutrality, impartiality, independence etc serve to legitimise its intervention in conflict, to position the ICRC in respect to the actors in a conflict in a way that is both ethically justifiable and politically possible. Pictet, one of the high priests of this ethic, described the ICRC as a swimmer, up to its neck in politics, but who must keep its head above water to survive. For the ICRC, the fundamental principles are what keeps it afloat.

The complex process accompanying the ending of the Cold War and the growth of globalisation, however,

have both prompted and allowed different ethical models of humanitarian intervention to develop. Famously, the founders of Médecins Sans Frontières felt that the ICRC's strict observance of its principles critically hampered its ability to provide assistance in Biafra. More recently, conflict appears to have become endemic in parts of the world in ways that challenge conventional notions of war as being the extension of politics by other means. In these contexts conventional notions of the state, of peace and war, relief and development, or civilian and combatant on which the ICRC position is predicated appear to have broken down. In a parallel development, the relaxation of sovereignty and the privatisation of aid brought a massive growth in the number of NGOs and UN agencies working in conflicts alongside the ICRC.

These developments mean that there is now a variety of agencies working in situations of conflict and a corresponding variety of ethical approaches, some of which are not grounded in the universal legal principles of IHL in the way that the ICRC is. Accompanying this growth however, there has also been a widening realisation of the complexities of working in conflict, notably of the possible negative effects. Much of this was, of course, in large part due to the experience of the Rwanda conflict and the Goma camps. The lone voices that had been accusing agencies of fuelling conflict, feeding killers and of being much more equivocal agents of change than their fundraising or self-image had allowed, became a chorus. This chorus has been picked up on by the mainstream media, and there has been a significant shift in the media portrayal of aid workers. Serious questions about the accountability and performance of agencies have been aired in both public and policy-making circles.

It is also increasingly apparent that this crisis of confidence came at a time of significant change within the international political system. Amongst the security and diplomatic establishment, the heady interventionism of the immediate post-Cold War era in the early 1990's has dissipated, to be replaced with a more traditional assessment of strategic interest and the deployment of resources and political capital in defence of national interest. The end of the Cold War has changed much, but perhaps not the underlying dynamic of competing state interests. The increased numbers of humanitarian actors are increasingly exposed to the chill wind of conflict without the shield of military and diplomatic interest. These two processes combined have produced, both within and outside the humanitarian system, an unprecedented bout of self-questioning.

A range of by now familiar criticisms of humanitarian assistance have developed:

- that it often strengthens the predatory forces that sustain conflict. Resources are diverted to support the war effort through looting or taxation; the provision of assistance in areas controlled by

factions can strengthen their command over populations, or facilitate ethnic cleansing, for example; and factions can use negotiations with aid agencies to claim legitimacy and publicity (Macrae and Zwi, 1994; Prendergast, 1996);

- that it undermines, or prevents the emergence of a social contract. Resources allow factions to divert money away from welfare to the war effort, and reduce the need for them to be politically accountable to the people they claim to represent (de Waal, 1997; Anderson, 1996);
- that it destroys local capacity and causes dependence. Flooding areas with resources can reduce the incentives for local producers and can encourage, refugees for example, to become dependent on external supplies;
- that it provides a smokescreen for powerful states to do nothing. Most famously, in Bosnia, Western governments were able to present their funding of and support to a humanitarian intervention to the public, while doing nothing to bring the war to an end;
- that the system is too chaotic; agencies are market-driven and unaccountable. They compete for media exposure but can get away with shoddy service delivery as their beneficiaries cannot hold them accountable (de Waal, 1997). The urge to be the first to get the convoy through is more important than ensuring aid is delivered in a principled fashion (Short, 1998);
- that agencies ignore rights and protection issues in favour of access. Agencies are too ready to sacrifice the moral imperative to speak out about abuses to the good of access, fearing that without access they will have no publicity.

In short, the humanitarian system is self-serving and is part of the problem, not the solution.

These criticisms have sparked an intense search for new ideas, approaches and ways of working. Some of the key policy questions are: How can humanitarian agencies intervene in conflicts where there is little or no accountability, without strengthening the actors causing the conflict in the first place? What should be the role of humanitarian actors in conflicts where there is little international will to force a settlement? How should agencies respond to mass violations of human rights? Can intervention strengthen civil society and local 'capacities for peace'? And what should be the relations between humanitarian actors and international political actors who may be trying to bring peace?

A variety of different strategies have been proposed and attempted, some organisational some conceptual:

- a number of approaches, inspired by developmental approaches, emphasise building up the capacity of local communities, such as the idea of developmental relief, the relief development continuum for example, or the idea of local capacities for peace;
- another approach promotes establishing codes and standards, such as the Red Cross/NGO Code of Conduct and the Sphere Project, to which agencies should aspire and which will make them more accountable and improve performance;
- some agencies have adopted a stronger emphasis on protection and human rights work, emphasising the role of humanitarian agencies as witnesses and bringing the suffering of conflict victims into the sphere of international politics;
- a number of agencies increasingly seek to make the notion of human rights the philosophical foundation of their work, seeing the promotion of rights being laid down in the various UN Conventions as the essence of their work;
- another strand has been an attempt to integrate relief into an overall response to a complex emergency, that encompasses a political goal, human rights development and relief concerns, such as the Strategic Framework for Afghanistan.

The very variety of strategies proposed reflects the extreme heterogeneity of the 'humanitarian system'.

All of these approaches seek to develop 'a principled approach'. However, in the same way that the ICRC has had to make room for other agencies in conflict zones, the notion of humanitarian principles too is now subject to a variety of competing approaches. A number of the fundamental principles are now challenged, and are being reinterpreted, from different perspectives. The notion of neutrality is challenged by capacity-building ideas that seek to achieve development in conflict, a human rights tradition that seeks to make public condemnations, and the idea of 'political humanitarianism'. The idea of independence is challenged by approaches that seek to incorporate humanitarian assistance into broader political approaches to build peace. The idea that humanitarian assistance is unconditional is challenged both from the human rights tradition that seeks to use disbursing or withholding aid as a way of promoting respect for rights and a political tradition that seeks to use aid in the search for political solutions. In short, there is no longer a dominant ethical position held by those intervening in conflict, but rather a kind of conceptual network of differing approaches.

#### 4. The case studies: the Ground Rules, the JPO and the PPHO

This situation is reflected in the three field-based policy innovations selected as case studies: the Ground Rules in south Sudan and the JPO and PPHO in Liberia. They represent, on the one hand, a common desire to develop a more principled approach; yet they also reflect a variety of ethical responses to the dilemmas of working in conflict, and they all contain elements of the traditions of humanitarianism, human rights and development.

These mechanisms represent a collective attempt by agencies, not just to react in a principled way to their environment, but an attempt to influence it as well. They have attempted, in different ways, to promote greater respect for IHL by the warring parties. The ICRC approach has always contained an element of this: in that the ICRC has always disseminated the rules of war and made confidential reports on their respect for IHL to the warring parties, it was fulfilling its mandate to try and promote respect for IHL. However, inspired by these various traditions, the JPO, the PPHO and the Ground Rules have also introduced several new strategies to achieve this end. These have included: humanitarian conditionality, the idea of 'critical engagement', capacity-building, human rights monitoring, public information and advocacy.

This case study is an attempt to look at an experiment in field ethics and practice represented by the PPHO and the IPD. It will describe and analyse what they were, and the impact they had on what we have called the 'framework of respect'<sup>1</sup>.

#### 5. The 'framework of respect'

The sphere of action of humanitarian agencies is commonly referred to as 'humanitarian space'. As the term implies, it usually has a primarily geographical connotation and is talked about as expanding and contracting – it is in effect synonymous with access. It also tends to promote the idea of a kind of apolitical space within which agencies work. What we are trying to capture by the term 'framework of respect' is not so much the geographical area that humanitarian agencies are able to work in, but rather all those factors in a given context that determine the extent of respect for applicable norms of international humanitarian and human rights law. Thus in a particular conflict the framework would consist of the particular nature of the warring parties, their objectives and strategies, civil institutions and organisations, cultural mores and rules, the regional and international dynamic of the conflict, the levels of interest and attention of the major powers, and the role of the humanitarian organisations. Each element has a part to play in determining at any one time the overall level of respect for IHL and human rights, although some are obviously much more important than others.

The purpose of using this notion is:

<sup>1</sup> This notion has been taken and adapted from the notion of 'framework of consent' in Lautze et al (1998)



- to emphasise that in any conflict there are applicable international norms in IHL and human rights law against which the behaviour of all the actors involved should be judged. These are primarily concerned with the responsibility of the authorities for the protection of people under their control, not humanitarian action;
- to shift the emphasis away from humanitarian organisations and the idea of their ‘space’ as some kind of politics-free zone and on to the broader political framework within which agencies work;
- to make clear that the primary determinants of respect for legal norms are not humanitarian agencies but other much more powerful forces, organisations, globalisation, etc;
- to get away from the simplistic, geographical notion of ‘humanitarian space’ expanding or contracting the framework is dynamic and shifts over time in complex ways that are simultaneously both negative and positive. As fortunes on the battlefield rise and fall and as internal political strategies change, as international powers become more or less interested, the framework changes, and new opportunities or threats emerge or decline.

A more practical reason is that this framework of laws and rights may provide some assistance in the complex judgements that relief agencies have to make, as we shall later suggest.

As mentioned above, the overall objective of the research is to examine in what ways, if at all, the mechanisms adopted by the agencies have influenced the framework of respect.

## 6. Method and methodological problems

The fieldwork for the study comprised two separate trips, an exploratory trip to Monrovia in August 1998 and a longer trip of 20 days in September 1998. The study greatly benefited from synergies with a case study on Liberia for the NGOs and Peace Building Research Project being done by one of the authors, involving two months of fieldwork during 1998 in villages in Lofa and Margibi counties (Study 2: Atkinson and Leader, 2000). The basic methods included open-ended interviews with local actors and agency personnel, as well as documentary collection and analysis. Because of the sensitive nature of the issues addressed in the study, comments and points from interviews have not been attributed. A list of all those consulted can be found in Appendix 5.

The research objectives, however, posed a number of methodological and conceptual problems beyond those usual to research into humanitarian operations. The scope was unusually large in that the study attempted

to cover the whole humanitarian system in the country for a period of several years. It was decided not to focus on specific places or events as this would detract from a broader understanding of the development of the PPHO or JPO over time. The primary focus of the research was from the initiation of the PPHO in 1995 through to the elections in 1997 that marked the end of open conflict in Liberia, although relevant events both before and after that time are however referred to where important.

Secondly, the object of the research was not a programme or project with specific and quantifiable objectives and outputs but two separate agreements between a variety of agencies. This meant that the objectives of the agreement, and thus the criteria by which, for example, a programme review would assess a programme, were diffuse and unclear, and sometimes contested. To ask a question like ‘Did the JPO work?’ begs the question of ‘work for whom, and according to what?’ As will become clear, the PPHO and JPO meant many different things to different people and organisations.

The problem of attributing causation is perhaps most serious. Many of the most interesting questions on the impacts of the PPHO and JPO relate to their impacts on the behaviour of the warlords. However, the case study is reviewing quite a broad sweep of recent history, with limited information and in a highly charged and contested arena. It is easy in this situation to attribute causation to what is in fact association. Improvements in mechanisms for the distribution of food aid during 1996, for example, although in part due to the acknowledgement that problems existed as part of discussions of the PPHO and JPO, were also motivated by changes in donor policies as well as the long planned deployment of specialist food security personnel.

## 7. Structure of the report

The JPO and PPHO evolved out of a particular context and must be understood in relation to that context. As discussed above, the primary determinant of the ‘framework of respect’ is the behaviour of the warring parties. Section 1 therefore provides a brief historical examination of the Liberian civil war, focusing on the objectives and strategies of the warring parties and the nature of the humanitarian response, in order to set out the context from which the PPHO and JPO emerged. The development of the two mechanisms is then examined in some detail in Section 2. Analysis of the impact of the mechanisms on the framework of respect constitutes Section 3, which considers the impact of each mechanism on assistance and protection issues, and offers some overall findings for both. Section 4 briefly examines some lessons learnt for humanitarian policy in other situations.

## Summary of Findings

The development of operating principles by the humanitarian community in Liberia from mid-1995 took place in an environment characterised by extreme disrespect for the rights of civilian populations, and exceptionally difficult working conditions. The negative dynamic of the war economy increasingly involved humanitarian resources, whether obtained directly from agencies by a number of methods, or via the civilian populations on whom the fighters preyed. Humanitarian agencies had assisted affected civilians for many years in this context, helping to avert major mortality (Outram, 1997), but with growing recognition of the various perverse and negative impacts. Tensions between political and military objectives and on-going humanitarian operations had also gradually heightened and had a major bearing on the development of a principled approach. Political support given by the UN to attempt to impose a partisan humanitarian embargo during 1993, and access strategies by UN and other agencies that entailed the feeding of fighters continuing into 1995, both directly undermined fundamental principles of humanitarian action, neutrality and impartiality. The situation was such, that by late 1994, the ICRC effectively closed down its relief activities in the country, maintaining that operating according to its own strict principles was not possible.

The adoption of humanitarian principles also took place in the political context of both a developing resolution to the conflict from the signing of the Abuja I accord in September 1995, and a growing commitment by the international community to take action to promote such a resolution. Military stalemate and a rapprochement between the major faction and the regional superpower, Nigeria, were accompanied by growing impatience in the international community with the destructive personal agendas of the faction leaders, and active funding of policies to promote and implement the peace process. The new pro-activism, including the development of humanitarian principles, was arguably motivated by a greater understanding of the conflict and its impacts, and of the actual and potential roles of external actors within that dynamic. This was reflected in the peace-building objectives of the European Commission and USAID policies, as well as in the information and advocacy strategy pursued by the humanitarian community particularly during 1996. The PPHO and the JPO were both restatements of fundamental principles. But both also attempted to go beyond traditional humanitarian principles through the adoption of a more political agenda in that they were attempting to change the way the conflict was fought. The use of humanitarian conditionality – the threat (and practice) of denial of relief as a mechanism to persuade faction leaders to alter their behaviour, as well as the active promotion of IHL through political-level advocacy – were both aspects of this ‘political humanitarianism’ (Weiss and Collins, 1998).

It is very difficult to assess the impact of the adoption of principles and the pro-active strategies of the humanitarian community on the framework of respect for civilians’ rights, particularly given the complex context of the changing political environment during this key phase of the conflict. The relative irrelevance of actions by the humanitarian and international community, and the paramountcy of the political and military strategies of the factions, have been affirmed by many of those consulted for this study. While these agendas sometimes included acknowledging the need for relief – as part of the faction leaders’ public relations strategies – their professed humanitarianism served as a front for their deeper more selfish concerns. The stronger political engagement by the international community following the April 1996 fighting, however, did arguably have some impact at political levels on the course of the war as well as in the humanitarian sphere. Political conditionality was introduced as part of the Abuja II agreement signed in August 1996, with threats by powerful states to impose sanctions on faction leaders for non-compliance. Humanitarian conditionality was linked with political conditionality through the inclusion of respect for IHL and civilians’ rights as an aspect of compliance with the accord, and public and private pressure was put on the factions to comply. The process went ahead with disarmament in late 1996 and early 1997, and the holding of elections in July 1997.

The impact of the adoption by the humanitarian community of the PPHO, in September 1995, was felt initially in improvements in the co-ordination of action between the various humanitarian agencies. The agencies were at last able to operate according to an explicit and shared set of rules, and to discuss continuing difficulties in practice openly. The ability to present a united front grounded in international law limited the extent to which the factions could manipulate them, and helped establish the practical benefits of working according to common principles. A better understanding of humanitarian principles and dilemmas within the humanitarian community also contributed to the ability to work effectively on the ground. Improvements in practice included the insistence on joint assessment before providing assistance and a decline in bad habits such as paying for access, while the psychological impact of acknowledging the potential for negative impacts was a key aspect of the process.

Continued harassment and the massive looting of humanitarian resources during the April 1996 fighting demonstrated the minimal impact of the PPHO on the warring parties, the major determinants of the ‘framework of respect’. The compliance mechanism – the PCVC – was then established, and, in conjunction with the imposition of sanctions on factions following Abuja II, increased the leverage of the humanitarian community on the factions themselves. The compilation and publicising of lists of violations of IHL by UNHACO through the PCVC was used to pressurise

them to respect civilians' rights as stipulated in the accord. The direct impact of these actions is difficult to assess, and serious abuses continued, particularly in western Liberia, until January 1997. But awareness of rights and responsibilities also increased, and the 'framework of respect' was thereby strengthened. The cohesion of the humanitarian community was again a crucial aspect.

The JPO adopted by the international NGOs in May 1996 in response to the April fighting affirmed the PPHO, and set out a policy of humanitarian conditionality. The initial statement explicitly recognised that the periodic and recent massive looting of humanitarian aid was fuelling the conflict, and that 'business as usual' could not continue. The NGO community conducted an active joint advocacy campaign immediately following April 1996, with its representatives playing a major role in lobbying for the inclusion of civilians' rights in the conditionality of the Abuja II accord, as well as in the information campaign as part of the PCVC. The NGOs also publicised their 'life-saving only' and 'minimum inputs' strategy, which restricted their programming and capital inputs from April 1996 to early 1997. The initial JPO limited programmes to those defined as meeting immediate emergency needs, while later policy excluded involvement in the implementation of demobilisation programmes up-country because of the NGO analysis that the disarmament process was fundamentally flawed.

While the explicit recognition by the NGO community through the JPO of the potential for relief aid to 'do harm' represented a major step forward, the introduction of humanitarian conditionality that this entailed was an ambiguous aspect that eventually precipitated its decline. The dilemma of whether doing no harm also means doing no good is at the heart of this issue, exemplified by choices over involvement in programming with political or 'peace-building' objectives such as demobilisation. Whether, through the temporary withdrawal of their services from up-country programmes, the NGOs demonstrated their deeper political analysis and avoided doing harm, or whether the non-provision of needed resources and expertise itself undermined in some way the fragile peace process, is, of course, impossible to judge in the absence of the counterfactual. The influence of the JPO on programming decisions and the ability to achieve consensus diminished throughout the second half of 1996 as new NGOs arrived and new issues became important, and by early 1997 the policy was generally seen as too restrictive.

Political advocacy was similarly abandoned by the NGOs, and on the eventual arrival in September 1997 of the joint advocacy facilitator appointed in late 1996, the post focused, equally usefully, on management and relationship issues. The impact of the advocacy strategy in promoting awareness of, and pressurising factions to comply with, IHL was thus limited to the period during

1996 following the April fighting. Even during this 'window of opportunity' when the threat to impose sanctions remained valid, and despite the inclusion of human rights in the Abuja II sanctions in the same way as civilians' rights under IHL, the advocacy strategy of the humanitarian community was primarily concerned with the latter. Little was achieved by the NGOs, through the PCVC, or by the specially mandated UNOMIL human rights monitors, to address human rights protection issues. The threat of a war crimes tribunal did form part of the information strategy used against faction leaders, but no action has ever been taken on the actual cases documented and compiled over the years of the conflict.

The unclear division of labour within the humanitarian community on human rights issues, and lack of understanding among agencies of their protection roles and responsibilities, may be aspects of this failure; however, many of those involved see the problem in terms of political commitment. Conscious decisions were taken by international actors that valued peace above justice, and that saw the two as mutually exclusive. This issue presents a difficult dilemma, and the arguments in favour of action to promote an albeit flawed resolution to the conflict in Liberia were particularly strong following the April 1996 fighting. It is widely recognised, however, that more could have been done to promote justice as part of that peace, whether through more action on human rights abuse during the key period of leverage in 1996, or through increased support for civilian alternatives to factional power. The strategies of the humanitarian community adopted through its principled approach, while important developments in terms of promoting the rights of civilians to receive humanitarian assistance, could also themselves have contributed further to the protection of human rights.



## 1. The Historical Context

This first section provides a historical account in summary of the Liberian conflict, looking at the different phases of the war and examining military and political developments and the changing nature of humanitarian needs and responses. The conflict is presented in three phases to emphasise the different facets of the first war which represented a bid for power by the National Patriotic Front of Liberia (NPFL), the second war of increasing factionalisation or 'warlordism', and the third phase of the Abuja agreements which led to disarmament and elections.

### 1.1 The first war 1990–92

#### 1.1.1 The conflict

The conflict in Liberia was started on 24 December 1989 by the professed revolutionary National Patriotic Front of Liberia. It was an attempt to depose the autocratic dictator Samuel Doe through civil war which was seen as the only apparent option. NPFL leader Charles Taylor's own ambition emerged early on and has sustained the war ever since, as he continued to fight until he achieved the Presidency, and others fought to prevent his victory. The war was widely supported initially by different sections of the population including those in exile from the repressive Doe regime, and the national army the Armed Forces of Liberia (AFL), was unable to contain the incursion which reached Monrovia in six months. The resulting ethnically targeted violence, mainly involving Doe's Krahn tribe and Mandingo people associated with his regime against northern Mano and Gio groups which supported the NPFL, caused massive population movement from various areas of the country to refugee areas and Monrovia. Much of this first war's horrific violence directed against civilians can be understood as a response to the brutality of Doe's government, with its ethnic dimensions reflecting the manipulation of ethnic identities for political purposes by both Doe and Taylor (Atkinson, 1999; Osaghue, 1999). While functional to some extent for these leaders, the intensity of the violence unleashed – which displaced at least half of the population in nine months – backfired on both, and the NPFL quickly lost its initial popularity.

The international community led by the United States, delegated direct intervention to the Nigeria-dominated Economic Community of West African States (ECOWAS). Both the US and Nigeria followed a pro-sovereignty and anti-NPFL strategy for many years, for reasons including former close alliances with Doe's government as well as US revulsion at Taylor's tactics. While support for Taylor from Côte d'Ivoire and Burkina Faso signalled a broader franco-anglophone rift in ECOWAS, the anglophone countries under Nigeria prevailed at the level of public diplomacy, and ECOWAS was ostensibly united in its military action. The deployment of the ECOWAS Monitoring Group,

ECOMOG, in Monrovia in August 1990 led to a military stalemate. Taylor's NPFL was prevented from taking the city, but held the rest of the country which became known as 'Greater Liberia' (see map in Appendix 1). At the first peace meeting in Bamako in August 1990, an Interim Government of National Unity (IGNU) was established in Monrovia headed by former opposition politicians and activists, and a formal cease-fire was signed in Yamoussoukro, Côte d'Ivoire, in November 1990. The UN Security Council backed the actions of ECOWAS and ECOMOG in January 1991 with Resolution 911 of 22 January, and a statement on 7 May 1992.

The cease-fire lasted until mid-1992, when the United Liberation Movement for Democracy (ULIMO), assembled in the refugee areas from the former AFL by Mandingo and Krahn associates of the former Doe government, began attacking NPFL positions in western Liberia. The ULIMO forces were covertly backed by ECOMOG, the IGNU, and the Sierra Leonean government, with at least tacit support from the United States (Sesay, 1995: 213–16). The cease-fire broke down completely following Taylor's 'Operation Octopus' attack on Monrovia in October 1992 and ECOMOG's retaliatory offensive which included bombing raids on humanitarian and civilian targets in Greater Liberia.

During the cease-fire period Taylor used innovative economic strategies to support his personal political ambitions, amassing wealth to fund his military strategy while strengthening his political bid through a concerted public relations strategy, including sophisticated media manipulation. The National Patriotic Revolutionary Assembly Government (NPRAG) set up in Gbarnga in Central Liberia organised alliances with existing international companies that were encouraged to remain, and administered the territory through locally based commanders in collaboration with the existing system of chiefs and elders. Although the NPRAG was corrupt and self-serving, some income from the operating concessions was redistributed to public services and welfare, and relative law and order was imposed. Efforts were made by the NPFL high command to control commanders and fighters on the ground, with examples of interventions by Taylor himself to instruct his people to respect local tribal structures and customs (Study 2: Atkinson and Leader, 2000).

While the threat of the use of force continued to underpin NPFL control, and abuses of civilians' rights continued, the populated areas of Greater Liberia were relatively peaceful and productive during the period, with formal and informal activities resuming pre-war levels (*ibid.*). There was little international relief or rehabilitation activity, because of the relatively limited needs as well as access problems, although some emergency medical NGOs were operating up-country from early 1990. Taylor's own NGO, NEROL, distributed relief items in some areas. Taylor's strategy

during this time contributed greatly to his subsequent election victory.

Juridical aspects of the Liberian state such as its international representation were vested in the IGNU, reflecting the abiding norm of sovereignty in international relations (Outram, 1998). The NPRAG was only acknowledged by ECOWAS as part of the peace negotiations, and never attained the status of a sovereign entity. The highly corrupt civil service of the Liberian government continued to operate in some form, but its functions were greatly limited, with welfare in Monrovia taken over by the humanitarian community. The jurisdiction of the IGNU was later expanded beyond Monrovia to Buchanan, but only reached as far as ECOMOG protection extended. The state remained, however, the arena of the broader political struggle, while the interim government continued to be in some sense a faction in the war. During Operation Octopus, the national army, the AFL, was reconstituted in Monrovia with the help of ECOMOG, and played a major role in preventing the NPFL from entering the city.

Active involvement by the international community increased during Octopus with the appointment by the UN of a Special Representative of the Secretary General (SRS) in November 1992, and the imposition of an economic and arms embargo on Greater Liberia through Security Council Resolution 788 of 19 November. Further UN resolutions and Security Council statements in 1993 endorsed the anti-NPFL strategy of ECOMOG, as well as its active pursuit of political and military goals at the apparent expense of humanitarian ones (Resolution 813, 26 March 1993; 866 of 22 September 1993). In 1993 the SRS issued a statement that 'certain organisations have a mandate to take help to populations in need. We have a more important mandate, to bring peace. If our assistance hinders the process of aid, there will be no aid programme' (quoted in Weissman, 1996: 66). The fundamental tension between political and humanitarian goals during this period, and the explicit support of the UN for the former at the expense of the latter, were major factors in both the later abuse of the humanitarian community by the warring factions and the development of a principled approach by the community.

### 1.1.2 Humanitarian responses

The international humanitarian response to the first war focused on the large refugee populations in Côte d'Ivoire, Guinea and Sierra Leone, totalling approximately 750,000, and the 800,000 'war-affected' displaced and resident population in Monrovia (Apthorpe et al, 1996). Humanitarian operations were led by the UN, with the World Food Programme working in conjunction with UN High Commission for Refugees in the refugee areas, and the UN Special Co-ordination Office for Liberia (UNSCOL) established in Monrovia, headed by a UNDP Resident Co-ordinator

with conflict experience. UNICEF and WHO which were also operational, again focused primarily in Monrovia and its environs and in the refugee areas. Few international NGOs were operational in the early years, and a local NGO, Special Emergency Life Food (SELF), was set up by Liberians to register the population and implement food deliveries for WFP in Monrovia. The ICRC, ACF, LWS and several MSF sections (Belgium, Holland and France) provided emergency medical services in Monrovia and up-country, and Save the Children Fund from early 1991 became involved in support for social welfare services.

Assistance was provided primarily by the US and the European Commission through its Humanitarian Office (ECHO), with food aid accounting for the majority of funding. Total funding averaged over US\$100m a year (Scott et al., 1995: 5), with the US providing nearly \$90m in 1991 and \$67m in 1992. US funding was restricted to emergency food aid assistance due to the Brooke amendment which forbids cash allocations to countries that have failed to meet their debt obligations. The relatively large-scale food aid funding has been attributed to 'a moral duty, a repaying of old debts' (quoted in Scott et al., 1995: 27).

The majority of the food aid, accounting for 60–80 per cent in most years was distributed in Monrovia, although no figures on precise up-country distributions exist within WFP. While initial distributions of 'full rations' to the population of Monrovia were halved in 1992, the on-going distributions of rice to 750,000 were increasingly questioned (Apthorpe et al., 1996). Many saw their continuation as in part politically motivated as food was an important resource for the civilian and anti-NPFL enclave in the capital. No international food aid reached Greater Liberia until 1992 when some assistance was given to Sierra Leonean refugees and populations in western Liberia affected by ULIMO offensives. Liberians United to Save Humanity (LUSH) was set up in June 1991 as a sister agency up-country to SELF, but distributed little before 1993. Humanitarian need up-country was limited, compared with Monrovia and the refugee areas as the population was greatly diminished and productive activities had resumed following the cease-fire. Taylor's NGO NEROL distributed some rice during 1991 in central Liberia, and food aid was also distributed by NPFL during 1990 in some areas from rice stores stolen from a commercial ship at the height of the fighting.

The focus by the humanitarian community on Monrovia was due partly to the logistical realities of it being the capital and the major port, and partly to uncertain security conditions up-country. UNSCOL and the NGOs developed close links with the IGNU, and diplomatic relationships were re-established in Monrovia, although mainly on an informal basis. Civil society groups and the local NGO sector were also based in Monrovia, again partly from security concerns, although some local NGOs, including the Christian Health Association of Liberia (CHAL), Susukuu and

the Justice and Peace Committee (JPC) did attempt to work in Greater Liberia. Although the focus of the UN during this period was on humanitarian action by its operational agencies, the passing of Resolution 911 in support of ECOMOG's actions, and the perceived bias of the relief operation centred on Monrovia, contributed to general suspicion of the humanitarian community on the part of the NPFL.

From late 1991 UNSCOL began to make efforts to expand access for humanitarian activities up-country, and relatively large-scale operations were being established before the Operation Octopus offensive in October 1992 and the retreat back to Monrovia. Although co-ordination and security were relatively good under UNSCOL, Greater Liberia was heavily militarised, with numerous checkpoints often armed by child fighters. Harassment of personnel, demands by fighters for goods or payment at checkpoints, and commandeering of vehicles and radios were experienced from early on. All agencies were compelled to develop relationships with the NPRAG, but mutual confidence was rarely achieved. The NPRAG had encouraged humanitarian or rehabilitation initiatives because, according to one former minister, 'we only wanted them for political reasons, to show there was life behind the lines, to reassure people about the NPFL'. The often highly qualified NPRAG Ministers were often surprised at the relative youth and inexperience of the international relief workers, increasing their distrust of humanitarian operations.

Mechanisms were put in place by the NPFL to search relief convoys when they started, and arms were reportedly discovered in food trucks, again increasing suspicion of relief work. The use of relief agencies for espionage purposes has also been mentioned by fighters, with ULIMO allegedly using an NGO assessment mission to border areas in western Liberia in early 1992 to gain detailed information on NPFL positions before planning its offensive from Sierra Leone. This type of case greatly increased the suspicion of all factions including ULIMO itself towards relief agencies. As the military situation deteriorated from mid-1992, a more calculated abuse of relief aid developed, perhaps fuelled by earlier suspicion.

## 1.2 'Warlordism' 1992-5

### 1.2.1 The conflict

The conflict subsequently degenerated into what is now commonly recognised as 'warlordism' (Reno, 1998; Reno, 1996; Ellis, 1998), as other political actors adopted Taylor's strategy of taking and holding territory in order to reduce his power and for themselves to gain access to economic resources and entry to the on-going peace negotiations. The power-sharing design of the ECOWAS-brokered Cotonou peace agreement signed in July 1993, which transformed the IGNU into the Liberian National Transitional Government (LNTG) in which factions were represented, greatly contributed to

this factionalisation by increasing incentives for military action, and was adopted against the advice of Liberian civic groups (Alao, 1996, quoted in Armon and Carl, 1996). While the factionalisation of the war was marked, it was contained, however, within the existing small political class, already militarised from the Doe period. ECOMOG's support for the anti-Taylor factions now became explicit, as did its highly negative role in the war economy, particularly in supplying arms and exporting looted goods and illegally mined minerals. The Cotonou accord attempted to address the former issue by expanding ECOMOG to include non-ECOWAS states, and through the establishment of the UN Observer Mission in Liberia (UNOMIL), whose mandate included monitoring ECOMOG (Mackinlay and Alao, 1999: 10).

By 1994, a loose coalition had formed consisting of ULIMO, by then split into its Krahn and Mandingo elements, J and K respectively, due to disputes over the allocation of seats in the LNTG; the Liberian Peace Council (LPC), a new faction and proxy force set up by the AFL following the Cotonou cease-fire; and NPFL dissidents, the Central Revolutionary Council (CRC). These various factions attacked the NPFL from different fronts from mid-1992 to 1995, with members of ULIMO also fighting each other in the diamond belt of western Liberia, and the LPC focused on exploiting the gold and timber-rich areas of the south-east, where it also controlled port areas in partnership with ECOMOG. Direct military action by ECOMOG was limited following criticism of its partisan nature and tactics and the subsequent deployment of UNOMIL, but it continued to play a major role in providing back-up, reconnaissance and logistics to the coalition, which attacked, looted, and briefly held Gbarnga and its environs in late 1994.

While the military objective of the anti-Taylor coalition was clear, its coherence was greatly weakened by the individual interests of the various faction leaders and fighters, and most of the factions spent as much time exploiting local populations as fighting. NPFL commanders and fighters also became more directly predatory, and violence against civilians, including for economic ends, was an integral aspect of this period. There was some level of organisation in all the factions, with some military training, and division of labour within units, but control by the political leaders became increasingly weak as recruitment expanded, and there were widespread human rights abuses beyond those needed to support the factions' strategies. The absence of any ideological or political goals, beyond those of seizing and maintaining, arguably contributed to the minimal levels of discipline or cohesion within the factions.

These increasingly predatory and violent tactics reflected both the growing desperation of both fighters and civilians as resources became scarce, and the increasing opportunities for violent exploitation created by the intensification of the military struggle. Fighters

themselves changed factions as they were captured or moved between the various front lines. Civilians became the 'pawns' of all the factions, as victims, recruits, labourers and financiers, although the distinction between civilians and fighters became increasingly blurred as leaders recruited randomly to support their strategies and civilians lent support to the various factions in order to survive.

Relationships between factions and civilian populations varied somewhat according to their political strategies, with civilians in the factions' 'home' areas, the NPFL in north-east Liberia, Krahn factions in the south-east, and ULIMO-K in north-west Lofa, treated with different levels of respect and violence from those perceived as the population of an enemy faction. This reflected an element of recognition of the role of civilians as current factional supporters and future political constituencies, as during Taylor's Greater Liberia period. But the need to predate remained and intensified, with violence used directly by factions and their associates in all areas to exploit and even enslave the small remaining civilian populations, flight having again become a major coping strategy for civilians. Forced labour was increasingly used for small-scale mining and direct food production, as well as in recruitment.

Illegal and violent economic activity continued to finance factional activity at both micro and macro levels. Production levels were greatly reduced compared with the Greater Liberia period, due to the intensity of fighting throughout the country and the destruction of industrial and export capacity through looting and as a result of ECOMOG bombing. Illegal extraction of minerals and timber continued, however, with all factions involved. In central Liberia, all diamonds mined over six carats in size were reportedly sent to NPFL leaders in Gbarnga, while mining in ULIMO areas was also controlled at leadership level, particularly before the split (Atkinson, and Leader, (2000). International companies were involved in the export of these minerals and in timber production and export, whether through Buchanan port in collaboration with the LPC and ECOMOG, or across the north-eastern borders of NPFL territory into Côte d'Ivoire. The nature of international economic links changed greatly as only small-scale 'piratical' companies were able to operate in such a high-risk environment, and very few of the logging companies operating in 1991 and 1992 were still registered by 1995 (Atkinson, 1997: 11).

While the local-level objectives of armed groups increasingly influenced the negative dynamic of the war, the broader political agenda was always at stake, especially for Taylor whose primary goal remained state power. The LNTG played a key role as government taxation functions became increasingly integrated with the up-country war economy, and acted as the arena of the ultimate purpose of the war-control of state power. None of the other faction leaders enjoyed more than minority levels of support at national level, with their ethnic identification limiting their appeal. ULIMO-K

leader Alhaji Kromah's Mandingo constituency totalled less than 15 per cent of the population, while George Boley and Roosevelt Johnson, leaders of the mainly Krahn LPC and ULIMO-J respectively, could expect little support beyond the 5 per cent of the population designated as Krahn (Outram, 1998: Appendix 1). All factions wanted, however, to compete in national-level politics.

The mechanisms of war during this warlord period were similar to exploitative state traditions, but with an unprecedented level of violence used and unprecedented suffering of the civilian populations. The small political elites in Liberia have always operated in a highly exploitative manner, but they have also been distributive to some degree, using the patronage systems of the state and their own networks. The distributive networks of the warlord period did include various sectors of the civilian population, but the practices of violent exploitation resulted in suffering for the vast majority. Analysis of this vicious cycle of violence and economic exploitation was developing by the mid-1990s (Reno, 1998), but while the US in particular continued to spend large sums on relief for its victims, there was little committed engagement at the political level during this period. The SRSF played an active if ambiguous role in the Cotonou accord and its later development at Akosombo and Accra, but the major players took little interest in the series of ECOWAS peace talks to which they contributed little (Outram, 1998).

### 1.2.2 Threats to humanitarian operations

Following the Octopus offensive and intensification of the conflict from late 1992 it became increasingly difficult to implement effective humanitarian operations, and manipulation of the humanitarian community by the factions greatly increased. The humanitarian community also experienced tensions with the more politically pro-active stance of the UN, due to its explicit support for ECOMOG's bombing operations which included a number of humanitarian targets (Scott et al., 1995:20; Weissman, 1996: 62–63). ECOMOG's strategy of a tight embargo on NPFL territory was explained by a commander to one interviewee as, 'it worked in Biafra and we'll make it work here too, we'll starve the bastards'.

By mid-1993 this conflict had led to the demise of UNSCOL following the forced resignation of its experienced co-ordinator. The increasing politicisation of relief aid provoked a public statement by the head of the ICRC in September 1993 accusing the UN of 'deliberately causing hunger' through its combined embargo and support for ECOMOG's military offensive (reported in *The Independent*, 2 September 1993). EC funding for food aid was substantially reduced in 1994 and 1995 because of frustration over the continued lack of targeting in the region, and also in response to the growing emphasis of EC food aid policy on food security issues (Brusset et al. 1998: 46). ECHO



continued to fund NGO activity, particularly in the health sector, and the European Commission's DGVIII became more active from 1994, using rehabilitation budget lines as well as Lomé Convention funds, with total EC funding during the conflict totalling roughly US\$ 220m (Brusset et al., 1998: 19). The continuation of large scale general distributions of rice in Monrovia and concentration of aid resources within the ECOMOG controlled zone, was increasingly recognised as a further aspect of the political bias of the UN (Outram, 1997; Weissman, 1996).

While perhaps demonstrating the fundamental tensions between political and humanitarian action, the UN's explicit political support of the anti-NPFL strategy arguably encouraged the existing resentment of the humanitarian community on the part of the NPFL and contributed to the evident lack of respect for or belief in the neutrality of relief operations. The presence of MSF personnel in one publicised incident of an ECOMOG bombing of an NPFL arms convoy is also believed by Liberians to have deepened factional distrust of the humanitarian community, including within the faction concerned, the NPFL. Within the humanitarian community, a major gap in co-ordination was created by the demise of UNSCOL and tensions between the UN and the INGOs, and within the NGO community itself, increased markedly (Scott et al., 1995; Weissman, 1996).

The concentration of aid resources on Monrovia and the ECOMOG zone continued despite increasing needs up-country as a result of the intensification of the conflict, the proliferation of factions, and the disruption of the up-country economy. Large numbers of internally displaced persons, estimated as at least 600,000, were caught between the various front lines in central Liberia, particularly in Margibi and lower Bong counties (Apthorpe et al., 1996). In most other areas civilian populations were greatly reduced as large refugee outflows to Guinea and Côte d'Ivoire were again recorded, with 'new' refugee populations from 1993/94 estimated at 250,000 (ibid). While food distributions up-country did increase greatly during this period, amounts were still relatively small compared with the on-going general distributions in Monrovia and the refugee areas.

Some NGOs expanded their operations up-country from early 1993 in defiance of ECOMOG and the SRSF, establishing a major cross-border operation from Côte d'Ivoire with warehousing in Liberia based at Phebe hospital compound near Taylor's capital Gbarnga. The ICRC, LWS and SCF were the major agencies distributing food aid to populations of over 300,000 in central Liberia in the hungry seasons from 1993 to 1996 (LWS/WF Liberia Programme Annual Report 1994; SCF Liberia Field Trip Report 1995). The Médecins Sans Frontières set up emergency feeding centres for severely malnourished adults and children in areas with large displaced populations. Distributions to Upper Lofa were also attempted in late 1993, to Sierra Leonean

refugees and the small remaining local populations, but were soon discontinued because of abuse by ULIMO-K. Catholic Relief Services also distributed food in the ECOMOG-controlled enclave at Buchanan port, where large populations fleeing LPC activities in the south-east had taken refuge.

The predatory behaviour of the factions during this warlord period both increasingly threatened the coping mechanisms of remaining and displaced civilian populations, and was increasingly targeted on the relief aid itself. All informal production and marketing activities became highly dangerous and subject to systematic looting by fighters, who would demand taxes, confiscate goods directly, and force civilians to harvest crops for consumption or sale. Looting from all sources became an ever more important aspect of the illegal economy, with even major infrastructure gradually dismantled and sold off during this period. Larger-scale cash crop production and mining continued in some areas, often using forced labour and with profits accruing upwards to commanders and faction leaders.

Despite the growing incentives to flee, join up, or associate with the local faction, large civilian populations still remained up-country, some taken captive by fighters or front lines, others in relatively 'safe' zones well behind front lines, and some deep in the bush. Means of survival declined drastically particularly during the hungry season, and malnutrition rates as high as 50 per cent recorded during the period reflect the severe impact of the war economy on civilian populations (Apthorpe et al., 1996: 5). In one town in central Liberia over 1,000 people a month were estimated by local chiefs to be dying of malnutrition in the hungry season of 1993 (Atkinson, 2000). Much of this crisis was attributable not to the war or the fighting itself, but to the strategies of factions and fighters who increasingly depended on exploitation of civilian populations for their survival, at macro and micro levels.

As an increasingly important input into the local economy, food aid quickly became a lootable item for fighters just like every other civilian resource. Various tactics used to loot relief food included attacking convoys and warehouses directly, for example in Lofa in 1993 and Ganta in 1994; scaring civilians away from villages by shooting immediately following relief distributions in order to loot the food (one example following an ICRC distribution took place in Jinnie-ta, Margibi county in June 1994); setting up checkpoints and accosting villagers returning from food distributions to steal their rations; and carrying out house-to-house searches following distributions in base areas to steal relief items. Interestingly, there appears to have been little or no abuse of therapeutic feeding centres, whether because the foodstuffs involved are unattractive, or out of respect for their obvious humanitarianism.

While relief food formed part of the basic subsistence economy of the factions, other agency resources were also used for various purposes, with radios and vehicles stolen for military use, and medical supplies used by fighters as narcotics and for treatment. As looting became more common as a coping mechanism for fighters and civilians alike, stealing agency equipment and personal belongings also increased, culminating in the massive looting from the major INGO base at Phebe during the fall of Gbarnga in September 1994. Carried out in stages by different factions and different commando units within the NPFL, and civilian associates, the agencies' losses exceeded US\$10m, with the ICRC losing over \$5m, including 15 trucks and 10 vehicles, which were used at the battle-front. These latter items constituted an important capital input for the faction responsible, reportedly mainly ULIMO-K, contributing directly to its military strength at a key period in the conflict.

Agencies developed a number of mechanisms for dealing with the increasing abuse with which they were faced, and paying fighters for safe passage with relief items, usually food, became a major coping mechanism. Although the exclusion of fighters from relief distributions as part of the principle of neutrality was formally maintained by all donors and agencies, and had been disseminated to the factions, in practice many agencies found it expedient to drop food off at checkpoints, or deliver some bags directly to the commander's house. While certainly not ordained policy, it was felt that this was essential to gain access and that it also reduced the likelihood of civilians' food being stolen, or stolen in life-threatening quantities. Local NGOs, in particular, are widely believed to have maintained cordial relations with the factions by ensuring them a share in distributions in order to facilitate their operations. The ICRC distributed food according to a strict ration following registration, and is the only agency with the reputation for not giving food to fighters during this period (Atkinson and Leader 2000). Its careful system, including post-distribution monitoring, was unable, however, to prevent theft following distributions.

During this period, NGOs were able to provide life-saving relief to populations in need in central Liberia through their cross-border operation, as attested to by evidence of declines in malnutrition rates in central Liberia in all years following the establishment of distributions and feeding centres (Outram 1997: 200). The high costs of the operation, however, in terms of the continuing diversion of food aid to feed fighters, and the large-scale looting of agency resources at Phebe in particular, led agencies to rethink their approach and to search for more effective ways of managing the implementation of relief aid. The ICRC actually closed down its up-country operation following the looting of its equipment, unable to justify the 'humanitarianism' of its work. It argued that principled work up-country was not possible, particularly following a letter sent by the NPFL to MSF in early 1995 which demanded a 15

per cent tax on all agency activity, on the basis that all agency assets were the property of the Liberian people. This played a major role in the subsequent development of the PPHO.

A major aspect of factional abuse related to the relationships with the agencies, and contributed to determining the 'framework of respect' for humanitarian operations. Many informal channels existed to manage these relationships, including the controversially close relationship between an MSF-B agency head and a NPFL commander from 1993 to 1994, developed reportedly in order to facilitate the operation of feeding centres. No formal framework existed however following the closure of UNSCOL. Such informal channels arguably contributed to the factions' suspicion of the humanitarian community, to internal divisions between agencies, and to the ability of the factions to play agencies off against each other (Weissman 1996: 76-7). It was within this context that agencies on the ground began attempts to develop a more co-ordinated strategy to manage their relationships with the factions, based on the idea of the adoption of joint and explicit humanitarian principles. The ICRC and MSF were the leading NGOs in this process, discussed in detail below, with support from the USAID and EC representatives and from UN Department of Humanitarian Affairs in New York, which was becoming operational in Liberia during 1995 through UN Humanitarian Assistance Coordination Office (UNHACO).

### 1.3 The resolution 1995-8

#### 1.3.1 The peace process

A military stalemate had developed following the retaking of Gbarnga by the NPFL in December 1994, in which the coalition was unable to prevail either collectively or individually, but with Taylor's economic and military strength greatly eroded. Following the replacement of Babangida with Sani Abacha as Head of State in Nigeria, the death of Houphouët Boigny of Côte d'Ivoire, and an apparent decline in support for Taylor from Libya and Burkina Faso, ECOMOG reversed its strategy of aggression against the NPFL (Weissman, 1996: 64). A series of secret meetings with the Nigerians culminated in May 1995 with Taylor meeting Abacha in Abuja. A new power-sharing agreement, Abuja I, was signed in August.

While the pattern of allocating seats according to factional strength was continued, the important difference was the presence of the faction leaders themselves in the new Council of State of the LNTG II, cementing their direct control over state patronage networks now closely linked to the illegal extractive economy up-country (Atkinson, 1997). By this time, the role of the IGNU as a faction had been recognised through its partnership with the AFL, and the civilian grouping, the Liberian National Conference, had also been co-opted as a party to the power-sharing system

(Alao, 1996). In spite, or perhaps because, of its decisive recognition of the military realities, the Abuja I agreement finally provided a way out of violent conflict, and the peace process it envisaged was eventually implemented. The modalities for disarmament and demobilisation already set out in Cotonou were re-affirmed, important changes were made in the mandates of UNOMIL with regard to its relationship with ECOMOG, and a timetable for elections was drawn up.

While sporadic fighting continued between the ULIMO groups over diamond resources, closely involving ECOMOG, and in the south-east between the NPFL and the LPC, the Abuja I cease-fire held at the national level until April 1996. Following a deal between Taylor and Kromah, NPFL and ULIMO-K forces then launched an attack on ULIMO-J and its Krahn allies in Monrovia. Large numbers of fighters entered the city, sparking off the worst violence there since Operation Octopus in late 1992. While the immediate motives for this offensive were apparently mixed, with some suggesting that the local name 'Operation Pay Yourself' captured the real intent of Taylor and Kromah to provide a means of placating their fighters, the strategic purpose of weakening the combined Krahn forces was the key factor. Although the objective of taking Monrovia was not achieved, the NPFL made important gains in the south-east as LPC fighters came to town to support their Krahn colleagues in ULIMO-J and the AFL. The balance of power shifted once again in Taylor's favour, contributing perhaps to his subsequent willingness to push ahead with a new election timetable. The extent of the looting and lawlessness sparked off in Monrovia however greatly damaged the standing of all the factions and added greatly to existing weariness with the war.

Following the April 1996 fighting, a new political commitment and joint stance were forged within the international community, based on the introduction of personal political conditionality, as opposed to the general sanctions against NPFL arms imports and economic activity of the November 1992 UN resolution 883 (Outram, 1998). This commitment was shaped by an increasing impatience with the factions' lack of compliance with the Abuja I process, and an increasing recognition of the role of personal economic agendas in fuelling the conflict. The outrage felt at the looting of an estimated \$20m worth of humanitarian goods was an additional factor, and humanitarian conditionality was also strengthened at this time, through the PPHO and the JPO, as discussed further below.

Political conditionality took the form of threats to impose sanctions on individual leaders if their factions failed to comply with implementation of the peace process. Threats were made by the major donors and international organisations involved in Liberia to set up a war crimes tribunal if the faction leaders failed to agree on and comply with a new peace and disarmament process. The US government publicised

details of the Liberian war economy in a Congressional hearing in June (Twadell, 1996), while the OAU issued a statement in July confirming its support for the proposed tribunal (OAU 1996: point 12). In August the European Commission approached Judge Goldstein, involved in tribunals in Bosnia, Rwanda and South Africa, to inquire about the practicalities, and made known to the faction leaders its intention to pursue this issue. The willingness of ECOWAS member states to implement sanctions was restated at a Special Ministerial Conference held in Brussels in November 1996. Other aspects of conditionality introduced included the freezing of overseas bank accounts and travel restrictions for faction leaders and their associates. The travel restrictions were the only part actually implemented.

Resolutions passed by the ECOWAS Committee of Nine as part of the Abuja II process explicitly linked this political conditionality to compliance by the factions with the peace process, and the Final Communiqué issued on 17 August 1996 specified the upholding of civilians' rights under IHL as one aspect of this compliance (see Appendix 2). Factions failing to comply with the peace process or with their responsibilities under IHL, could be debarred from participating in the elections, or could face punitive action through the implementation of the various specified threats. This was an important step which linked the two forms of conditionality, and introduced disincentives for the first time to those perpetrating the conflict and its accompanying abuses. Humanitarian and political goals were thus integrated, with recognition of the importance of IHL at the highest diplomatic level. While the policy itself was adopted partly as a result of lobbying by the humanitarian community, in practice it was implemented through an information and advocacy strategy in which the humanitarian community played a major role, as discussed in Section 4.

It is difficult to ascertain the impact of the introduction of political conditionality, particularly given that most aspects remained at the level of threats. One former senior NPFL general denied any impact on compliance with the peace process, at least with regard to his faction. He maintained that the war crimes issue was not a major concern within NPFL circles, that few NPFL members had overseas bank accounts, overseas residence or the desire to travel abroad, and that Charles Taylor had anyway long wanted to compete through the ballot box. Others contend that public relations were important, particularly during this key period in the build-up to the elections, and played a major role in the calculations and strategies of those faction leaders pursuing political office. A recent EC evaluation asserts that the threat to investigate and prosecute human rights abuses during the war was a successful part of the conflict reduction policy (Brusset et al., 1998: 21).

Whatever the impact of the application of political conditionality, it appears that the NPFL at least was by late 1996 interested in pursuing a non-military strategy, and Taylor opposed later attempts to delay the election process. The rapprochement with the Nigerians remained an important factor in NPFL calculations, while diminishing returns to the highly predatory strategies of all the factions also perhaps contributed to their willingness to comply with the peace process. The commitment by the international community to a resolution of the conflict was also, importantly, backed up by funding, both for the disarmament process, with the US contributing substantially to the ECOMOG operation through private security company PAE (Pacific Architects Engineers), and for the planned reintegration programme and elections. All factions complied ostensibly with disarmament and demobilisation from late 1996 to early 1997, in which ECOMOG and UNOMIL played major roles, their effectiveness enhanced also by changed structures, including the new Cease Fire Violations Committee. The elections were finally held in July 1997, with much logistical support from the EC, and Taylor's National Patriotic Party (NPP) won 75 per cent of the vote, deemed free and fair by all observers.

Taylor's resounding victory reflected the success of both his public relations strategy and his military campaigns. Taylor was the only candidate strong enough to contain future threats of conflict by the losing factions, and rich enough to establish nation-wide party and media structures. Fear that Taylor might restart the war if he lost was a key factor in the casting of votes for the NPP. However the election results also reflected nation-wide support for the NPFL deriving from the Greater Liberia period, seen in retrospect by many Liberians as relatively peaceful and secure compared with the subsequent warlordism. Civilian parties failed to nominate a joint candidate, and were unable to unite the electorate around their individual platforms. Taylor's ability to forge alliances with key political actors, including traditional leaders, also contributed to his success.

While the international community contributed greatly to the development and implementation of the Abuja II peace process, many were highly disappointed with the election result. A failure to appreciate fully the nature and strength of Taylor's support base was perhaps one miscalculation – there was a lack of analysis of the trend of legitimisation of the faction leaders through the peace agreements (Alao, 1996; Atkinson, 1997) – which was also a factor in the embrace of elections without justice. The institutional incentives for donors and agencies to implement successful policies and programmes, as well as a genuine desire to promote peace-building processes, also contributed to enthusiastic support for the Abuja compromise. The INGOs were perhaps the only group attempting to voice concerns about the process, particularly through their non-involvement in the disarmament and demobilisation programmes. While the current peace in

Liberia represents a major achievement, some observers have argued that the pro-active strategy followed by the international community following April 1996 crucially failed to address the issue of justice, and amounted to what one Liberian human rights worker called 'a wholesale accommodation and legitimisation of criminals'.

### 1.3.2 Humanitarian activism

The situation changed greatly during this period, with the gradual opening up of the country to humanitarian activity following the signing of the Abuja I accord, and the increasing integration of humanitarian activity with conflict resolution processes. Donor agencies supported the Abuja agreement, and the EC, UN and US began developing integrated DDR (disarmament, demobilisation and re-integration) programmes, with peace-building objectives. DHA was mandated by UN New York to strengthen UN humanitarian co-ordination, and was established on the ground during 1995. The Humanitarian Assistance Co-ordination Office, (UNHACO), established by DHA, experienced periodic tension with the NGO community over its co-ordination role, as well as with headquarters over protection issues, as discussed later. The consultant sent to establish the office played a major role in the development of the PPHO at this time, and the information strategy implemented later by UNHACO was an important aspect of the Programmes Complaints and Violations Committee.

The National Disarmament and Demobilisation Committee (NDDC) was established by LNTG II as a cross-factional body with the purpose of facilitating the delivery of humanitarian assistance and disarmament, and worked in collaboration with UNHACO. Agencies began to serve areas behind frontlines from late 1995, including upper Lofa, western Liberia and the south-east, as discussed in more detail in Section 4.2. Relationships with the factions became increasingly formalised, partly in response to the new roles of faction leaders as politicians in the LNTG II, and partly as a result of the greater co-ordination achieved within the humanitarian community, due to some extent to the signing of the PPHO. New NGOs arrived in late 1995, including Oxfam, World Vision and Tear Fund. The JPO was developed by the NGOs in response to the crisis in April 1996, and focused on minimising the abuse of resources and the potential for aid to do harm. Relief and rehabilitation programmes up-country have continued to expand gradually ever since, and particularly following disarmament in late 1996 and the elections in July 1997, although NGO involvement in DDR programmes was limited within the forum of the JPO, because of distrust of the disarmament process.

Large-scale food distributions continued in Monrovia, with plans for their gradual phasing-out developing during 1995. In late 1995 bulgar wheat replaced rice – the Liberian staple distributed from the start – in the food basket. Although it was later claimed that the

switch was intended to minimise abuse of food aid and encourage 'self-targeting', as bulgar represented a far less preferred or valuable commodity, the availability of US food surpluses was also a factor (Apthorpe et al., 1996). The bi-monthly distributions to the resident population in Monrovia finally ended in February 1996 (although the camps for the displaced continued to be served), and distributions expanded in the city following the April fighting. Food aid distribution here became less politicised subsequently, although corruption and inefficiencies in the distribution for the remaining displaced populations continued.

The humanitarian community developed a more principled and strategic approach to programming, as well as a more pro-active political role. The establishment of the local DHA reflected growing recognition by the UN of the complex negotiations required to ensure access, and the inability of UNDP to fulfil that role. At policy level, the development of co-ordinated DDR plans by the EC, USAID and UNOPS demonstrated the awareness within the donor community of the need for integrated approaches to the peace process involving aid resources to underpin action at the political level. The PPHO and JPO themselves reflect the increasing sophistication of the approach of the humanitarian community, as a result of growing experience and analysis of their roles, in Liberia and elsewhere. Of course, in practice, problems persisted and the continued neglect of human rights and failure to address issues concerning impunity and justice undermined the overall coherence of the strategy.

## 2. A Principled Approach: The Development of the PPHO and the JPO

### 2.1 The Principles and Protocols for Humanitarian Operations

#### 2.1.1 Origins and motivations

The major motivations behind the development of the PPHO from mid to late 1995 were the lack of co-ordination and solidarity among the humanitarian community, the issue of harassment and looting of humanitarian goods by the factions, and the growing feeling that relief activity was in some way 'fuelling the conflict'. These factors were related in that the lack of cohesion within the humanitarian community contributed to the failure to apply consistent principles, either of engagement with the factions or in approaches to programming. While differences in approaches among agencies stemmed partly from the diversity of mandates and values, competition within the community for access and funding was also a major factor which facilitated the ability of the factions to manipulate and abuse aid and the aid agencies (Weissman, 1996: 77). As one aid worker put it, 'the lack of solidarity in the NGO community and between the NGOs and the UN was staggering'. The increasing urgency of the need for access up-country as the suspension of ICRC and MSF activities continued, meant that the difficulties had finally to be confronted.

**Harassment and security:** Harassment of agencies and looting of aid were well established features of working in Liberia, with some experienced aid workers describing it as one of the most difficult environments they had known. The use of armed escorts to address this problem was the topic of heated debate, with some agencies, notably the ICRC and MSF, strongly against it. The problems of using paid security had been amply demonstrated in Somalia since the early 1990s, and the use of Executive Outcomes for protection in Sierra Leone had also been highly controversial.

Some agencies in Liberia relied on ECOMOG escorts and carried ECOMOG soldiers on convoys, particularly those working in the ECOMOG-controlled area, including UN agencies, CRS, LWS and local NGOs. ECOMOG encouraged this practice. It was suspected partly, as a way of ensuring that relief went only to those areas where it wanted it to go, which was indeed where most agencies worked. ECOMOG also wanted to accompany NGOs on cross-line convoys, used as a way of opening up roads for its own deployment (Weissman, 1996: 64). Agencies attempting to restart operations in NPFL areas during 1995 were accused of complying with NPFL taxation demands, and of using NPFL escorts in their areas and paying them 'lunch' and fuel. There was a worry amongst many, including donors

such as the EU, that if some kind of community-wide agreement was not reached, agencies would slide further and further into these kinds of 'bad practices'. A way of working was needed that minimised risk but provided security and could be acceptable across the community.

**Co-ordination and solidarity:** The second area of concern was the lack of cohesion and co-ordination amongst the community as a whole. This seems to have operated at many levels and is something that struck a number of outsiders or first-time visitors, with one observer going so far as to say it was a 'basket case'. There was division within the UN, within the NGOs, and between the two, with particular tension between humanitarian agencies and the political side of the UN as represented by the SRSG, dating from his prioritisation of military objectives over humanitarian ones. The lack of understanding was illustrated by the SRSG at one meeting attempting to 'order' NGOs to distribute food in an area before they had carried out an assessment of the situation. The close relationships between some UN agencies, in particular UNDP and WFP, and the government in Monrovia, was also a source of continuing concern among NGOs with regard to the neutrality of the humanitarian operation. The 'leadership vacuum' in the UN, dating from the resignation of the head of UNSCOL in mid-1993, was a further issue, also related to the politicisation of the UN and its active support for anti-NPFL strategies.

Divisions within the NGO community focused on the difficulty of working in NPFL and other up-country areas in a principled manner. The ICRC had withdrawn following the looting of Phebe in September 1994, and the MSF also argued that the NPFL needed to be 'taught a lesson' by agencies suspending their operations, anticipating the later restricted inputs policy of the JPO. Other agencies, notably the SCF, argued that it was necessary to work up-country, and possible to operate according to principles. The variety of different approaches taken by the agencies, to programming, to access, and to relationships with the factions, contributed further to the lack of cohesion. Important differences included behaviour at checkpoints, and the distribution and monitoring of food, where the practices of some agencies directly affected the work of others. The buying of access by leaving bags at checkpoints or giving food directly to commanders, was reportedly common practice among food distributing agencies, with the exception of the ICRC. This became a major issue of contention.

What exactly constitutes buying access is worth considering. While the ICRC, for instance, justified giving out calendars at some checkpoints as part of its dissemination work, other agencies argued that this was tantamount to payment and that it caused them problems as they were then also asked for something. The problems agencies cause each other by the practice of paying for access were well described by one interviewee:

Mr A goes to checkpoints 1 to 10 and spends a lot of time, being hard-nosed and saying 'I have to go there so please let me through'. Mr B comes, in this case ICRC, and gives them a calendar because it has human rights things on it and he gets through pretty quickly. Mr C doesn't have a calendar so he gives them 5 sheets of paper and develops this habit of handing out sheets of paper and in the meantime Mr A gets done over because he doesn't get through any more. When Mr A confronts Mr C he says 'I'm not giving anything. No, we don't do that'. And then to make things worse for Mr A, when he finally does get through, everyone assumes that he is giving something as well!

Sheets of paper were not, of course, the real problem (though paper was used for smoking cannabis and so was unlikely to encourage disciplined behaviour). The problem was that the practice in some sense constituted a violation of neutrality, in that agencies were providing resources to fighters, and also undermined IHL, as free access for legitimate humanitarian assistance was then denied. In practical terms, once started, the price tended to escalate. There was thus a growing realisation that payment by an individual agency was in the end counter-productive for all.

The quality of assessments and monitoring of food distributions also varied considerably, with those agencies accused of bad practice causing problems for others. WFP, for instance, was said by one interviewee to 'run convoys at any cost through anything to try and get food to wherever'. In a famous comment at a co-ordination meeting in early 1995, the WFP representative argued that 60 per cent 'losses' were acceptable as that meant that 40 per cent got to the civilian population. WFP reportedly left food in bulk for distribution by the authorities, usually of course in effect the military, while large-scale distributions by CRS in Buchanan also reportedly lacked effective monitoring. Local NGOs, often the implementing partners for WFP, were accused by many informants of similar bad practices and of being effectively 'in the pockets of the factions'. Some agencies, notably the ICRC and SCF, did register populations and use their own staff to monitor distributions, and MSF therapeutic feeding operations were, of course, highly targeted, but bad practice was apparently the norm.

**'Fuelling conflict':** Another element in the motivation for the PPHO was the growing feeling that aid was in fact fuelling the conflict. This fear, present amongst agencies from when looting started in 1992, gradually intensified to result in the deliberate restriction of inputs as part of the JPO following the April 1996

fighting. In 1995, however, despite the large-scale looting at Phebe, as one informant commented, discussion of these issues was remarkable by its absence. The ICRC and MSF played a pioneering role in promoting debate. The former was 'very conscious of the contributions ICRC had made to the war economy', particularly after the September 1994 looting at Phebe where the ICRC had suffered heavy losses of trucks and other equipment; as a result it consciously adopted a low capital inputs strategy, effectively pulling out. MSF commissioned a study specifically to look at the extent to which relief aid was fuelling the conflict (Weissman, 1996), though the findings were not widely shared with other agencies.

### 2.1.2 The process of development

By mid-1995 agencies had recognised the need to establish greater cohesion and commitment to a shared approach, and that their lack of co-ordination was facilitating their manipulation by the factions. In other words, a shared approach was essential for a principled humanitarian programme. The ICRC and MSF took the lead in the process of developing agreement on a set of common operating principles, particularly in relation to the question of armed escorts as more of the country was opening up following Abuja I. The first drafts were based on the text of the NGO/Red Cross Code of Conduct. During these initial discussions a consultant was sent to Liberia on behalf of the DHA to develop a UN humanitarian strategy for the consolidated appeal. As well as the need for an appeal document, there was also some dissatisfaction in UN humanitarian circles over lack of UN leadership in humanitarian affairs.

These various initiatives and concerns were brought together by the consultant, supported by key UN, donor and NGO figures, in a one-day workshop convened in October 1995 and attended by the heads of all the international humanitarian agencies. At the workshop, 'what we decided was that Humanitarian Principles were the most important issue'. There was initial disagreement about what principles meant in practice, notably the principle of neutrality and the use of armed escorts, and even that principles were important. A joint mission statement for the humanitarian community was worked out however, and a committee formed to develop what was to become the PPHO, the text of which was approved by the agencies a few weeks later.

A number of elements in this process are worth commenting on:

- The principles of humanitarian action, their importance, their interpretation, and what they mean in practice, were seen to be the key to effective co-ordination. If agreement could be reached there, the rest would fall into place. The goal was the establishment of a shared set of values based on a common understanding of the principles of humanitarian action.

- One aspect of the process of developing the PPHO that many participants commented on was the importance of the process itself and the part it played in re-establishing trust amongst the humanitarian community, as discussed further below. The problems encountered in getting access, paying at checkpoints, etc., were able to be discussed openly and transparently. The process also provided a forum for the discussion of the nature and implications of these principles through which different individuals could approach some kind of common understanding. Although most agencies were formally signed up to a principled approach through the NGO Code of Conduct, this common understanding of what they meant in practice did not exist before.
- The process had originated in an initiative by the ICRC and MSF but was to some extent taken over by the UN, and pushed by donors. Although this caused some resentment amongst NGOs, the UN was the only body with the mandate and authority to take the lead, especially following the mandating of the DHA specifically for humanitarian issues. Indeed, part of the problem was that the UN had not exercised the kind of leadership necessary for developing the co-ordination bestowed on it by its mandate and authority. However, the multiple roles of the UN, with its responsibilities for development through UNDP, for humanitarian relief through WFP and UNICEF, and for political affairs through the SRSR, made its provision of humanitarian leadership problematic in the eyes of many NGOs. Despite this formal leadership role that only the UN could perform, much of the actual leadership and initiative came from NGOs and the ICRC. The DHA consultant was able to play a facilitating role in significant measure because of his knowledge of and sympathy with NGOs. The ICRC in particular played an important part in terms of introducing key ideas, taking the initiative to introduce the Code and the definition of concepts like neutrality and impartiality. The UN agencies though were variously described by other participants as 'lightweight', 'uninterested' 'having to be pulled along', or even as outright destructive, although attitudes improved with time.
- Another noteworthy element of the process was the relatively small number of agencies involved, as there were at that time comparatively few humanitarian agencies in Liberia. This made the process of developing a shared understanding much easier, and was contrasted with later periods when more agencies came in and weakened the cohesion by bringing in new faces and increasing the numbers, in effect diluting the community of shared values.
- No local NGOs were present at the workshop or involved in the subsequent development of the PPHO. This was a deliberate decision on the part

of the international agencies, partly due to the widespread acknowledgement of the close relationships between local NGOs and the factions. It was also felt that the international agencies had to sort out these problems for themselves first.

- The process had the full backing of key donors, notably the local representatives of USAID and the EC/ECHO who helped organise the workshop and encouraged agencies to get involved, notably those of the UN, to get involved, WFP, in particular, reportedly needed persuading of the value of the process.
- Finally, many of those involved in the process were pleased with it and proud of both the process and the document it produced. Indeed, sorting out the contrasting claims for 'ownership' is not easy.

### 2.1.3 The document, its status and implementation

The document is worth looking at in some detail, not least because it has become a model for similar types of mechanism such as the code of conduct for humanitarian agencies in Sierra Leone and the Principles of Engagement and Disengagement for Humanitarian Agencies in the Democratic Republic of the Congo. More importantly, it is what the agencies signed up to respect, and therefore against which their performance can be judged. Furthermore, it must also be borne in mind that, as with the JPO and the Ground Rules, the existence of the document is of as much, if not more, importance than the text itself. It became apparent during the research that many people, both within and outside the agencies, would be aware of the PPHO but have only the vaguest knowledge of its actual content, thus allowing for a variety of interpretations as to what the document is 'about' or 'for' that differ from what is actually in the text and are in some ways more important. The text was also used in different ways by different agencies. For the UN, for example, it became part of the Consolidated Appeal for 1996; other agencies saw it as a local document with only local significance. (There is a parallel here with IHL and the fact that humanitarian agencies are often ignorant of the detail of the law but convinced it supports their position anyway).

The PPHO document has three sections: an introduction, a section on principles and a section on protocols. It also has an annexe on the criteria for use of armed escorts. A second annexe laying out a mechanism for ensuring compliance, the Programmes Complaints and Violations Committee or PCVC, was added in July 1996.

The introduction sets out the context, in particular problems of security, and the assumptions underlying the document and the process, namely, first, that the principles of humanitarian action have 'evolved through experience' (UN, 1998: 1) as a way of dealing with problems of working in situations of conflict while



meeting humanitarian need, and secondly, that if all agencies apply them equally, cohesion and a much stronger negotiating front for negotiation will be achieved. This represents in effect an attempt to apply Red Cross principles to the collective of agencies, to be carried out through an inter-agency agreement by which they all agree to respect a set of principles and rules, i.e. the PPHO. What is notable, of course, is the fact that this is happening at all, when the agencies concerned are all nominally working under these principles already.

The principles section sets out five principles of Impartiality, Neutrality, Independence, Consent, and Targeted Assistance. The first three are standard principles derived from the Red Cross. 'Consent' is not usually regarded as a principle of humanitarian action, and is not strictly necessary under IHL (Study 4: Mackintosh, 2000). However, in practical terms it is a necessary condition for humanitarian operations, as seen from examples in Liberia when aid provided in NPFL areas without the consent of ECOMOG was attacked by ECOMOG as a result. The idea of 'Targeted Assistance' also reflects agencies' own experiences in Liberia, and is defined as 'to engage in effective and transparent operations which are based on evaluated needs and which must be closely monitored' (UN, 1998). This is a kind of composite principle, representing as it does elements of impartiality – assistance based on evaluated needs – and neutrality – a principle that demands monitoring to ensure aid is not being manipulated (ibid). It highlights the importance to agencies of the issue of their efforts being manipulated to ensure impartiality, as well as the extent to which the fundamental principles were not fully understood or implemented.

A number of other concepts often referred to as principles, such as capacity-building, the importance of human rights monitoring and advocacy, and the idea of 'do no harm', all in the JPO, are not included in the PPHO, although the idea of 'do no harm' is mentioned, curiously under the heading of safety.

The third section is a list of protocols and represents the fact that 'the principles need to be translated into a code of practice or protocols for the specific operating conditions in Liberia' (UN, 1998). This statement implies an admission that agencies were not adhering to standard 'good practice' derived from fundamental principles. The protocols cover six issues, including a restatement of the idea of impartiality, 'our work should be guided according to need'; a section on negotiating with factions; a section on armed escorts, with the strict criteria under which they can be used listed in an annex; a section forbidding payment for access at all levels; and a section on the safety of staff and property which is in fact a statement with no protocols as such. The final section on Solidarity is the longest of the six and stresses a point that comes up repeatedly throughout the document, that an agency that violates the protocols undermines the position of the others and

makes the whole community vulnerable to manipulation and harassment. An interesting list of the factors which can lead an agency to 'subvert' the principles is also included, listing pressure from donors, competition for access, responding to the media, being offered advantages by a warring party, and having high stocks which encourage rapid distribution.

**The status of the PPHO:** The actual status of the document and what it meant for each agency in practice, was not very clear. This was perhaps inevitable since it was an attempt at self-regulation in an environment where all ideas of regulation had collapsed. The document has the appearance of a formal agreement but it has no legal status in Liberian law, international law, or the law of the home countries of the agencies concerned. For each agency it hovers somewhere alongside their existing mandates, responsibilities, and policies, but is not a formal part of any of them. This is a common problem with this type of agreement and can be demonstrated by a number of issues that were ignored or left unclear that a formal agreement would have addressed.

The mechanism for opt-in, i.e. to whom the PPHO applied, was not clear. The mission statement was signed by heads of agencies, but not the PPHO itself, although a final draft was accepted at an agency co-ordination meeting. It was included in the consolidated appeal for the UN agencies and was endorsed by the Inter Agency Steering Committee (IASC), but what this meant was again not spelled out. The PPHO was not apparently available for opt-in by local agencies, although presumably any partnership between an international and a local agency should have been governed by it. The ICRC was unable to be a signatory, despite its key role in the agreement's development, because its own internal rules are more detailed and would forbid armed escorts, for instance under any circumstances. No provision or procedure was planned for further development or adjustment in the light of new circumstances. The development of a compliance mechanism, the PCVC, was undertaken in an ad hoc way and not envisaged in the original document. Similarly, when new agencies arrived in-country from late 1995 after its development, their relationship to it was unclear. Was it merely good advice, or was it compulsory?

There was also no mechanism for an agency to opt out of its commitment to the PPHO. There were no provisions for any kind of 'institutional guardianship', no mechanism for keeping records of who was bound by it, introducing it to new agencies, and responsible for its dissemination, etc. This role was taken on by the DHA through UNHACO, but again in an ad hoc and not a systematic way. These points are not intended to undermine the achievement of producing the PPHO, but rather to emphasise the lack of clarity over its status, something that was to reduce its impact.

**Implementation and compliance:** Despite the formal vagueness of the document itself, the key test of it as a mechanism for achieving its goals is the extent to which it was respected by individual agencies and what happens to an agency that does not respect it. The later sections of this case study look in detail at the impact the document had on agency behaviour in practice. Here it suffices to comment on the more contractual or formal elements of the process.

The document itself contains no guide on how individual agencies are to implement the protocols. There is nothing, for instance, about internal dissemination within agencies. There is no provision for any kind of monitoring of an individual agency's compliance with the document, either independently by some kind of external monitoring on the lines of social auditing, or internally by an agency reporting on the extent to which it has been applied. There is only a commitment to share information about specific incidents.

In the original document there was also no kind of complaints or compliance mechanism. Compliance was to be ensured through good will and peer pressure, with agencies agreeing to report to donors any '*flagrant violations*' and isolate the agency concerned. The compliance mechanism was developed later following the April 1996 fighting by UNHACO in consultation with key NGO and donor staff, and agreed to by the agency co-ordinating committee in June 1996. The workings of the Programmes Complaints and Violations Committee (PCVC) will be examined later, here only its formal aspects will be commented on.

It might be thought that the PCVC's formal terms of reference would restrict it to violations of the PPHO by agencies and donors. As the document points out, 'past experience has shown that the proliferation of humanitarian organisations present in Liberia has inevitably led to compromises of the PPHO, resulting in a deterioration in the ability to conduct a neutral and impartial humanitarian operation' (UN, 1998). However, the PCVC also determined to address 'violations of the PPHO' by government, factions, and peace-keeping forces, none of whom were party to the PPHO in any way, though they were, of course, subject to IHL.

A committee was established consisting of representatives of donors, UNHACO, one UN agency, two NGOs, and member of the LNTG, to review alleged violations. A list of sanctions were laid out 'for enforcing compliance with the PPHO' (UN, 1998), with different sanctions for violations by agencies and factions. For the agencies, these included 'withdrawal of programme support'. For the factions they included press releases, complaints to embassies, and the suspension of humanitarian operations. A major achievement was the inclusion of respect for civilians' rights as part of the Abuja II agreement; as one agency staff member commented, 'if they sign a peace

agreement and there are sanctions if they don't respect it, then you have some leverage'. The public and private advocacy campaigns conducted by the humanitarian community based on information gathered through the PCVC were thus an important aspect of the pressure put on factions during this period as part of the conditionality of the Abuja II agreement.

## 2.2 The Joint Policy of Operations

### 2.2.1 Origins and motivation

Unlike the PPHO, what was to become known as the JPO was precipitated by a single cataclysmic event, the fighting in Monrovia from 6 April 1996 and the accompanying widespread looting and killing. Up to that point the humanitarian agencies had felt relatively safe in the capital, but during the April fighting millions of dollars worth of relief equipment and infrastructure, notably vehicles, were stolen. As well as the physical losses, the psychological impact on the agencies, after a period of cautious optimism about the peace process, was dramatic. The April events prompted a period of unprecedented soul searching amongst the NGOs, in particular about their role in Liberia, both at head office level and in the field. Many staff were now unable to work due to lack of security, 'We had lost everything, and were feeling angry and frustrated, we had to work together'. The predominant feeling was that the NGOs could not just start up again with a 'business as usual' approach, but that something had to be done 'to break the cycle of looting and harassment', that they should stop fuelling the war efforts of the factions and prevent what they saw as the periodic harvesting of the agencies by the factions.

A large part of this was inspired directly by the massive losses sustained by the agencies. The ICRC, following the major looting of its equipment and supplies in 1994, had already argued that the conditions in Liberia were such that humanitarian agencies could not operate in a principled manner. Individuals in some agencies were also becoming more aware of academic discourse on the possibilities of aid 'fuelling conflict', and of the ideas behind the 'Do No Harm' approach developed by Mary Anderson and her colleagues, which argued that agencies must follow doctors in attempting to ensure that at the very least their assistance in no way contributed to making the situation worse (Anderson, 1996). The PPHO the previous year had raised similar issues and presented the model of an inter-agency written agreement. The JPO was different in that it included only NGOs and not the UN.

### 2.2.2 The process of development

A series of discussions and meetings were held at headquarters and field level to work out what should be done. A workshop was held in Geneva in May 1996 following a suggestion by the CRS, whose original idea was to make a joint statement that the agencies would

not resume work until various conditions, such as the return of looted vehicles, were met. Three different positions were articulated at the workshop, which are interesting in the light of what happened subsequently, both in Liberia and in other countries. The ICRC and MSF took a highly minimalist stance, arguing that agencies should concentrate only on targeted and specialised life-saving interventions, and only for the duration of the emergency. ACF, Oxfam and SCF argued for a less restrictive role, but still one that was defined and prescribed. Other agencies, CRS, LWS and World Vision for instance, took up less well-defined positions. Despite the absence of the UN, this grouping replicates the spectrum engaged in the formulation of the PPHO, with the specialised emergency agencies at one end and the multi-mandate food agencies at the other. In the event, the agencies decided to continue operations but to change the way they worked, centring round the Oxfam/SCF/ACF position, which was most influenced by ideas such as 'Do No Harm' and the 'smart aid' of Paul Richards (Richards, 1996).

There were several objectives of what was to become known as the JPO. It was intended to send a signal to the warlords that there were 'limits to what they can do', to pressure them into respecting 'humanitarian principles', and to reduce the risk of fuelling the war in the future. This was to be achieved by restricting activities to life-saving interventions only, known as 'Minimum Targeted Lifesaving Activities' (MTLA), and restricting the capital inputs agencies brought into the country. 'We told the faction leaders that we could not increase our aid as long as there was harassment of the population'. This, it was hoped, would force the factions into respecting both the agencies and the Liberian people. The agencies would resume normal activities if the factions began to respect humanitarian principles, although what that meant in detail was not defined.

A list of different categories of intervention was drawn up in an attempt to define what was life-saving and so permissible. Interventions such as surgery and therapeutic feeding were naturally allowed, but general food distribution and food security support through school-feeding programmes and seeds and tools distributions was not. Based on this list, three categories of programmes were developed: those which were agreed as life-saving and so could be carried out by an agency unilaterally; those which were borderline and so could only be executed after an inter-agency assessment; and those that were ruled out, such as school-feeding and seeds and tools distribution. This categorisation tended to impact least on the programmes of emergency agencies such as MSF and most on agencies concentrating on food and more developmental programmes, such as CRS, World Vision and LWS, something that was to have implications later in terms of abiding by the agreement.

The events of April 1996 had created a powerful sense of shared risk and thus solidarity amongst the NGOs. This

resulted in many joint activities and pronouncements. The meetings to work out the JPO at headquarters and in the field were followed by a period of intense inter-agency activity, with regular telephone conferences, joint lobbying and press releases based on the agreement that had been reached. Despite the apparent solidarity, the process was in fact led by a small number of individuals from a core group of NGOs, which were personally committed to making it work, notably ACF, SCF, CRS, LWS, MSF and Oxfam, both at headquarters and in Liberia.

The UN was excluded from the process, and UN representatives were not even invited to the meetings. This partly reflected a sense of dissatisfaction amongst NGOs that the UN co-ordination mechanism set up by the DHA in late 1995 was much more heavy-handed than expected, as well as some dissatisfaction at the vagaries of UN co-ordination since then. The exclusion of the UN was based on the feeling that its involvement would increase the difficulties in reaching consensus, that UN agencies had a different agenda from that of NGOs and were less independent, and that if they came in they would probably take over the process. The donors were also not involved in initiating the process, although they later supported it to some extent.

Once the agreement had been reached, a process of dissemination was started that included the UN, donors, ECOWAS, the Liberian people, the media and, most importantly, the factions. Reactions varied from support by donors to polite interest from the UN, to indifference from the faction leaders. One faction leader, George Boley, reportedly expressed surprise that the agencies were still there, and asked, 'how many times will you let us do this to you?'

The workings of the JPO over this period will be looked at in more detail in Section 3, but by September 1996 the MTLA approach was felt to be too restrictive. Media attention to the developing humanitarian crisis in western Liberia had attracted a number of new NGOs to the country, and it was felt by many that the original approach was inflicting punishment on the beneficiaries, amounting almost to unofficial sanctions, and that the warlords were anyway taking little notice. Many of the newer NGOs, and some of the old, considered that the original NGOs behind the MTLA approach were too dogmatic and were using it as a way of maintaining a position of power and influence within the NGO community.

A second workshop was held in October 1996 at which a new approach – 'Minimum Inputs Maximum Outputs' – was developed: any type of programme was to be permitted, but the level of capital inputs was to remain as low as possible. This 'Smart Aid' workshop explored the 'Do No Harm' philosophy thoroughly, with a whole day set aside for consultants from the Do No Harm project. The NGOs also started to talk more about the importance of addressing human rights issues and developing a common advocacy position. The approach

became 'more like a philosophy' than a set of programme guidelines.

As well as developing a new approach, the workshop provided an opportunity for NGOs new to the country to become involved in the debates, acting as a form of 'socialisation', although many of the so-called new NGOs continued to feel uncomfortable about the ownership of the policy, as discussed further below. Since then the JPO has gone through a number of examinations and adjustments in periodic NGO workshops. Despite the changing faces at the workshops as NGO representatives came and went, and despite the shift away from a strict programme rule, the legacy of this approach has been unusually high levels of co-ordination amongst NGOs in Liberia long after the original impetus faded.

Another important development was the appointment of an NGO advocacy facilitator. One of the results of the October 1996 workshop had been a decision to pursue joint advocacy more actively, the intention being to set up a jointly supported post which would be able to collect information and carry out advocacy on human rights issues, as it was thought to be too risky for one agency to do this on its own. The decision to appoint was taken in late 1996 but the post was not filled till September 1997. As will be seen, political advocacy proved to be one of the more difficult areas on which to achieve consensus within the NGO community, and the post ended up concentrating more on relations between the agencies and the new government in Monrovia than on the development of a joint advocacy strategy.

### 2.2.3 Compliance and co-ordination

Given the objectives of the JPO, to pressure the warring parties into respect for humanitarian principles through a restricted set of activities, compliance has two aspects: those of the factions and of the agencies. Both aspects suffered from the lack of a formal compliance mechanism or the benchmarks such a mechanism would require to operate.

Although a powerful motivating factor behind the JPO was to pressure the warlords into respect for both the agencies and the civilian population, what this actually meant, how it could be measured, over what time period, and what would happen if they did not respect the principles, was not laid down. Although, as will be discussed later, this approach did have some success when confronted with specific abuses, the sheer difficulty of laying down some kind of national benchmarks which would be the only way of operating such a mechanism, meant that it did not in fact happen. There was also the recognition amongst the NGOs that they would be unlikely to hold together long enough for such a mechanism to work anyway.

For the agencies too, no formal compliance mechanism was drawn up. The MSG (Management Steering Group) was established to co-ordinate activities, but no

benchmarks were formally agreed beyond specification of the types of programmes permissible in the first MTLs phase. There was no explicit agreement, for instance, on what limiting capital inputs actually entailed, or on numbers of expatriate staff allowed. There was also no formal reporting procedure. This meant that the only compliance mechanism was a feeling of solidarity, peer pressure and self-regulation. Given the lack of agreed benchmarks or any kind of compliance mechanism, there were inevitably differences of opinion, dealt with through 'staring contests' and diplomacy, with the threat of reporting violations to donors, as with the PPHO. There was, however, an unusually high level of debate, with NGOs discussing each other's proposals in MSG meetings for example, to establish whether or not they met the dictates of the JPO. In the area of food delivery, joint guidelines for assessment, distribution and monitoring were worked out, although this was not formally part of the JPO and suffered from the same problems of a lack of compliance mechanism as the JPO itself.



### 3. The Impact of a Principled Approach

This section analyses the impact of the adoption of the two mechanisms, the PPHO and the JPO, on the humanitarian situation in Liberia, focusing on the period from 1995 to 1997. It examines developments within the humanitarian operation in terms of its assistance and protection roles. While this division is not completely natural, it captures the basic differences between the humanitarian role of meeting the physical needs of affected populations, and that of promoting the protection of the rights of civilians under human rights law and IHL, including the right to receive assistance. This distinction corresponds with that made in a basic provision regarding civilians in conflict in the Fourth Geneva Convention, which refers to 'humanitarian activities (undertaken) for the protection of civilian persons and for their relief' (Article 10).

#### 3.1 Measuring impact

It is necessary to analyse the impact of the adoption of humanitarian principles on the situation in Liberia within the context both of national political developments and of the international community's changing response to the conflict. While the increasing awareness and application of humanitarian principles had undoubtedly positive impacts, it is difficult to attribute improvements in the humanitarian situation precisely to the principled approach. As discussed in the Strategic Framework for the Great Lakes Region, while external actors can have some influence on negotiating humanitarian space, national political issues are the paramount factor determining relationships between the humanitarian community and local actors (Lautze et al., 1998: 13–16). The impact of action by humanitarian actors on the framework of respect must therefore be treated with circumspection.

The pro-active approach taken by the international community with the introduction of political conditionality during the Abuja II peace process has, arguably had some positive impact on the Liberian conflict. This leverage took the form of threats to impose various sanctions on factions that failed to comply with the peace process, and also explicitly linked compliance to civilians' rights. Public and private advocacy campaigns run by the humanitarian community, and developed in part through the mechanisms of the PPHO and the JPO, played a major role in promoting the strategy by increasing the pressure on factions to comply, as discussed below. The process of disarmament and demobilisation leading to the elections held in July 1997, strongly supported and encouraged by the international community, obviously in itself led to major improvement in civilians' rights in the country. Whatever the impact of the use of conditionality on this process, it is clear that the political strategies of the warring parties themselves

have continued to be the key variable in determining the framework of respect for humanitarian action as well as the course of events in the conflict and its resolution.

Following the Abuja I peace accord of August 1995, the factions began the process of transforming themselves from warlords into politicians, the intention of the leaders of the major factions at least being participation in the planned elections. Their willingness to negotiate access for humanitarian supplies to their areas of influence and attempts to guarantee the safety of cross-line operations from mid-1995 must be seen within this context, which entailed the gradual demilitarisation of the entire country. The role and importance of the political support of civilians have always been recognised by the factions, particularly the NPFL, with professed humanitarian concerns one aspect of their broader public relations campaigns. Many of those involved in this process of negotiation on humanitarian access following Abuja I have remarked on the fact that it was controlled and driven by the strategies of the faction leaders turned politicians rather than by the objectives of the humanitarian community.

In practice, realities on the ground, particularly in terms of the large numbers of fighters, also continued to affect the extent to which relief supplies actually reached beneficiaries, and harassment of relief personnel and stealing of relief items and equipment remained an issue. Factions and fighters continued to rely on civilian labour and property, including relief supplies, for their maintenance, while looting was an important aspect of factions' strategies during the April 1996 fighting in Monrovia, dubbed 'Operation Pay Yourself'. The abusive behaviour of the ULIMO factions in western Liberia towards civilian populations and agency personnel demonstrated the impotence of the humanitarian community in the face of actions by fighters on the ground, as well as the continuing potential for relief to 'do harm'. The practice of 'people farming', in which fighters prevented civilians from leaving an area and restricted their access to resources, contributed to high malnutrition rates in the area which then attracted relief assistance. The timing at least of the massacre at Sinje in September 1996 can be attributed to a distribution of relief items including bulk food aid the previous day. Although the motivation for the attack by ULIMO-K in which up to 30 people were killed was reportedly primarily due to villagers' relationships with a notorious ULIMO-J commander, all the relief items were taken.

It is also difficult to separate out the impact of the adoption of principles from related developments in the humanitarian sphere itself. The nature of humanitarian policy-making and programming was adapting both in response to the situation in Liberia and to growing sophistication in the wider relief world, and many positive developments occurred during this period beyond the mechanisms of the PPHO and JPO. The accumulating experience of the international

humanitarian community with complex political emergencies, reflected in policy developments such as the Red Cross/NGO Code of Conduct, greatly influenced the process in Liberia, although many of those involved have commented on the important role played by individuals and personalities. The PPHO and JPO were an important part of this general process, however particularly in terms of their contributions to increasing debate within the community.

The increasing awareness of the potential of negative impact through relief operations, particularly after the experience of feeding killers in the Rwandan refugee camps, was also an important factor, although again experience in Liberia was itself formative on this issue of fuelling conflict. A more strategic approach to the peace process and rehabilitation was developed during 1995 by the major donors and the UN, concurrently with the mandating of UNHACO and following major changes in WFP food distribution policy following the new EC Food Aid guidelines (EC Council Resolution 1292/96). All these factors contributed to strengthening recognition of civilians' rights in Liberia, with the adoption of operating principles in the PPHO and JPO seen, particularly by the NGOs involved, as a brave attempt to integrate and put into practice these positive developments.

## 3.2 Impact on assistance

### 3.2.1 The PPHO

The PPHO were developed concurrently with the Abuja I political process during mid-1995, following which a definite improvement in terms of humanitarian access to up-country Liberia became possible. Following the institution of the new Council of State (CoS) of the LNTG II in September 1995, the factional leaders themselves initiated a dialogue with the humanitarian community, urging them publicly and privately to recommence operations in previously insecure locations and involving crossing front lines between their areas of control (UNDP, 1995c; UNDP, 1996; GoL, 1995). The NDDC, set up as a neutral cross-factional body to oversee disarmament and humanitarian issues, was mandated by a decree from the CoS to accompany humanitarian workers on cross-line assessment and supply missions, with the objective of facilitating access and building confidence. It was to liaise on humanitarian issues directly with UNHACO, itself mandated by the UN Secretariat during 1995 to co-ordinate the humanitarian community. Both institutions were crucial to the improved environment for humanitarian negotiations, although UNHACO faced continuing problems within the humanitarian community.

**Relationships:** The PPHO were used by UNHACO and other humanitarian actors as the necessary 'backbone' in this process of negotiating access with the warlords turned politicians. They enabled the relief agencies to present a strong united front to the factions, and to put

forward their own principled approach based on IHL; as one senior local NGO staff member put it, 'you had an instrument in your hand to bargain with'. The PPHO recognised explicitly the potential of a joint and unified approach to relations with the factions, stating 'if all agencies apply the same principles to humanitarian aid and base their operations on them, a much stronger front for negotiating access to populations would be created in the longer term' (UN, 1998). The ability of factions to play agencies off against one another by encouraging new ones to replace those objecting to being 'farmed', was greatly restricted, and threats to withdraw gained plausibility.

The document was presented to factional leaders at a meeting in September 1995, forming the framework within which the humanitarian community conducted its relationships with the new factional approach. While difficulties continued, because of the varying degrees of commitment by the faction leaders as well as their sometimes tenuous control over fighters in the field, the new mechanism provided a strong basis from which the humanitarian community could deal with the factions. The PPHO thus established a set of rules both within the humanitarian community and to guide agency relationships with the factions. 'It laid the foundations towards a good approach to the local authorities'. It also facilitated negotiations with other political actors including ECOMOG, limiting their attempts to direct humanitarian aid according to non-humanitarian objectives (see Weissman, 1996).

This new framework immediately affected the direct relationship between the humanitarian community and the factions over issues of access, security of personnel and diversion of aid. Ground rules were explicitly established regarding non-payment for access and receipt of relief goods by civilian populations only, which were conveyed to the fighters in the field, often through NDDC personnel. The NDDC, made up of representatives from all the factions, provided a compromise between the neutrality espoused in the PPHO and the need for security, and acted as a mechanism for the humanitarian community and the factions to ensure that relief convoys were able to cross front lines. The inclusion of NDDC members on relief convoys was arguably an important aspect in increasing the confidence of fighters about relief operations, allaying their suspicion and distrust of relief workers, and acting as a go-between to foster trust. As one NDDC staff member commented 'we observed that they [UNHACO] did abide by the principles of neutrality, practically, we could see that in their work'.

Convoys were able to travel into previously inaccessible areas from this time up to, during and following the April 1996 fighting, and while harassment and diversion continued, levels gradually diminished, particularly, of course, following disarmament from late 1996. Relief food delivered to Greenville in Sinoe county and Tappeta in Nimba county in December 1995 crossed faction lines in these areas for the first time in over 18

months. Again, while the willingness of faction leaders to allow this to occur in keeping with their own political objectives was paramount, the introduction of a co-ordinated and principled approach from within the humanitarian community had some impact on the success of these early convoys. *Ad hoc* payments for access in particular were greatly diminished, and while harassment continued, the humanitarian community was able to use the mechanism to frame its complaints to the faction leaders (UNDP, 1995a; UNDP, 1995b; UNICEF, 1995).

The head of UNHACO, the humanitarian co-ordinator, who arrived in November 1995, was able to maintain direct and high-level contact with faction leaders to lobby purely on humanitarian issues, an important role appreciated by the relief community. Where violations occurred, 'sanctions' were applied to those responsible, specifically the threat to discontinue assistance. When one of the first NDDC – protected convoys was detained and looted by ULIMO-K fighters in Lofa County in December 1995, despite the presence of ULIMO-K NDDC personnel and prior clearance by ULIMO-K representatives in Monrovia, the ability of the humanitarian community to contact faction leader Alhaji Kromah jointly and directly through the office of the humanitarian co-ordinator facilitated a resolution of the problem and the resumption of relief activity. Although food was stolen, Kromah was able to arrange for the quick release of the trucks involved, and made a commitment to punish those involved, who had fled the area.

On a later occasion, at Tiene in western Liberia in October 1996, following a similar intervention by the humanitarian co-ordinator, Kromah demanded the release of relief workers held hostage by his commanders in the field, and sent his commanding general to reprimand publicly the fighters involved. Improved and better co-ordinated relations between the humanitarian community and the warring factions thus helped to minimise abuse of aid by the factions at field level through the establishment of ground rules increasingly observed by both sets of actors. However, violations did continue, climaxing in the looting of the April 1996 war, demonstrating the ultimate powerlessness of the humanitarian community in the face of the factions' predatory strategies.

**Programming:** The commitment by the humanitarian community to a principled approach also led to important direct changes in methods of operations. While the location of up-country food deliveries was initially determined by access agreements reached with the faction leaders, the agencies' insistence on prior assessment was a major input of the PPHO which helped ensure that the provision of relief was made according to need. That humanitarian assistance should be provided based on accurately assessed needs, part of the principle of impartiality, was the first protocol of the PPHO, and improved and co-ordinated needs assessments were a major achievement by the humanitarian community from its adoption. While assessments in some form were previously conducted up-country by WFP's NGO implementing partners, the PPHO introduced an explicit commitment to them.

Limited joint needs assessments were initially carried out by WFP and its partners, with security from the NDDC, and were later continued under UNHACO in late 1996 and 1997 as the country opened up. The joint nature of these assessments was also an important and positive change, contributing to sharing of information, better geographical division of labour, etc. While these developments might arguably have happened anyway with greater attention by agencies to effective and responsible programming, and by donors to the importance of strategic planning, the PPHO, itself the product of an *ad hoc* process, contributed to the overall framework. Commitments made in the PPHO to principles of independence and neutrality were thus operationalised to some extent, with a direct impact on improving civilians' rights to assistance through more effective and thus fairer targeting of relief.

With the exception of SCF in central Liberia, there was still minimal post-distribution monitoring of food up-country by WFP or its implementing partners, however, despite the PPHO and 'Do No Harm' analysis, embraced by the NGOs during 1996 through the JPO, took some time to filter through to the UN agencies. Cases of fighters taking food directly from civilians following distributions certainly continued, while in western Liberia WFP continued to supply food based on inflated figures. The timing at least of the massacre at Sinje in September 1996 was due to the large distribution that had taken place, and 'the people of the village associate the massacre with the food' according to a local observer. This distribution had gone ahead despite advice from NGOs on the continuing dangers of activity in western Liberia, and was seen as an example of WFP failing to apply 'Do No Harm' analysis. Following the massacre WFP did stop its general distributions in the area, resuming only after requests from local chiefs in March 1997.

While some principles were put into operation, others were thus downplayed. Post-distribution monitoring is a key aspect of minimising abuse of aid which was not afforded the requisite importance by donors or implementers of food aid, particularly given the



predatory nature of the fighters at local levels and their reliance on civilians for their basic needs. While WFP had improved the efficiency of its operation in Monrovia from 1995 as part of donor attempts to enhance the effectiveness of food aid policy at the regional level, up-country distributions were still given less attention by donors. The apparent feeling was that 'it was enough at least to get the food there'.

SCF's use of large local teams for post-distribution monitoring in central Liberia in 1995 and 1996, and the wet feeding centres set up by ACF in Tubmanberg following the Sinje massacre, both demonstrate the possibility of effective food aid implementation. Stealing by fighters following distributions was reduced in central Liberia (Atkinson and Leader (2000)), while in western Liberia, vulnerable individuals were targeted directly and safely through the provision of daily or weekly rations, supplied in small quantities from nearby Monrovia. 'What we did because we could not count the population was to give the food to women only', based on prior surveys which had demonstrated women's greater vulnerability. These examples highlight the potential for the application of principles to have a practical impact, including that of 'Do No Harm' through the JPO. Both developments were part of the process of the PPHO and JPO, but were also driven by the efforts of individual agencies with a specific commitment to developing food security approaches to food aid in Liberia.

**Analysis:** While the development of the PPHO did demonstrate the increasing depth of analysis of the humanitarian situation confronted, political analysis on the part of the humanitarian community was still underdeveloped. Despite the role of previous experiences of large-scale looting in the process of developing the PPHO, there was no linkage made in the period up to April 1996 between the increasing levels of insecurity and the high levels of humanitarian capital in the country. 'No-one talked about the capital investment side before 6 April, whether it was a good use of tax payers' money', according to one donor. Although the humanitarian community was aware of the potential instability, and local analysts were predicting it from early 1996 (UNICEF, 1996), no contingency planning or open debate on the issue was undertaken. The WFP evaluation of early 1996 paid little attention to the issues of diversion of food aid or doing harm, although 'productive relief' was suggested (Apthorpe et al., 1996).

Following the April 1996 fighting, there was a temporary increase in the sophistication of political analysis within the humanitarian community as a whole, which greatly influenced policy developments. The provision of institutional capacity for information gathering, analysis and dissemination within UNHACO, and the establishment of the Integrated Regional Information Network (IRIN) in Abidjan, Côte d'Ivoire, to provide daily information bulletins on the region as a whole, were important aspects of this. SCF also appointed an

information officer in mid-1996, who developed databases and data analysis on various aspects of the conflict. As well as the information strategy undertaken in conjunction with the PCVC, UNHACO also lobbied New York on key issues including the unrealistic timetable for effective disarmament under Abuja II (UNHACO, 1996b), while the databases developed contributed to programming as well as the advocacy strategy.

However, neither the information strategy nor the political interest in it were sustained following the completion of the process of disarmament and the elections, and levels of political debate within the humanitarian community diminished.

**Development:** The PPHO were retained following the April fighting, and acknowledged by the NGO community in the JPO. Greater attention was given to the PPHO, with the general increasing awareness of the issues it covered. The principled approach was discussed and endorsed by the International Contact Group on Liberia, which included UN, US and European humanitarian and political representatives, in its meetings in Geneva in late April 1996, at which the ICRC distributed a paper advocating a 'reappraisal' of humanitarian and political action in Liberia (ICRC, 1996; UNDHA, 1996). Although no changes were subsequently made to the main text or nature of the principles, the new mechanism of the PCVC was established, in recognition that the key weakness of the PPHO was its lack of an enforcement mechanism.

The PCVC was envisaged as both a monitoring and an enforcement mechanism, as a corollary in the humanitarian sphere to the revamped Cease-fire Violations Committee run by ECOMOG and UNOMIL. It became especially active in late 1996, dealing with violations of the PPHO mainly by the factions and was used in particular to expose violations of civilians' rights by the factions in order to remind them of their obligations under Abuja II. The mechanism greatly strengthened the ability of the humanitarian community to promote the protection of civilians' rights to humanitarian assistance by providing a formal forum within which violations could be addressed. It was still relatively limited, however, in its impact on human rights issues, as discussed further in Section 3.3 on protection.

### 3.2.2 The JPO

The JPO was born out of an almost emotional reaction by the NGO community to the events of April 1996 and was based on a feeling that 'business as usual' could not continue. The disregard by the factions of the Abuja I peace process and the rights of the civilian population, combined with the extent of the looting from humanitarian agencies, prompted the NGO community to take an active political stand beyond its support for the PPHO. This was based on a growing awareness of the role of the humanitarian community in the dynamic

of the continuing war, and a recognition that looted relief goods and equipment constituted an important input into the illegal war economy. The perception that a vicious cycle had developed in which humanitarian aid had become a factor in the factions' strategies, and was contributing to their war effort, was reflected in a widely circulated graph, first presented at the 'Do No Harm' workshop in Monrovia in October 1996 which highlighted the links between increased aid provision and intensity of fighting (see Appendix 3). Weissman's study confirmed that while relief aid was not a major determining factor in the conflict, the perverse impacts from its continued abuse were not negligible and should be addressed by the agencies (Weissman, 1996: 26–8).

**Development:** The initial policy statement released following a joint meeting in Geneva of all agencies still operating in Liberia, entailed an agreed reduction in programming, to 'life-saving' work only; a limitation on the replacement of goods stolen; and an advocacy campaign aimed at registering NGO disgust at the events of the April fighting and highlighting their concerns about civilians' rights, discussed in Section 3.3 (INGOs, 1996a). The JPO itself, which included a commitment by NGOs to the existing PPHO, was produced in August 1996 and was developed further following workshops in October 1996 (INGOs, 1996b) and June 1997 (Moore, 1997a). The influence of the JPO and the activism of the NGO community were at their height during the challenging period following April 1996, with the level of analysis and NGO cohesion diminishing following disarmament and the elections. While it is difficult to determine the real impact of the limitation of activity on reducing the negative impacts of aid, given the absence of the counterfactual, an increased awareness of principles and a greater sense of responsibility within the NGO community did affect the nature of programming and its implementation.

As with the PPHO, an important aspect of the JPO was its indirect influence over debates within the humanitarian community, with this more psychological impact perhaps being as important as any direct impact in changing programming. The increased awareness of the negative aspects of aid was a major part of this, and was discussed by the NGO community throughout 1996 in a way seen as unusually open by the 'Do No Harm' workshop facilitators. The acknowledgement that aid had done harm, and that agencies had a responsibility to justify the humanitarian nature of their actions (Study 4: Mackintosh 2000), was an important step forward. The detailed study by Weissman commissioned earlier by MSF on the negative impacts of relief aid was part of this process, although the report was not widely disseminated in Liberia, reflecting perhaps wider concerns within the international NGO community not to be too open about negative impacts of their work (Weissman, 1996).

Greater attention was paid by the NGO community to political processes and political analysis, with a study

on the war economy jointly commissioned by four of the NGOs in the JPO – SCF, Oxfam, LWS and MSF International – as well a joint initiative led by Action Aid on improving information systems within the country and region, later dropped because of the success of the UN Integrated Regional Information Network (IRIN) (Powell et al., 1997). The war economy study was commissioned directly as a result of the JPO commitment to an increasing advocacy role (Atkinson, 1997). Although its impact was minimal, again due partly to limited dissemination, as well as to the intrinsic difficulties faced by NGOs in their attempts to pursue political-level advocacy strategies, it demonstrated a recognition of the importance of political analysis within the NGO community. The period was at least one of learning for all agencies and individuals involved.

**Programming:** The major impact on programming through the adoption of a joint approach by the NGOs came from what was left out through the minimum input and life-saving only commitments. Debates took place throughout 1996 and 1997 about the definitions of life-saving work and the level of resources needed to continue such programmes, and this formed the main issue of contention within the NGO community. As a result of lists drawn up as discussed in Section 2.2 above, programmes were cancelled, staff laid off, and capital equipment including vehicles and office space shared or sourced locally. The CRS diverted an entire shipment of goods in June 1996, and school feeding and seeds and tools programmes were suspended. While these latter programmes were resumed following the October 1996 'Smart Aid' workshop, and some NGOs 'broke ranks', the majority continued to restrict their work up-country through the JPO. The involvement of NGOs in the implementation of DDR programmes from early 1997 was limited, with the justification that capital inputs could still be looted and that excessive aid activity could still fuel the conflict.

The arrival of 'new' NGOs following the signing of the Abuja II accord in August 1996, beyond the original group of twelve who had remained during the April crisis, complicated the process of defining 'acceptable' levels and types of programming, and contributed to an increasing sense of competitiveness among agencies. In some cases 'new' agencies stepped in to implement programmes that the original group had suspended, with, for example, Adventist Development and Relief Agency (ADRA) reportedly encouraged by WFP to replace LWS for a school feeding programme. At the heart of these debates was the dilemma of whether doing no harm also entailed doing no good, or doing nothing. While many of those involved were supportive of the idea of a joint and principled approach, and were keen to minimise the potential negative impacts of aid, many also felt that the restrictive aspects of the JPO prevented them from fulfilling their mandated role. The issue of involvement in pro-active DDR programmes in support of the peace process was particularly controversial because of widespread distrust of the

Abuja II accord, and formed the turning point for the cohesion and relevance of the JPO in determining agency decisions jointly.

One issue discussed during 1997 was the use of temporary tarpaulins or permanent but lootable zinc for the rehabilitation of school buildings and clinics. 'Some said this would put people at risk, others that it would increase confidence in the peace process, others that if the war returned it would be the first thing to go, that we should just use plastic'. The use of zinc was suspended until after the elections had been successfully held and security thus established. This issue highlights the difficulties in programming decisions taken by the NGOs during this period in terms of the trade-off between potential negative impacts and sustainability. While large-scale looting was not repeated following April 1996, caution to some extent was still necessary and justifiable.

Other much debated programmes included school feeding and distribution of seeds and tools, both seen as more productive than traditional food aid programmes, and with potentially longer-term benefits, but discontinued during 1996. Delays then experienced in the planning of seeds and tools distributions for the 1997 planting season, partly because of its earlier non-inclusion in the life-saving classification, arguably reduced the impact of the programme in that year, through late distribution of often low quality seeds (Brusset et al. 1998). The net social benefit resulting from the restriction of programmes is very difficult to calculate, given the difficulties in determining possible negative impacts if the programmes had been continued, in this case whether fighters would have looted harvests or forced villagers to harvest for them, as they had done in previous years. This type of judgement must, however, inform any comprehensive assessment of the JPO; as one 'new' NGO staff member put it, 'The question remains as to whether the Liberian people suffered because the NGOs were on their high horse'.

The JPO has received much criticism within the humanitarian community in Liberia on this issue, extending beyond relief provision to the more strategic area of disarmament, demobilisation and reintegration. The unwillingness of some NGOs to expand programmes up-country following the disarmament exercise, because of decisions taken within the structure of the JPO, precluded them from playing an arguably crucial role in demobilisation and rehabilitation. As one donor put it, 'the NGOs were stuck in a rut in terms of not being willing to get out of the relief mode and move into development'. The lack of NGO involvement was justified on the grounds that the humanitarian community should not lend its support to what was widely acknowledged as a highly flawed and superficial disarmament and demobilisation exercise, and that 'business as usual' could play into the hands of the manipulative factions. 'It was beyond life-saving, it was giving food to fighters. It was the opinion

that it was not well designed, ineffective and possibly could exacerbate tensions'. The politicisation of assistance associated with the DDR programmes, seen particularly in the funding of some projects by UNHACO, the supposedly neutral humanitarian co-ordination body, also resonated with earlier tensions between political and humanitarian roles, and became a major bone of contention between UNHACO and the NGOs, with the latter concerned to preserve their neutrality.

Other humanitarian actors maintained that pro-active programming was crucial to push forward the peace process and take advantage of the existing momentum (Brusset et al., 1998). The European Commission, UNOPS and UNHACO all had relatively large budgets dedicated to 'bridging' programmes, still based on the approach developed in 1995 with the specific objective of implementing programmes to help ex-combatants develop alternative livelihoods and re-integrate with civilian populations. The EC policy had implicit peace building objectives, put into operation particularly through its micro projects and support for elections, which it was judged to have in part fulfilled (ibid: 79–82). The reluctance of international NGOs to become involved in this area limited the ability of these agencies to implement programmes effectively. UNOPS and UNHACO worked through the local NGO sector, and have both been heavily criticised for these programmes, while the EC contracting company managing the budget for micro projects became operational itself. The programmes were carried out only in limited areas of the country. While the impact of such micro-level programming on wider political processes is highly ambiguous anyway, and the net social benefit of the non-involvement of the NGOs again highly difficult to calculate, the impact of the donor-led 'peace-building' strategy was arguably reduced partly because of this policy adopted through the JPO.

**Relationships:** The cohesiveness of the JPO diminished from 1997, although even during its height as a policy-making tool in 1996 there was dissension among the NGO community about various aspects. Although praised as an exercise in consensus-building, with policies debated and adopted by the group as a whole, the JPO's restrictive nature and the dominance of some key NGOs and staff members led to some NGOs feeling constrained. From early on it was felt that the JPO did not reflect the feelings of the entire community, but was being influenced by the convictions of a few members, who were able to dominate the agenda because of their tenure in the country and knowledge of the political situation. Where disagreements existed, some agencies went ahead anyway with their own programmes; 'it was serious at first, but as the situation changed it got thrown out'.

This was arguably the most serious failing of the JPO, that although on paper it was a consensual process, in practice many NGOs, including those dominating public fora, followed their own convictions. An early

example was of a major NGO, and original signatory to the agreement, importing a number of vehicles in July 1996, contrary to the restriction on capital inputs. While staff have claimed that its programmes involved social welfare and family tracing and did constitute crucial aspects of peace-building, if not life-saving, other agencies saw this as hypocrisy, of leading agencies bending the rules to suit their own programmes, while admonishing others to abide by them. Another example related to the continuation by one agency of an up-country seeds and tools distribution during mid-1996. While the agency in question was confronted by the NGO community and promised to abide by the JPO in future, the programme had already been completed. Both these cases highlight the problems associated with a consensual process.

While sanctions on agencies breaking the code are unlikely to have worked, given the importance of the consensual process and without any system of enforceable rules, the interpretation and implementation of the JPO were thus in practice subject to the whims of individual agencies and staff members. Incentives to pursue a joint approach also diminished with the decrease in operating dangers following disarmament and demobilisation. As agency personnel became increasingly busy with their expanding operations, the incentives even to attend meetings decreased. Compliance with the JPO was thus at its strongest when the dangers confronted by agencies were considerable. As one agency staff commented, 'it worked when there was pressure, then self interest took over'.

In spite of the difficulties involved in maintaining the joint approach, the JPO did achieve an important step in co-ordinating NGO policy-making through the appointment of a joint NGO advocacy facilitator. This is a unique example of NGO co-ordination in practice in an area that naturally benefits from a co-ordinated approach. Although the original purpose of the post, to develop a joint advocacy strategy, was unfulfilled partly because of administrative and policy related delays and doubts, the facilitator was able to go on to play an equally important role as the spokesperson and focal point for managing NGO relationships with other actors, including the UN and national political actors. A joint NGO critique of UNHCR's policy on Sierra Leonean refugees in Lofa county, produced through the office of the facilitator, was able to influence the agency to offer voluntary relocation to the refugees (Moore, 1997c; Moore, 1997b). While political advocacy work was limited, as discussed below, lobbying on important policy issues was carried out through the facilitator, and the innovative MSG, set up to operationalise the JPO, has continued to play an active role in negotiations with government agencies over administrative issues of shared concern.

### 3.2.3 Findings

The mechanisms of the PPHO and JPO did contribute to some extent to improving the provision of humanitarian assistance in Liberia, primarily through the establishment of a co-ordinated and principled framework within which to interact with the factions. Both mechanisms laid down a set of 'ground rules' according to which the various elements of the humanitarian community itself were committed to work, and which guided relationships with other actors. This had an important impact on facilitating access to civilian populations and on minimising the abuse of aid intended for civilians. The existence of a principled and joint approach also helped to mitigate difficult situations such as those the humanitarian community confronted in late 1996 in western Liberia. While serious abuses of civilians' rights and of relief workers and supplies continued following Abuja II, underlining the paramouncy of national and local political factors, the mechanisms in place arguably helped to minimise diversion of aid as well as danger to personnel.

While both mechanisms had direct impacts on policy-making and programming, there were also important indirect and psychological impacts. In both cases the very process of developing the mechanisms was itself an important aspect, reflecting the fact that the humanitarian community was finally attempting to recognise and address difficult issues, particularly that of negative impact. The very fact of signing up to joint agreements represented a concrete commitment to a co-ordinated approach within the humanitarian community. The adoption of an explicitly principled approach thus had an important effect in terms of promoting debate within the humanitarian community, as well as influencing the nature of discussions. The 'Do No Harm' workshop in Monrovia in October 1996 was the first of its kind ever held, and the ideas and problems it addressed were openly discussed by participants as well as other humanitarian actors. The formal adoption of principles was both a major aspect and a driving force of this increased awareness and of broader positive policy changes within the humanitarian community.

Concrete improvements in assistance made from 1995 on were thus at least in part attributable to the commitments set out in the principles. These included far greater co-ordination of policy-making and programming, including joint design of programmes, joint assessments and delineation of operating zones, and for the NGO community, working together in practice through the hiring of a joint advocacy facilitator. This more thoughtful approach on the part of the entire humanitarian community contributed to the development of some innovative and effective programming such as the wet feeding programme implemented in western Liberia following the massacre at Sinje. Although this was the initiative of one agency (ACF), the existence of co-ordinated NGO food distribution guidelines provided backing for the new approach, and the more responsive attitude of WFP,

partly through its commitment to the PPHO, also helped make the new strategy possible.

The mechanisms developed are, however, widely perceived as having failed to fulfil their potential, with their positive impact only partly attributable to the mechanisms themselves. This failure also relates primarily to co-ordination, and thus to policy planning and programming. The adoption of principles and commitment to joint working practices were highly ambitious ideals, but in practice, strategic co-ordination on policy issues among donors, the UN and NGOs has not been achieved. While co-ordination on access negotiations was possible in the short term, and improved practice has developed in some areas, the PPHO has not become part of, or helped foster the development of, an overall strategic framework. Its impact was at its height during the difficult phase of the relief operation.

Regarding the JPO, many critics believe that there were in fact negative impacts due both to the somewhat heavy-handed way in which the initiative was managed by the leading agencies, and to policy mistakes made as a result of the limitation on programming in particular. This latter feature arguably precluded a role for NGOs in the key area of DDR (Brusset et al., 1998). While it is impossible to measure the impact of the loss of programming or of NGO input in some areas, this aspect has been widely remarked by humanitarian actors as a major failing of the JPO, although the current 'negative peace' is seen by some as justification of the NGOs' stance.

### 3.3 Impact on protection

#### 3.3.1 The PPHO

The PPHO from the start constituted an attempt by the humanitarian community to promote the rights of the Liberian people to humanitarian assistance based on an explicit commitment to humanitarian principles. This was operationalised through the establishment of a framework within which to conduct relationships with the factions, and through changes in methods of providing assistance, as discussed above. Following April 1996, with the major change in the political environment, the humanitarian community was able to play a more direct advocacy role in promoting civilians' rights. The principles espoused in the PPHO were publicised and promoted by the humanitarian community through an active information campaign led by UNHACO, in conjunction with the NGOs and supported by the major donors. Pressure was also applied privately in diplomatic meetings and through the major donor representatives.

This activism played a major role in ensuring that respect for humanitarian operations and civilians' rights to assistance was included as an aspect of the conditionality clause of Abuja II, along with respect for human rights (ECOWAS Final Communiqué of 17 August 1996, see Appendix 2). One major donor

representative commented, 'I believe UNHACO and others were instrumental in getting the idea into the accord'. The establishment of the PCVC during this same period was designed to provide a direct mechanism with which to monitor and expose violations of civilians' rights and, working in conjunction with the Cease-fire Violations Committee and diplomatic channels, to promote adherence to the provisions of the accord. While the intention of the PPHO had been to address abuses of IHL and human rights law, in practice the humanitarian agencies focused on the former, as discussed below.

**Information strategy:** As the 'guardian' of the PPHO, and head of the humanitarian community, UNHACO representatives attended meetings during the Abuja II process, and position statements were published emphasising the importance of civilians' rights under IHL, based on consensus reached at the Geneva meeting on Liberia (UNHACO, 1996c; UNHHA, 1996). While this pro-active strategy was opposed by some at headquarters as well as by other UN agencies in the field, being seen as 'too political', UNHACO 'stood its ground on its right to make statements on behalf of the humanitarian community'. UNHACO was able to use the PCVC as an integral part of its information strategy, with public and private elements used to put pressure on the factions to respect civilians' rights. Violations were reported and discussed through the committee, and it was used as a forum to confront faction members. UNHACO then used the information to compile, update and circulate lists of factional abuses, periodically publishing relatively comprehensive lists of all violations of rights throughout the period of disarmament (UNHACO, 1996d, 1996b, 1997a). The intention was to expose and embarrass, in particular prospective Presidential candidates, by drawing public attention to the abuses committed by their factions in the field.

This exposure of factional abuses was designed to affect the public image of faction leaders both internationally and locally, and was based on the premise that public perceptions were important to at least some of them. As one donor commented, 'While it varied by faction, Taylor and Kromah didn't want to be held up to the world as war criminals'. Violations such as occurred in western Liberia in late 1996, in particular regarding the hostage-taking of civilians, were publicised through press releases and press conferences, as well as through a daily humanitarian radio news bulletin broadcast by Radio Liberia which ran from July 1996 to December 1997 (UNHACO, 1996a, 1997a). The exposure of an incident of 'people' farming' through a press conference, reported on VOA and the BBC World Service news, led to 'an immediate reaction. We were allowed to go in there on a joint assessment, with no conditions'. Exposure and confrontation were thus used effectively to pressure and shame factions into respecting humanitarian operations.

This public advocacy strategy, implemented by UNHACO with the support of USAID, and in conjunction with the NGOs through the JPO, had an important impact on raising the profile of humanitarian issues. This helped both to raise public awareness of civilians' rights to assistance and to counter factional manipulation of the humanitarian community locally. The impact of the strategy was constrained, however, by the leaders' lack of control of their men in some cases, as well as by the varying degrees of interest in the political process. Of the 60 incidents of harassment of various kinds reported by UNHACO between September 1996 and January 1997, when disarmament took off only five occurred outside Bomi and Grand Cape Mount counties in western Liberia. (UNHACO, 1997b). Even when fighters behaved well in the presence of the press and the humanitarian community, they resumed their predation on civilians and aid resources as soon as the outsiders had left. Incidents of harassment of aid personnel and exploitation and abuse of civilians did continue in all factional areas, with one case in Gbarnga of armed personnel breaking into a food warehouse seen as a signal that the faction in question still had the power to manipulate the humanitarian community.

While difficult to measure, the number and seriousness of abuses do seem, however, to have gradually diminished over the period, obviously also due to a large extent to the prolonged cease-fire and disarmament. The information strategy apparently had some impact through increasing awareness of humanitarian issues and IHL among faction leaders, fighters, and the civilian population. Faction members maintain that they were concerned anyway to improve humanitarian conditions, but acknowledge the role of the humanitarian community in facilitating the process. As one donor representative commented, 'the relief community do deserve some credit for getting the issue into the peace accord. Increased prominence for the humanitarian component was an important impact'.

**Human rights:** The mechanisms developed were not so successful in promoting the protection of human rights. Human rights issues have not been a prominent aspect of the international community's engagement in Liberia since the start of the war and were not seriously addressed through the PPHO or JPO. Local human rights mechanisms are relatively weak, and the international community has done little to strengthen them, seen by some as a missed opportunity. There has been minimal support for local human rights groups or for civic education, or for mounting public advocacy campaigns on human rights issues aimed at denting the culture of impunity. Human rights data has been collected throughout the war, by local groups, in particular the JPC, and by international relief and human rights NGOs, the US State Department, and UNOMIL human rights monitors. But little action has ever been taken, as highlighted by the example of the detailed Special Report on the massacre at Harbel in 1993, mandated by the UN Secretary General which

named AFL soldiers believed to be responsible, none of whom have been prosecuted.

While UNHACO had taken the lead on humanitarian issues, human rights issues were dealt with directly by UNOMIL, whose capacity was increased following the April 1996 fighting, by the assignment of three human rights monitors mandated to report on violations directly to the Secretary General's Special Representative and to New York. Some violations were investigated and reported to the PCVC, and UNHACO, at the request of the NGOs and against the instructions of head-quarters, was able to lobby the factions on some issues in the context of the information strategy. The UNOMIL monitors however were instructed to concentrate on current, relatively minor abuses primarily by ECOMOG. Their work was restricted to Monrovia, complementing that of the ICRC on 'secondary' human rights issues such as improving prison conditions and dissemination of international standards. Detailed reports that were produced, including on the Sinje massacre, were passed to New York with no action taken, while documentation on past serious abuses was also filed. As one of the UNOMIL monitors put it, 'in the year we were there, we made no positive contribution to human rights in Liberia'.

Serious human rights violations continued until the end of the disarmament period, particularly in western Liberia, despite the attention and presence of the relief community. Factions in the area kept civilian populations captive, using them for forced labour and commandeering all locally available food supplies, with resulting high levels of malnutrition and starvation among non-combatants from mid-1996. The Sinje massacre of September 1996, when up to 30 villagers were killed and relief supplies stolen, clearly demonstrated the limitations of the international community's strategies to protect civilian rights in the area. Despite two investigations, no action was taken; 'even after we made the report on the massacre, there was no collective move to publish it' according to a human rights worker. While humanitarian issues in the area were subsequently tackled partly as a result of the exposure of abuses through the PCVC, the impunity of those responsible was in no way challenged.

The focus of the PCVC on humanitarian issues rather than human rights abuse was a key failing, with many commenting that more could have been done through this mechanism. 'UNOMIL made many reports of the harassment of civilians in that area, September and October 1996, an escalation was obviously going to happen, and we know it will end in shooting of civilians. We could have acted to try to prevent this happening, because it is a threat to the peace process. But the UN says, 'no, can't get involved, the peace process will go off track', and so people get killed', according to a human rights worker. The JPC was also highly disappointed with the lack of engagement by the PCVC on human rights issues, commenting, 'so many

reports were taken there, nothing was ever done'. Following disarmament its role was restricted further to 'relatively mundane' issues such as taxation levels, although this included important challenges to attempts by government agencies to extort money from NGOs, in which the credibility and rank of UNHACO helped ensure success.

Although included in the political conditionality of Abuja II, confrontation of major human rights issues was avoided because they were seen as too politically sensitive. It is reported that the SRSG was loath to pursue human rights issues with faction leaders, partly because of a perceived trade-off between peace and justice, but also because of the nature of formal diplomatic relationships which discourages confrontation. 'Human rights investigation does not affect the peace process, what it affects is the relationships of the UN bureaucrats with the warring parties. This was the SRSG's main concern, to be able to take tea with them', according to a UN worker. Other actors at the political level, including the major donors, were similarly constrained by their commitment to the peace process and belief that an active policy on human rights might jeopardise progress and 'rock the peace boat'. The European Commission advocated a war crimes tribunal only until the disarmament process, and its rehabilitation programme, was under way.

In practice therefore, while human rights were linked with conditionality in the same way as rights to humanitarian assistance in the Abuja accord, little if any progress was made in promoting adherence to this aspect through the PPHO and PCVC. Human rights issues did not form part of the information strategy of the humanitarian community in terms of either public or private lobbying. The focus by UNHACO in its information campaign on humanitarian issues, while in keeping with its mandate, may represent a missed opportunity in this respect. Its involvement with DDR programming also arguably contributed to 'taking attention away from the bigger issues'. Many interviewees saw this area as one of unfulfilled potential, maintaining that more could have been done to sanction and prevent human rights abuses, and to address in some way the deeper aspects of the conflict.

The unclear division of labour within the humanitarian community contributed to the lack of action on human rights, as well as a general unwillingness to recognise the need to put into practice aspects of protection as an integral element of humanitarian action. Human rights activism is not a traditional area of intervention for the major donors in Liberia, either at the level of high politics, or through more micro-level support for human rights and peace-building groups. There has also been a certain element of passing the buck, with donors suggesting that human rights activism should originate from within the Liberian human rights community, and humanitarian actors pointing to the specialised human rights agencies. A lack of unity among Liberian human rights activists regarding issues such as the war crimes

tribunal did perhaps contribute to the limited progress made during this key period. The major problem, though, appears to have been a lack of political commitment at the highest levels, where the buck should stop, with the SRSG and other political-level international actors.

Some support was given by the donors to aspects of human rights, particularly in terms of building democratic institutions and promoting press freedom. The European Commission gave material and technical assistance to the Elections Commission, while the US funded an independent radio station, Star, as well as various civic education initiatives. Limited attempts have also been made to promote protection aspects through programming, with some 'peace-building' programming initiated both by donors and agencies. The human rights environment certainly improved following disarmament and the elections, and some Liberians have commented on important changes in some areas, particularly in prisoners' rights, as demonstrated in the recent treason trials. However, the culture of impunity has yet to be challenged, and serious abuses continue, such as the reported massacre during the disturbances in Monrovia in September 1998.

### 3.3.2 The JPO

**Information strategy:** The advocacy campaign of the NGOs was initiated following the April 1996 fighting at both field and headquarters level. Some NGOs had contributed greatly to the development of the PPHO in 1995, but from April 1996 they pursued their own active strategy to try to address the protection issues with which they were confronted. The first stages involved the development of a joint statement explaining and justifying the policy of limited inputs, issued after consultations in the field and at the Geneva meeting of late April 1996 (INGOs, 1996a, 1996c, 1996d). Joint letters were sent to international actors, particularly within ECOWAS, setting out their position, and 'appeal(ing) to ECOWAS to include key humanitarian issues in its renewed efforts to revitalise the peace process' (INGOs, 1996e). Representatives of the NGO community were highly active with UNHACO during this period in securing the inclusion in the Final Communiqué of the Abuja II accord of respect for civilians' rights, and in promoting adherence through the PCVC and information strategy (INGOs, 1996f).

Continuous discussions were held, and studies were commissioned on the war economy and on information needs, in order to inform the debates and develop appropriate strategies. As the JPO itself was developed and refined, a specific commitment was made to developing an active joint advocacy strategy, with an advocacy working group established in the field (INGOs, 1996b), and the appointment of an advocacy facilitator approved by head quarters at a meeting in London in December 1996 (INGOs, 1996g). NGOs strengthened their links with existing networks of Liberian activists during this period, especially the JPC

in Liberia and the Inter Faith Council in the United States, although the partnerships envisaged did not materialise. Debate and analysis on protection issues within the JPO also fed directly into programming, with sometimes highly positive results such as the development of the wet feeding programme in western Liberia following the Sinje massacre, and other more controversial aspects such as the non-involvement of NGOs in the DDR programmes, discussed above.

There was a definite impact in terms of strengthening rights to humanitarian assistance through these actions, in conjunction with the strategy developed through the PPHO and PCVC. The participation of leaders of the NGO community in lobbying during the Abuja II process was crucial, due to the experience of the individuals as well as the weight of the NGO constituency, both locally and internationally. The increased sophistication of political analysis achieved by the NGOs during this period, due partly to the direct experience of many of the events of the April 1996 fighting, contributed greatly to levels of analysis in the humanitarian community as a whole, and thus its ability to design and implement a successful information strategy.

**Political advocacy:** Beyond the achievements of the Abuja II period however, the advocacy strategy of the NGOs was neglected and the political aspects of the JPO were more or less abandoned following disarmament. Concrete work on the promotion of human rights in their broadest sense and on developing programmes to address the causes of the conflict, in conjunction with local groups, was limited. This had been seen as a priority in the JPO of November 1996, which stated 'key issues in the revised JPO now include and reinforce promoting peace through an advocacy campaign and working with local structures' (INGOs, 1996b). The commitment to pursue human rights issues was emphasised during the London meeting (INGOs, 1996g), and some agencies maintained a 'verbal commitment to become more active in monitoring, reporting and lobbying on human rights' even in late 1997 (Moore, 1997b).

In practice, the role of the NGO facilitator in political advocacy was greatly diminished from that planned, and links with local groups including the Liberian Advocacy Group were not pursued. This latter group, consisting of twelve local advocacy and human rights NGOs, had hoped to strengthen its own strategies through collaboration with the international sector, writing 'we consider the need for evolving a mechanism for co-operation among local NGOs and INGOs as very urgent' (Letter to INGOs, 28 November 1996). The political activism of some of its members, with its chairman later standing for election in a civilian party, discouraged the INGOs from any close involvement. While some agencies did pursue 'peace-building' ideas individually, joint debate on aspects of programming for human rights protection declined following the disarmament.

This failure to develop the active advocacy strategy further has been attributed to a lack of understanding within the NGO community of the nature of the work involved. 'The perception of advocacy, both within the INGO community and without, was and is, in my view, loaded with connotations which were and are confusing and alienating people from it' (Moore, 1997b) 'people are afraid of it' (Moore, 1998). Difficulties included identifying issues for advocacy work, as well as doubts about the extent of NGO influence, with one agency staff commenting 'NGOs are totally irrelevant'. The lack of experience of humanitarian NGOs with human rights issues was a key constraint. 'It was one of the priorities, but it was difficult to be efficient in that the problem with HR is that NGOs have no knowledge of how to collect HR info'. While some NGOs, notably MSF, did continue to collect data on human rights abuses, and attempts were made to develop linkages with international HR groups, little action materialised.

Many agencies did not see political activism as their major role or mandate, and, while recognising the benefit of joint programming in assistance areas, were reluctant to pursue protection-related programming. While lobbying to promote the protection of civilians' rights to humanitarian assistance was in the direct interests of the NGO community, particularly during the height of the conflict, general human rights protection was seen as a separate issue and not their major concern. As one local activist put it, 'they were busy jealously guarding their mandate to provide relief'. As the humanitarian situation improved, it became even more difficult to develop a strategy, with 'The issue of how to unite people without a crisis' contributing to existing differences in priorities. Any consensus on action at political levels is very difficult to achieve between a group of agencies with varying and specifically humanitarian mandates, let alone in a sustained way.

The appointment of the advocacy facilitator was itself a major achievement in terms of joint programming, even if the intended strategy could not be pursued owing to a lack of consensus on the development of political advocacy policies. The delays in the appointment, as a result of administrative and policy-related difficulties, limited the potential action that could anyway be taken, as, by the time she arrived, the immediacy of the human rights issues confronted a year earlier had greatly diminished. The political climate had also shifted, with the transformation of the warlords a reality, and all political actors, international and national, committed to the planned election. The issues faced by the humanitarian community, and its leverage and profile in the situation, had all changed, greatly increasing the difficulty of developing a coherent joint advocacy strategy. As one respondent to the April 1998 JPO survey put it, 'we were brought together by security, now it should be development' (Moore, 1998).



Some of the NGOs involved in the JPO pursued advocacy work individually, in particular CRS through its support of the JPC in Liberia and its participation in the Inter Faith Network in the United States. Other agencies that sought an active role in human rights work found it difficult in practice, with one abandoning its initial intention to support local human rights groups directly because of the highly politicised nature of the sector. Some attempts have been made at less overtly political programming through peace-building work. A number of NGOs originally active in the JPO have developed innovative programmes at community level by linking peace-building objectives to more traditional rehabilitation work. Programmes have been developed based on close relationships with communities in order to understand their needs better (Oxfam), and one agency at least has continued the 'do no harm' by applying conflict and peace assessment techniques (PCIA) to its programming (CRS).

However, these programmes are limited in number and scope, and almost no attempts have been made by NGOs to support local capacities in areas directly related to protection. The few local activist groups receive limited support mainly from church-based funders, with the US government contributing directly and through IFIES to some civic education work through the National Democratic Institute (NDI) and the Centre for Democratic Empowerment (CEDE). Policies aimed at promoting protection by empowering local civil society, human rights and legal institutions do entail an element of political involvement, but NGOs may have to engage in this sphere if they want to contribute to protection in a sustainable manner. In addition to this failure of NGOs to develop policy and programmes to address human rights issues, the JPO, as discussed above, arguably contributed to the limitation of NGO involvement in programming relating to demobilisation where some political or peace-building impact may also be achieved. Both aspects may be seen as a missed opportunity for the NGO community in Liberia, and as representing a real challenge for humanitarian actors in similar situations.

### 3.3.3 Findings

The humanitarian community, in its new and growing consciousness from 1995 and following the April 1996 fighting, searched for some meaningful role in the area of protection, and the mechanisms of the PPHO and JPO were both used in furtherance of this goal. While efforts to promote civilians' rights to humanitarian assistance were successful to some extent, little impact was made by the humanitarian community in promoting the protection of human rights. Although the major determinant of the framework of respect remained the strategies of national political actors, the advocacy of the humanitarian community had some impact on increasing awareness of humanitarian issues and principles in the political arena, and linked them to the use of political conditionality against the factions.

This linkage greatly increased the potential leverage on humanitarian issues.

The inclusion of respect for civilians' rights to humanitarian assistance in the conditionality of the Abuja II accord was a direct result of lobbying by the humanitarian community, represented by the Humanitarian Co-ordinator and NGO representatives. The establishment of the PCVC and the information strategy pursued by UNHACO and through the JPO provided the mechanisms through which to operationalise the threats contained in the Abuja accord. Rights violations were monitored, recorded and exposed, with pressure applied publicly and privately on the factions to adhere to the conditions in the accord and respect in particular the rights of civilians to humanitarian assistance. This apparent impact of the advocacy campaign undertaken by UNHACO, donors and NGOs on humanitarian issues is very important, in that it demonstrates the potential of an effective information strategy used by the humanitarian community to influence the level of high politics. While political commitment from both national and international actors was a key element, the humanitarian community did play a role in strengthening civilians' rights.

The pro-active policy pursued by the international community during the crucial period following the April 1996 fighting was also operationalised using public and private advocacy. The mechanisms of the war economy were presented to the US Congress (Twadell, 1996), and public and private threats of international isolation and the establishment of a war crimes tribunal were made to faction leaders (OAU 1996). This concerted strategy, implemented through diplomatic activity by the US and the European Commission, in particular had an apparent impact on the willingness of the factions to co-operate with the peace process by increasing the disincentives to continue the conflict, although, again, their own strategies arguably coincided. Strategic co-operation by the international and humanitarian communities can, it seems, have an impact at the level of high politics, suggesting that greater commitment by donors to tackling issues of justice, through the mechanisms established to address humanitarian issues, might have contributed to improvements in the human rights environment.

Advocacy on human rights protection was, however, perceived by many in the humanitarian community as being too political, and beyond their own mandates, and was not pursued during this period with the same level of commitment. The NGO community did attempt to challenge the enthusiasm of the donors and the UN with the peace process through their non-involvement in the DDR programmes, and many feel, as one NGO worker put it, that 'present events have proved the NGOs correct'. But they were also unable to develop an effective strategy on human rights issues, although all acknowledged their importance. The lack of effective action on protection issues is widely seen as

stemming from a lack of real political commitment at the international level. An apparent judgement was made, though by a much more aware and pro-active international community, that the success of the immediate peace process, entailing accommodation with high levels of human rights abuse, was the major and overriding objective, outweighing any longer-term human rights concerns.

The perceived trade-off between peace and human rights protection is seen by many human rights specialists to be a false dichotomy; they argue conversely that lasting peace is unlikely to be achieved without some form of justice. Pragmatists would counter that a real chance to end at least the open conflict had to be taken, and of necessity involved accommodating the factions. While a difficult judgement to make, failing to break the cycle of impunity of practices of violence and injustice leaves the issues that helped create and fuel the conflict untackled. These issues were certainly encountered during debates about a principled approach, but the humanitarian community has contributed little in practice towards protection at this deeper level. Its disengagement from political issues since the elections, and the focus on programming, continue to limit any ability to promote the rights of the Liberian people collectively, except at the micro level by means of some relatively sophisticated rehabilitation programming.

## 4. Conclusions

### 4.1 Impacts of a principled approach

There were major positive impacts from the adoption of the principled approach, particularly given the highly difficult, if improving, operating environment in Liberia. The very recognition of the humanitarian dilemmas that it confronted and of the need for co-ordination of action, as well as the development of increasingly sophisticated political analysis, were major achievements for the humanitarian community. Analysis was translated into action, with the active adoption and implementation of principles and protocols of operations, and the increasingly active pursuit of strategies to promote respect for IHL by all actors. The various impacts of the actions taken by humanitarian actors are difficult to measure, but it is clear that they did contribute to some extent to improving the framework of respect and thus the humanitarian situation over the period. While the constraints faced in any such situation remained real, the humanitarian community in Liberia should be commended for its innovative and relatively effective attempts to develop a principled approach.

### 4.2 Lessons learnt

While numerous issues have been covered in this discussion on the impact of the PPHO and JPO in practice, a few can be highlighted for particular interest and the lessons they contain for current and future humanitarian operations in contemporary conflicts. The centrality of food aid in many of the dilemmas faced by agencies was confirmed by the research in Liberia, as was the difficult issue of compliance, whether with IHL or with agency-level mandates and principles. The use of conditionality was a further key aspect of the Liberian case with wide-ranging relevance, and the effective information strategy pursued by the humanitarian community in furtherance of conditionality objectives, also has important implications.

#### 4.2.1 The importance of food

Many of the problems and disputes that both the JPO and the PPHO were attempting to deal with revolve around food. Of all the commodities humanitarian agencies handle this is perhaps the most valued by fighters, particularly where the war economy is highly integrated with civilian coping mechanisms, including relief food. As they say in Liberia ‘an empty bag cannot stand’. Food was important both at the macro level, for leaders to share with their clients, and at the micro level for survival by individual fighters. From the agency perspective, the use of food to buy access, armed escorts to guard food convoys, and the ‘turning a blind eye’ to food diversion commonly practised, was at the root of many internal disagreements. Food aid is also the source of lucrative contracts for the UN and the

implementing agencies. In terms of developing a principled approach, food thus presents both the biggest problem, and the major motivation.

Although some INGO food implementers were instrumental in the development of the sets of principles in Liberia, it was the traditionally non-food agencies that were the most vociferous in calling for their implementation. Despite the principles, relief food in some cases continued to ‘do harm’, as at Sinje, and disputes over increased food programming in DDR and rehabilitation programmes were a major aspect of the decline of the JPO. Food aid distribution is perhaps more supply-driven than other relief provision, and agencies involved need to be particularly aware of its potential for perverse and negative impacts. Principled food aid implementation requires a stringent application of ‘good practice’, such as careful targeting and comprehensive post-distribution monitoring, as well as adherence to higher principles such as non-payment for access. While the difficulties of achieving this are amply demonstrated in Liberia, the progress that can be made through a principled approach has also been highlighted.

#### 4.2.2 The problem of compliance

Both agreements signed in Liberia draw heavily on the notion of humanitarian principles, and rely on the assumption that you need to ‘articulate everything around the issue of principle’ in order to build a community of shared values and so promote consistently principled behaviour in practice. But while the mechanisms have the appearance of being quasi-legal agreements, statements of intent to behave in certain ways and not others, neither has a compliance mechanism. Despite a reference to agency compliance in the text, the PCVC developed after the April 1996 fighting was used against faction leaders and the government, not agencies. The assumption apparently was that shared principles and a sense of solidarity and mutual responsibility would ensure appropriate implementation of the approach by each agency.

The two agreements focused on a very limited range of activities to be covered by this collective approach: checkpoints and armed escorts in the PPHO, and the type of programme in the JPO. The agreements were in fact a highly selective list of some implications of a principled approach, and it could even be suggested that they dealt primarily with those areas of operation where the activity of one agency could directly damage the interest of others. In other words, despite the talk of principles, these were in fact agreements to restrict behaviour by an individual agency that would be against the collective interest. This is why peer pressure is likely to be an effective mechanism in this respect, since behaviour by one agency which threatens the interests of others will bring down the collective wrath. ‘There was an esprit de corps not to do it [break the rules]’.

Areas of operation that may be significant for an individual agency in terms of its principled approach, but where the non-performance is not likely to directly damage the interests of the collective, are thus not addressed by the mechanisms. An example of this might be the development of food monitoring mechanisms which would better enable an agency to avoid or monitor negative political impact in its own area of operation. Voluntary compliance would be hard enough for those things that were in the collective interest; it would be impossible for those that were not. However, while compliance is not assured, the general adherence by agencies to the more fundamental principles contained in the agreements, if not to specific programming requirements under the JPO, demonstrates above all that it is in the collective interest to act according to a set of rules. Even if all the dilemmas of action are not thereby solved, better co-ordination and the presentation of a united front to other actors do strengthen the ability of the humanitarian community to work effectively.

#### 4.2.3 The dilemmas of conditionality

The PPHO and the JPO both developed a form of humanitarian conditionality by stating that the humanitarian community could only work under certain conditions, and the NGOs restricted their programming as part of the JPO. All humanitarian action is conditional in the sense that certain conditions, notably respect for agencies' security and freedom to operate, have to exist before aid can be delivered in a principled and effective fashion. Suspending operations where such conditions do not exist is not in itself 'conditional', as the reasons are in fact practical, the aid is unlikely to reach its beneficiaries. This action is thus principled in the accepted understanding. The step taken by agencies in Liberia, from determining whether the conditions for effective aid delivery exist, to using the threat of its suspension as a tool to pressure the authorities into providing those conditions, represents a new form of humanitarian conditionality and political activism by humanitarian agencies.

While the JPO maintained 'life-saving' operations, it was still an attempt to use the withholding of aid as a tool of influence over the factions. As one of the faction leaders commented when the JPO was presented to him, 'You NGOs are now doing politics. You NGOs are there to supply aid. Continue to do that. Why are you putting questions?' The PCVC was explicitly a 'Mechanism for ensuring compliance', to address 'Violations of the PPHO by the government and factions', and reserved to itself the right of 'enforcing compliance' by, amongst other things, 'Suspension of humanitarian operations' (UN, 1998). This use of conditionality in effect signified the new activism of the humanitarian agencies in the political arena, a significant step beyond their usual role.

This political activism was at its most effective, in practice, when focused on humanitarian, rather than

political, issues. The linkage of humanitarian conditionality with the political conditionality imposed on the factions as part of the Abuja II process was achieved directly as a result of the pro-active role of humanitarian actors, and was crucial in terms of the temporary leverage it gave the humanitarian community over the factions. The information strategy mounted by the humanitarian community was one aspect of the pressure put on the factions to comply with the peace process, and arguably did contribute to improving the framework of respect for civilians' rights to humanitarian assistance. While human rights issues were not addressed with the same commitment by the humanitarian or international community, the attempts at policy coherence and the relative success of the advocacy strategy demonstrate that 'political humanitarianism' (Scott et al, 1995) can have some impact in practice.

#### 4.2.4 The role of information

The development of both mechanisms was informed by an increasingly sophisticated analysis of the humanitarian and political scene by humanitarian personnel from the mid-1990s. Experiences among agencies operating in Greater Liberia had been formative, both in terms of tensions with the political and military objectives of the UN and ECOWAS, and in terms of fuelling conflict through the provision of food aid and other lootable resources. By 1995, key field and head office staff of donors and INGOs, in particular, had developed some understanding both of the negative dynamic of the war economy and of the role within it of the humanitarian community. This in-depth analysis was key to the initial formulation of the principles, and then played a major role following the April 1996 fighting. Information collection, analysis and dissemination continued until the elections of July 1997, particularly within UNHACO, and formed an integral aspect of the conditionality strategy. The important role played by information and analysis in the overall adoption of the principled approach should be recognised, and learnt from. As one UNHACO staff commented, 'You can't use military means, so use whatever else is at your disposal for your war manoeuvre, use information as a strategy, but use it to promote humanitarian objectives'.



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## Appendix 1: Map

## **Appendix 2: Relevant sections of the Final Communiqué of ECOWAS Committee of Nine on the Abuja II Accord, 17<sup>th</sup> August 1996**

### **Economic Community of West African States**

#### **Fourth Meeting of Heads of State and Government of the ECOWAS Committee of Nine on Liberia, Abuja, 17 August, 1996**

##### **Measures to ensure compliance with the Peace Plan**

13. Heads of State and Government deplored the lack of sincerity and commitment shown by the Liberian factions of the peace process. They therefore adopted a decision envisaging sanctions that might be invoked against any persons found guilty of acts capable of obstructing the peace plan concluded by the signatories to the Abuja Agreement. Such sanctions which would be invoked against any defaulting party would include:

- travel and residence restrictions;
- freezing of business activities and assets in Member States;
- exclusion from participation in the electoral process;
- restrictions on the use of the families of Liberian leaders and their associates from the territories of Member States;
- request from the Security Council to impose visa restrictions;
- restrictions on imports from Liberia;
- invoke the OAU 1996 Summit Resolution which calls for the establishment of a war crimes tribunal to try all human rights offences against Liberians.

##### **Humanitarian Assistance to Liberia**

28. Heads of State and Government firmly condemned the crimes, atrocities and other acts of Liberian fighters which violate the rules of armed warfare. They issued a fresh warning to the factions to desist from such acts which are offensive to the international community. Heads of State and Government directed the faction leaders and their fighters to undertake to abide by the terms of the Geneva Convention of 12 August 1949 and the annexed Protocols as well as the United Nations Convention on the Rights of the Child. They called on the faction leaders to guarantee the safety of relief personnel in Liberia to enable them to resume their operations.

## Appendix 3: 'Do No Harm' Graph

## Appendix 4: PPHO and PCVC

















## Appendix 5: List of Interviewees

### Interview List

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