

**The Stanley Foundation
UN on the Ground Project
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Practical Suggestions for Dealing with Non-State Actors
Bottom-Up Perspective**

DRAFT

Introduction: The overall agenda for the project has been defined as:

- Top-Down: improvements to make the Security Council, ECOSOC, and General Assembly more effective in taking up humanitarian action.
- Bottom-Up: attuning operations to local political and economic dynamics of conflict.

The two papers by Ken Menkhaus, *Relief and Protection: The Role of Non-State Actors* and *Assessing Non-State Actors*, provided the basis for discussion at the two Stanley Foundation suppers of February 5 and April 24, 2002. At the latter, the topics discussed were -- The difficulties posed in the provision of protection and relief by non-state actors (NSAs) and the challenge of assessing NSAs: how do UN agencies and humanitarian NGOs assemble intelligence and organize assessments? --

This paper is an attempt to suggest recommendations based on the Menkhaus papers, the discussions, and the author's experiences.

Following from the overall project agenda, the recommendations (suggestions at this point) are formulated from a 'Ground-up' perspective. This view includes:

- Suggested improvements to UN agency activities in the field;
- Some field based perspective on what headquarters *should* be doing.

The 'Top-down' perspective, i.e. Agency Headquarters and UN New York viewpoints will be forthcoming, generated from future discussions and papers.

The twelve suggestions are grouped in the following order.

- **Most important suggestion first**
- **Gathering Information and Developing Knowledge**
- **Using the Information and Knowledge**
- **Beyond NSAs**

Each suggestion begins with a title and then a one or two line description of the suggestion itself. This is followed by a *Statement of the Problem*, which attempts to briefly lay out what issue the suggestions attempt to address. Then comes *Rationale*, which tries to build a case for the suggestion. Lastly comes, *Implementation*, an effort to make some practical next step suggestions.

Finally, many if not all of the suggestions, have been tried in one variation or another.

The country representative of a UN agency or the country-based representative of an agreed coordinating unit should be the person responsible for setting NSA policy issues.

Statement of the Problem: The process by which policy oriented questions are decided varies greatly amongst agencies. At times a policy has been set, before the upper echelons of an agency realize there is a question. Dealing with NSAs is particularly prone to such a lack of foresight. In the end there is not only a policy by fait accompli but also a lack of accountability for any process followed or decisions taken.

Rationale: UN field officers may not appreciate the large repercussions of their actions in attempting to deliver aid via engagement with NSAs. Headquarters' staff and management are so swamped with information that they may not grasp the level of NSA interaction that is happening in the field. While the UN agency country office is still prone to these two dynamics, being too close and too far from the problem, it geographically and hierarchically sits between them.

Letting the country-rep set policy puts the onus of responsibility regarding interaction with NSAs on a specific person's shoulders. By doing so, there is some institutional, as well as career motivation for the individual to make sure they have adequate information upon which to base judgements. Secondly, as member states are reluctant to allow an intelligence capacity to be built in New York or Geneva, this may be an option, which allows effective policy development while limiting it to a crisis specific application.

Implementation: The key decision lies in choosing the right person for this position. In addition to all the other skills and qualifications necessary in managing a UN agency's country program, setting NSA policy requires the interest and ability to thoroughly understand local political issues. The UN agencies would need to review their criteria for personnel selection to take into account this role.

An ongoing difficulty for the headquarters is in handling the controversy generated by a field office's policy towards a specific NSA. Any policy will offend some actor, be it regional government, donor, or lobby group. If policy is made in the field, the role of the

headquarters becomes one of support, which includes dealing with the political fallout from controversial decisions made in the field.

Most of the following suggestions are targeted at the country representative tasked with formulating and implementing policy vis a vis NSAs.

Each field sub-office of an UN agency should develop an NSA profile for its' specific AoR. These profiles would be collated at the country level and combined with the existing public sources of information to form an NSA profile tailored to the needs of agency staff.

Statement of the Problem: The publicly available information on an NSA is usually of an advocacy nature or is lacking sufficient detail necessary for the needs of a UN humanitarian agency. The type of detail as to structure, history, motivation that is important to UN agency field-based personnel, is often non-existent. The resulting informational framework under which agency personnel make daily decisions is incomplete.

Rationale: The literature on a specific NSA from the press, think-tanks, advocacy organizations and academia while rightly read by UN agencies, are not comprehensive, objective, and timely. While one academic article may look at the historical grievances or articulate a policy for dealing with them, a human rights agency may advocate for specific recommendations and a newspaper article may deal with the intricacies of the latest massacre or peace talks.

Missing are such concerns as:

- Where does a specific captain or commandant fit in the NSA hierarchy?
- What are the NSA's economic resources?
- Who authorizes logistical movements through the territory under its' control?

Implementation: The country rep's office could develop and provide to the sub-offices, informational guidelines and criteria for assessing NSAs. The resulting AoR profile

could include such information as key interlocutors (military and civilian), rank, bio if known, history of humanitarian engagement, civilian population under their control, resources available (economic, natural, human.)

It is likely that sub-offices within a UN agency would come up with varying or even contradictory profiles. This could be due to varying levels of expertise in assessing NSAs or it could reflect reality, i.e. an NSA is stronger or weaker, more or less cooperative, in one section of a country as compared to another. In either case the process of developing an NSA profile will provide insights to the UN agency.

UN agencies should develop their own country profile based on the mandate and potential programs of the specific agency. This should provide some basis for assessing the impact on the country of the agency's activities.

Statement of the Problem: Similar to the available information on NSAs, existing country profiles rarely provide the types of information UN agencies need, nor to the level of geographic or sectoral detail necessary for adequate program design and evaluation. Even if the relevant information exists, it is scattered and must be researched, collated, and presented in a digestible form. The result is that UN personnel do not have the tools or information at-hand and on the shelf from which to assess their own impact.

Rationale: Existing country profiles, such as those provided by the Library of Congress, the Economist Intelligence Unit, or the World Bank are very valuable to UN agencies. However they may be out of date, statistically oriented, or describes only the country not the local level. A few examples of the types of information necessary to augment these profiles are:

- the nature of utility supply, that is who owns or controls local water, electric, or other sources of utilities;
- the structure of logistics, the companies or ministries that control or regulate trucking, rail or air transport;

- the allocation of educational resources, who builds schools or formulates curriculum?

The information, which by nature would vary between government and NSA controlled areas, could provide the basics for who or how a UN agency's program empowers local actors.

Implementation: Similar to building NSA profiles, the office of a country rep could develop the set of information required based on the locally specific level of infrastructure, economic system, and governing structure. Sub-offices would gather information in their AoR and it would be collated centrally.

The office of the country rep could develop an analytical and reporting framework for encounters with NSAs of concern.

Statement of the Problem: There is no information generating mechanisms that can begin to bring some informed accountability to the emerging relationship between an NSA and a UN humanitarian agency.

Rationale: Field representatives of UN agencies operate under the promises of cooperation extracted from meetings with NSAs. All too often these promises are broken, albeit there may have been no intention to honor them in the first place. The egregious examples may be reported on or may become common wisdom within the aid community but rarely is there a systematic attempt to track the evolving relationships between an UN agency and an NSA. Along with the NSA's broken promises, those of the UN agency should also be tracked. By doing so, an agency could rectify some of its own shortcomings and help to address both real and perceived criticisms and allegations made by an NSA.

The counter to these two sets of knowledge are the times when NSAs and UN agencies *do* implement the commitments they have made to each other. These are often taken for

granted. However tracking and analyzing successes might be as illuminating as learning from failure.

Such a database provides evidence as to whether successful or failed humanitarian actions are due to the individuals involved the politics of the NSA, misunderstandings, unrealistic promises, or events beyond the control of either party.

Implementation: The country office could develop a reporting format for NSA encounters. It could include such information as names of interlocutors, ranks or titles, was it a spontaneous or scheduled meeting, topics discussed, commitments made by either side, perceived or overt threats, and a follow-up section noting the results or repercussions of the encounter; i.e. promised access did or did not occur, commitments were or were not fulfilled.

UN agencies could be more energetic in incorporating locally informed opinion into the design, implementation, and evaluation of programs and relationships with NSAs.

Statement of the Problem: It takes time for aid agency personnel to develop the political, social, and economic understanding of a society in crisis. Implementation of humanitarian aid programs however, can not wait for the foreigner to develop sophisticated local knowledge.

Rationale: The quickest path to gaining local political savvy is by engaging with knowledgeable local people, as many UN agency staff do. These are either experts such as are found in universities, institutes, markets, and the media or local staff of the aid agencies. Opinions and attitudes of local people are of course going to be varied and contradictory. (If agency personnel are not hearing diversity of opinion, the net has not been cast wide enough.)

Implementation: National staff of an agency, whether it is engineers employed as drivers, or people directly employed as political, social, and economic analysts will of course have their own opinions and these will influence recommendations they make. In order to balance this bias consultations could be made on a regular basis with a set of local people from outside the agency, such as those mentioned above.

Local interlocutors, particularly national staff, may be put at risk if they are perceived to be working against an entrenched power bloc, whether NSA, mafia, or government. The best judges of this risk are the staff members themselves and they should be encouraged to weigh risks. In addition a key role of any foreigner is to provide the political cover and protection for locally generated ideas that benefit the populations at risk, regardless of whether or not these ideas are palatable to the authorities.

UN agency personnel, both at headquarters and in the field, could benefit from increased contact with relevant academic communities.

Statement of the Problem: People working in the field rarely have access to the 'wise heads' researching and writing on the environments and crises in which UN personnel live and work. When they do it is after the fact, in seminars or other 'after-action' activities.

Rationale: The academics, by the nature of their profession, tend to look at the bigger picture, and while they may have a specialty, either geographic or thematic, they cannot avoid having taken into account the general political environment in which the sector they research and write about takes place. UN agency personnel in the field (and often at HQ) have not the time, or in the case of the field, the access to publications, to survey the wide range of analysis of the history of a crisis or of the implications of what is happening in the crisis for the future.

Implementation: At headquarters, desk officers must be encouraged and allowed the time to review the academic and think-tank literature on the country or crisis in question. They could then initiate a relationship by which an academic(s) could be in direct contact with the appropriate field representative(s). As many academics do make field trips, this could lead to a symbiotic relationship. An academic could be supported logistically (transport/accommodation) and in turn dispense with some bigger picture political analysis of the issues or conundrums brought to her attention by the field representatives.

Consideration should be given to sharing directly within, as well as across agencies, the information held in the NSA Profile and the Database of Accountability described above.

Statement of the Problem: In any one crisis there may be up to a dozen UN agencies having interaction with NSAs. Rarely are the experiences and expertise systematically shared across agencies, and often not even within agencies.

Rationale: Humanitarian response programs constantly undergo revisions based on a real-time learning (defined as the ability to process program evaluation during implementation.) Sometimes this is through deliberate process and at other times, it is ad-hoc. All these revisions are based on information, good, bad or irrelevant, gleaned from the crisis environment. By the time an agency or the UN family of agencies has learnt effective tactics and strategies to deal with NSAs it is often too late.

Successful strategies, are often publicized for their public relations benefit, and are not exposed to critique. The exposure and dissemination of errors or failures are covered up and this great learning tool is lost.

Implementation: There are obvious difficulties with sharing information of such a sensitive nature. One risk is that the subjective impressions called for in the reporting could have negative repercussions on the reporter if it were to get back to the NSA.

Barring a general distribution of this material, a field-based interagency team or process could be established to provide frequent analysis of incidents and trends. This analysis could then be used to inform and adjust programming strategies involving NSAs.

Where a UN agency's programs are large, or have the potential to become so, the impact upon a society in crisis can be considerable. There is a need for a person whose only task is to look ahead.

Statement of the Problem: In the complex environment in which humanitarian action takes place, we are rarely able to predict with much accuracy the impact that our assistance or our presence is having on the conflict. In most agencies, it is no one's sole task to ask these questions, or to craft political, social, economic, and military scenarios that incorporate the activities of the aid agencies.

Rationale: In a war or crisis, the economic and political order has been disrupted if not demolished. The assets and the presence of humanitarian agencies take on far more importance than they would have in a non-crisis situation. A bag of flour can be worth ten times its normal price and a four wheel drive truck can become a valuable military asset. Humanitarian agencies rarely understand the disruptions in the political power structure that an NSA has caused or is attempting to rectify. It follows then that the agencies have little understanding of the impact their activities are having on local relationships of power. While it is certainly desirable that there is a general raising of the awareness of these political questions, most UN agency personnel are caught up in a thousand issues of the day from convoy movements to report writing to proposal reviewing. A focal point within a country office could help incorporate future-oriented thinking into the program milieu.

Implementation: The position would likely be a key advisor to the country-rep, and the remit is likely to be larger than NSA only. Part of the role would be to discuss on a regular basis the insights gained by any agency personnel who engage with NSAs on a

regular basis. These could then be incorporated with the NSA Profiles and Database of Accountability in order to come up with possible scenarios for the short and medium term. It is this position which may be most naturally suited to engage with interested academics.

This person may also be well positioned to forecast some of the changes in programs that would be necessary for an immediate post-conflict environment. Rather than waiting for a resolution to a conflict, agencies would have field-based personnel who are constantly revising strategies to exploit any outbreaks of peace.

UN agencies could establish a micro grant mechanism to disburse either cash or commodities to new local partners. The partners could then be evaluated in real-time as to whether an agency should continue working with them or not.

Statement of the Problem: UN agencies may not realize the negative repercussions of the empowerment of NSAs until well into a large scale program. By then it has become much more difficult to withdraw cooperation, downsize a program, or shift to new partners.

Rationale: Humanitarian assistance empowers local partners in two ways, via the allocation of resources and legitimization through public recognition. The sooner an aid agency can understand whether this empowerment is constructive or destructive to the well being of the intended beneficiaries the easier it may be to continue, to alter or to cease this engagement. A micro-project approach, such as using an NSA humanitarian entity for distribution, or an NSA affiliated company for logistics, allows an agency to develop hard evidence as to whether an untested or prospective partner can actually do what it claims it can do without diversion or excess self-interest. The value of this approach is in the small initial size of a grant; if a project goes wrong, the damage is limited.

Alternatively, where an NSA is clearly harmful and obstructive, this type of mechanism can be used to test new local partners. It may be worth trying several ventures that attempt to circumvent the impediments put in place by an NSA.

Implementation: For the large UN agencies tasked with providing life-saving resources, a micro-grant approach will not likely suffice as their only program. It would have to run parallel to large scale aid distributions. Nevertheless dedicated staff and funding should be allocated. A rule of thumb might be 5-10% of overall program resources. An alternative would be to contract out to a company or an NGO, as an umbrella grant mechanism.

The key to this approach is in developing the criteria for success or failure of the partner being tested. This includes evaluating technical humanitarian points such as tons delivered, equitability and regularity of distribution. The other set of criteria, more of a political nature, is in setting the tolerance level of an UN agency for such intangibles as the growth of the NSA's patronage network, or the heightened visibility and credibility the NSA gains in the eyes of the public through its interaction with UN agencies.

UN agencies could use alternatives to one on one negotiations to either set benchmarks or to engage constructively with NSAs.

Statement of the Problem: It is a daunting atmosphere in which negotiations with NSAs take place. UN personnel are often across the table from an armed thug. The result is that awkward subjects are lightly discussed or UN objections only weakly stressed. The harried and overworked field officer must apply more preparation to meetings with NSAs.

Rationale: Too often, UN agency personnel enter a meeting with an adversarial NSA, prepared with nothing more than the mantle of being a humanitarian. Instead, a UN

agency focussing on the 'greater good', the well being of the society and the vulnerable within it, may justify tactics and strategies used in negotiating with NSAs that may be less than transparent.

Implementation: UN agency personnel should be encouraged to prepare for negotiations with NSAs via scenario thinking or brainstorming. Having access to the information generated by the suggestions outlined above provides some basis from which to begin.

Meeting dynamics can also be influenced with such common tactics as good guy-bad guy, overwhelming the opponent with numbers, dividing up topics of responsibility, letting visitors (such as the aforementioned academics) bring up awkward subjects, and joint meetings with other international actors. Bringing in other concerned local actors such as civil leaders, businessmen, tribal leaders, even if they take no active part in a meeting may encourage an NSA to be less confrontational and more cooperative in order to facilitate the delivery of needed aid agency supplies.

UN agencies should accept that coherence of policy and coordination of implementation are not effective strategies to impose at the outset of a crisis. Methods should be developed which allow for the emergence of field-based, context specific, cooperative mechanisms.

Statement of the Problem Most aid agency personnel bemoan and fear the lack of a common inter-agency approach towards dealing with NSAs. Even in the rare instances where the UN agencies are singing from the same song sheet, they can point to the negative consequences of the actions of *the rogue NGO*.

Rationale Some NSAs are centrally directed and controlled. They have a hierarchy, a decision making process, and at times the human and other resources to make a bureaucracy function. Other NSAs may be more of a coalition than organization. Part of

the objective of developing an NSA profile is to assess what type of organization it is as well as how effective the NSA is in developing and implementing its' policies.

When confronted with an NSA obstructing access to a population in need, UN agencies may find it more effective in delivering assistance to *not be* coherent, predictable, and transparent, at least to begin with. If the UN speaks with one voice, the thugs win by silencing it. When dealing with an obstructive NSA, a cacophony may be preferable. One agency or one office within an agency may succeed in developing mechanisms of access, where others may not. Key to this approach is in not letting chaos rule forever, but by sharing information and experiences, within and across agencies, consensus and cooperation based on field-tested experience, can develop.

This approach implies that a coherent UN policy once developed is not rigid and written in stone. Should an obstructive NSA ease up on access to endangered populations and maintain this access for UN agencies then an argument builds for maintaining UN coherence. But, if an NSA is not a coherent actor itself, or, varies in its actions as to granting or impeding access, then the UN agencies should not feel obligated to adhere to a coherent policy that is not effective in providing assistance to the targeted population.

Other humanitarian actors such as the ICRC and NGOs, international and national, may also provide valuable roles outside of an agreed 'international' stance vis a vis an NSA. The mandate, structure, and personnel of the ICRC provide them a unique role in the humanitarian firmament. Why should the ICRC be shoe-horned into a coordination structure? If, in any particular situation, the ICRC's activities, based on its independence and neutrality, contribute to the degradation of a conflict or reduce humanitarian access to a population, then it should be criticized, publicly if necessary. International NGOs, in general have far less political savvy but pride themselves on flexibility and rapidity of implementing structures. Most international NGOs will submit to a UN coherent policy, whether emergent or imposed. But those that don't, the dreaded 'rogue NGO', will be either totally ignored, inconsequential, or possibly groundbreaking. Trying to reign in these relatively minor actors, the final two percent rogue NGOs, in order for the

international humanitarian actors to claim to speak with one voice is not only impossible, but often counterproductive.

Implementation Joint interagency assessments and the consolidated appeal process are often touted as indicators of coherent activity. In the absence of cooperation during implementation, these approaches at best are of no use and at worst the basis for imposed coherence. The sharing of information, experiences, and analysis as suggested above, is key to developing cooperation during implementation.

UN agencies can reduce risk to their staff by allowing a more substantive role to be played by national staff.

Statement of the Problem. Empowering national staff, as suggested above, can turn them into targets. The resources, personal salary or agency goods, that national staff possesses or allocates increases their vulnerability. Evacuation of international staff is increasingly used to prevent death, injury, and kidnapping. The national staff is often left in a precarious situation

Rationale Current thinking in the aid community emphasizes the need for a holistic approach to security and the fact that it is not a topic or sector that can be dealt with in isolation. This is also true for national staff security. The security of national staff depends on the innumerable decisions made at all levels and in all departments of agencies, their donors, other agencies, and beyond.

Along with the risks that they share with expatriate staff, national staff also comes under additional threats. These stem from being members of the local society and hence vulnerable to pressures that expatriates are largely immune to and of which they often have only a vague notion. To counter these vulnerabilities, agencies must make the

identification of threats to national staff a systematic part of their overall threat assessment.

National staff has an understanding of the local society that expatriates rarely achieve. Not using them as an integral part of security planning means that agencies ignore one of the best — if not the best — resource they have. Expatriates are often harried, stressed and overworked. They may not be the best at designing security structures for national staff.

Implementation Assessing national staff vulnerability involves more than just having them sign a pledge that they have read and will adhere to UN agency security standards. It means having national staff contribute to the design of those standards. Some international NGOs have national staff design the security guidelines for all staff (including evacuation procedures for international staff.) As UNSECOORD has only recently issued a revised version of the UN Field Staff Security Handbook, there is certainly time to begin developing serious national staff input into the next revision. In the meantime individual agency offices could consult with national staff on office security procedures.

The increased risk that national staff face due to increased responsibility can be minimized by a blunt appraisal of the risks with the staff themselves and a recognition that national staff have security risks that are often different from those of the international staff. The same type of approach holds true for increased risk to national staff from the increase in personal wealth due to their UN position. The first and most practical step is to assess with the individual staff member what risks they are accruing. Specific actions to be taken, including not empowering staff in the first place, stem from the risk assessment.