

CONTENTS

Contents	1
EDITORIAL, Brigadier General André Patrice BITOTE, Director General of EIFORCES	6
EXCERPTS OF THE OPENING ADDRESS, Mr. Joseph BETI ASSOMO, Minister Delegate at the Presidency in charge of Defence, Chairman of the Board of Directors of EIFORCES	8
INTRODUCTORY STATEMENT, Commissioner Dr. Elie PASSO SONBANG, Head of the Research and Documentation Centre of the EIFORCES	11
INAUGURAL LESSON, Humanitarian pluralism in Africa: Status quo, challenges and prospects, Dr. Mutoy MUBIALA, International expert and general moderator of proceedings, Professor of international law and human rights at the University of Kinshasa, Consultant and former (retired) official of the United Nations Organisation	14
PANEL 1: Humanitarian Aid: Changes and Transformations in the Era of Globalisation	45
Preponderant role of NGOs in managing humanitarian crisis in sub-Saharan Africa faced with State sovereignty constraints, Prof. Hajer GUELDICH, Associate Professor at the Faculty of Legal, Political and Social Sciences of Tunis - University of Carthage	46
History of Humanitarian Actions and comparative approach in the intervention of non-state actors in Africa, Prof. Nixon KAHJUM TAKOR, Department of History and Archeology, Faculty of Arts of the University of Bamenda	70
The “humanitarian-development-security” nexus in the face of crises in Sub-Saharan Africa, Dr. Youssoufou NGAMONDI KARIE, Permanent lecturer at IRIC / University of Yaounde II	92
Law, ethics and practice of Humanitarian Action: interference or assistance? Dr. Côme Damien Georges AWOUMOU, Minister Plenipotentiary,	122
PANEL 2: Sector, institutional, bilateral and multilateral cooperation in humanitarian issues: Africa as a laboratory for humanitarian coordination	145
Humanitarian action by the European Union and its member States in Central Africa, Pr. Brusil Miranda METOU, Full Professor of Universities, Professor of Law	146

DDR programmes as a tool for humanitarian public policy and civil-military action in Africa, Colonel Professor Francis LYSONGE EKOSSO , PhD, <i>Assistant National Coordinator of the National Committee for Disarmament, Demobilisation and Reintegration of Cameroon</i>	173
Humanitarian diplomacy: between humanitarian policy and political humanitarianism, Dr. OWONA WOLFGANG , <i>Diplomat, researcher at CERDAPS of the University of Yaounde II-Soa</i>	187
Civil Registration Management during security crises in Africa, Dr. Alvine Henriette ASSEMBE NDI , <i>Lecturer at the Department of History, University of Douala</i>	209
UN coordination of humanitarian action in Central Africa, Mr. Roel DEBRUYNE , <i>Civil-military coordination (CMCoord) officer, Bamenda, OCHA Cameroon</i>	230
PANEL 3: Dynamics, challenges, pathways of humanitarian actors	243
Communication, media and humanitarianism: a comprehensive framework for African journalists, Pr. Laurent-Charles BOYOMO ASSALA , <i>Professor Emeritus</i>	244
Strategies and actions of Public and Local Authorities in the management of humanitarian crises in Cameroon, Prof. TCHEUWA Jean Claude , <i>Full Professor, Professor of Faculties of Law, Inspector General at MINDDEVEL</i>	258
The challenges of securing nationality and issuance of identity documents for displaced persons and refugees in Cameroon, Commissioner Dominique BAYA , <i>Secretary General / DGSN</i>	270
Army-Nation symbiosis in promoting humanitarian action in Cameroon, Captain (Navy) Cyrille Serge ATONFACK GUEMO , <i>Head of Communication Division of the Ministry of Defence</i>	270
Humanitarian issues: dynamics and challenges of the professionalisation and transnationalisation of actors, Dr. Hilaire KAMGA , <i>African Research and Training Center for Democracy, Development and Peace</i>	277
The increasing complexity of the action of Defence and Security Forces in a humanitarian crisis situation, Colonel Denis LEOUE FOSSO , <i>Assistant Director of Employment and Structures of the National Gendarmerie</i>	317
Involvement of NGOs in Crisis Management in the Anglophone Zone of Cameroon: Issues and Challenges of Controversial Humanitarian Action, Mr. Emmanuel NDJOK MBITA , <i>Faculty of Legal and Political Sciences, University of Yaounde II, Soa</i>	330

PANEL 4: The future of humanitarian aid/assistance: what prospects?	341
Geopolitics of humanitarian action: the solidarity dilemma and the reshaping of humanitarian space, Prof. Joseph Vincent NTUDA EBODE , <i>Director of the Research Centre for Political and Strategic Studies (CREPS), University of Yaounde II-Soa</i>	342
Making international aid more effective? Ms. Tanja ULJONEN , <i>Head of Operations, International Committee of the Red Cross (ICRC)</i>	349
Issue around adopting an international convention on privileges and immunities for INGOs involved in humanitarian crisis management, Mr. Alain Désiré TAÏNO KARI , <i>Diplomat, Assistant Director of Privileges, Immunities and Consular Affairs, Ministry of External Relations</i>	354
NGO funding: an Arlesian experience? Prof. Désiré AVOM , <i>Dean of the Faculty of Economics and Management of the University of Yaounde II, SOA</i>	378
Managing humanitarian crisis through programme performance and effectiveness, Prof. Viviane ONDOUA BIWOLE , <i>Consultant and teacher at the University of Yaounde II, Soa</i>	392
Humanitarian action and crisis resolution in Central Africa: what prospects? Prof. Frank ÉBOGO , <i>Associate Professor at the University of Yaounde II-Soa</i>	403
From Sysiphus to Danaid: transition from humanitarian aid to development in Africa: the case of the regional strategy for the stabilisation of the Lake Chad Basin, Dr. Mutoy MUBIALA , <i>International expert and general moderator of the sessions, Professor of international law and Human rights at the University of Kinshasa, Consultant and former official (retired) of the United Nations</i>	418
GENERAL REPORT, Pr Bernard-Raymond GUIMDO DONGMO , <i>Full Professor</i>	433
EXCERPTS OF THE CLOSING SPEECH, Mr. Galax Landry ETOGA , <i>Secretary of State to the Minister of Defence in charge of the National Gendarmerie, Representative of the Minister Delegate at the Presidency in charge of Defence, Chairman of the Board of Directors of EIFORCES</i>	445

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EDITORIAL

Brigadier General André Patrice BITOTE

Director General of EIFORCES

The International Symposium whose **relevance and topicality cannot be overemphasized**, organized by EIFORCES on October 7-8, 2021, at the Yaounde Conference Centre, on the theme: «**Interaction between actors involved in humanitarian crisis management in Africa: collaboration or competition**», was recommended by the Board of Directors of EIFORCES. As part of the School's 2021 Administrative Performance Project, the effective organisation of this highly scientific and international activity was made possible thanks to special funding from the President of the Republic.

In a similar move, the Head of State recently approved the priority projects of the 2021-2024 three-year infrastructural and equipment development plan of EIFORCES at its Awaé main campus in the Mefou and Afamba Division. This high level of concern commits EIFORCES to resolutely assert its status and standing as the Centre of Excellence of the African Union and of the Economic Community of Central African States in the fields of security and peace support. In this regard, our institution undertakes to capitalise the resources and potential thus mobilised at the service of peace, security and stability in Africa and the world.

A few months ago in similar circumstances, and through its Research and Documentation Centre, EIFORCES addressed the issue of Covid-19, a major human security concern, in view of making the response mechanisms of African States more effective. Today, EIFORCES is tackling the current issue of humanitarian crisis management in Africa, in view of implementing a framework conducive to fruitful collaboration between all the actors involved in the humanitarian field, so as to assume its strategic and informational monitoring missions in the area of peace and security.

These Proceedings are the outcome of this important international conference, intended to capture the vitality of the exchanges, experiences and viewpoints, and by the same token, illustrate the interplay and challenges specific to the humanitarian field and the interactions between its actors. /-

EXCERPTS OF THE OPENING ADDRESS

Mr Joseph BETI ASSOMO

Minister Delegate at the Presidency in charge of Defence
Chairman of the Board of Directors of EIFORCES
Yaounde, 7 October 2021

It is with real pleasure that I am today presiding at the opening ceremony of the International Symposium on the theme: «**Interaction between actors in the management of humanitarian crises in Africa: collaboration or competition?**» organised by EIFORCES.

On this solemn occasion, I would first of all like to express my sincere gratitude to the President of the Republic, His Excellency Paul BIYA, Head of State, Head of the Armed Forces, Supreme Head of the Police Forces, Illustrious Founder of EIFORCES, whose special funding this year reaffirmed his commitment to support EIFORCES in accomplishing its statutory training and research missions in favour of peace and security in Cameroon and the world.

This augurs well for EIFORCES, Centre of Excellence of the Economic Community of Central African States and of the African Union, which continues to sour as a Reference Centre for building strategic and operational capacities of Security Forces and as a concrete public policy tool for Cameroon and the International Community in the field of security and peace.

I would therefore like to thank the members of Government and their collaborators for the assistance and decisive support they have been giving to this important scientific and professional activity of EIFORCES, and which it's Research and Documentation Centre carries out with conceptual and operational efficiency.

Finally, my gratitude goes to all the participants here present who responded favourably to this invitation.

I wish you all a warm welcome to this splendid hall of the Yaounde Conference Centre and a pleasant stay in Cameroon to all the participants from other countries.

This International Symposium, whose deliberations are about to begin, is organised within the framework of the research mission of EIFORCES through its Research and Documentation Centre. It constitutes the framework in which, for two days, experts from various fields of expertise will examine a contemporary and complex security theme.

The presence of national and international scientific authorities with established fame, reveals the relevance of the issue of relations existing between the State and the other actors involved in the management of humanitarian crises in Africa, particularly in the countries of the Lake Chad Basin, and raises hopes that good recommendations will be made which, I hope, will be enriching and opening the way to a global and collective approach to the management of such crises.

Such an approach is justified by the multiplication of humanitarian crises and their impact on the functioning of institutions and the people's well-being and development.

The organisation of this international symposium reflects EIFORCES' commitment to the necessary pooling of expertise, as dictated by the paradigm of collective, national, regional and international security, which is required to resolve humanitarian crises.

This paradigm of peace and human security highlights the State as an entity and other actors in crisis management in Africa, and so requires that we bring together and in synergy all the intelligence we have to bring optimal responses to these crises and capitalise on the lessons to protect ourselves from them, in the short, medium and long terms.

As you know, this symposium is of capital importance in our continent's crusade against humanitarian crises orchestrated by terrorist groups, armed

gangs and others.

I urge you, therefore, to give the best of yourselves, so that this meeting leads to relevant, strategic and operational recommendations, likely to increase the capacities of all humanitarian actors through concerted, effective and efficient management of crises.

That said, I declare open the deliberations of this International Symposium.
/ -

INTRODUCTORY STATEMENT

Dr. Elie PASSO SONBANG

Chief Superintendent

Head of the EIFORCES Research and Documentation Center

It is my honor this morning to address this august audience in order to present the activity that will keep us together for two days in this splendid hall of the Yaounde Conference Centre.

The activity in question is this International Symposium whose theme is: **“Interaction between actors in the management of humanitarian crises in Africa: collaboration or competition?”** and which comes at a crucial time when some African countries? Particularly those of the Lake Chad Basin, are experiencing unprecedented security and humanitarian crises.

As part of the EIFORCES planned research activities for the year 2021, this theme is all the more challenging, as it questions the relationship between the various actors involved in managing humanitarian crises in Africa. Moreover, it offers a suitable opportunity to analyze the action of the State, which is a key actor in international relations on one hand, and the role of “other actors” on the other hand, under the prism of collaboration or competition.

The International School for Security Forces, a forpublic policy tool at the service of the State and the International Community in the fields of security and peacekeeping, through its Research and Documentation Centre, and as part of its statutory research mission, , intends to address the management of humanitarian crisis from the African’s perspective, through the question: **how can the interaction between the State system and the «multi-centre» system be envisaged for effective management of humanitarian crises in Africa?**

During this international conference, which will last two days, a group of experts, handpicked with regards to their proven competence in the fields covered by the various thematic panels, will examine this question by highlighting the findings, the roles, the challenges and the theoretical and practical perspectives that underpin it, around four thematic axes divided into 4 panels:

Panel 1: “Humanitarian Aid: Changes and Transformations in the Era of Globalisation”;

Panel 2: “Sector, institutional, bilateral and multilateral cooperation in humanitarian issues: Africa as a laboratory for humanitarian coordination”;

Panel 3: “Dynamics, challenges and pathways of humanitarian actors”;

Panel 4: “The future of humanitarian aid/assistance: what prospects?”.

In addition, the methodological approach chosen to guide deliberations is part of an evaluation-prospective orientation. Firstly, it consists of a panoramic view of the dynamics of humanitarian action in our country in particular and in Africa in general, so as to mitigate the risks of perpetuating humanitarian crisis; then, by setting up an integrated and inclusive strategy for a global and collective approach to return to peace in times of crisis.

For this group of experts from the political, economic, academic, Defense and Security Forces and humanitarian fields, the aim will be to:

- draw up an inventory of African practices, standards and systems in the management of humanitarian crises, and the relations between transnational organizations and States;
- highlight the main trends in the dynamics and changes in humanitarian action in Africa;
- map humanitarian actors and analyse the modalities of their action in Africa;
- identify the challenges and issues inherent in the implementation of humanitarian action;

- build the capacities of the various actors involved in the management of humanitarian crises;
- conceive a plea for a global and collective approach in the treatment of humanitarian crises in Africa;
- suggest avenues for a “humanitarian partnership”.

As can be noticed, we have two hectic days of reflections, exchanges and sharing in order to contribute, at our level, to getting Africa out of this endless spiral of crises, which must nevertheless come to an end, so that finally, Africa can focus on its development goals as set by the African Union.

While wishing us a successful working session, I thank you for your kind attention. / -

INAUGURAL LESSON

HUMANITARIAN PLURALISM IN AFRICA: STATE OF AFFAIRS, CHALLENGES AND PROSPECTS

Dr. Mutoy MUBIALA

International expert and general moderator of the proceedings

Professor of international law and human rights at the University of Kinshasa

Consultant and former (retired) United Nations staff member

INTRODUCTION

For several decades following their independence, African States have been facing numerous conflicts which have often led to serious humanitarian crises. These have particularly multiplied since the 1990s, in the wake of the jolts and derailments in the democratic transition on the continent. This has resulted in the deployment of many humanitarian actors. Though their action has been beneficial in many cases, it has sometimes had negative consequences on the field in other situations, some of which are due to humanitarian pluralism.

«Pluralism» as a concept refers to «many», which is neither new nor unknown in social science. Indeed, it has been adopted, in political science, for instance, to characterise the multiparty system (political pluralism), and in law to reflect the plurality of legal systems in a given context (legal pluralism) (example: coexistence of civil law, common law or common law systems, and customary law in

Cameroon). In the context of this study, humanitarian pluralism would mean the existence of a multitude of actors operating in the field of humanitarian aid. The objective of this study is to examine the interaction between these actors, evaluate its present implications for humanitarian action and explore the perspectives for the future pertaining to the African context.

Before proceeding with this analysis, it is worth having a look at the mapping of humanitarian actors on the African continent.

I - MAPPING OF HUMANITARIAN ACTORS IN AFRICA

Humanitarian actors are characterised not only by their multitude, but also by their diversity. On the African humanitarian scene, they can be classified into three broad categories including national and local, regional (African and non-African) and universal (non-governmental and UN) actors.

A - National and local humanitarian actors

African States are key humanitarian actors in that, as elsewhere in the world, they have a primary responsibility to assist citizens in need within their jurisdiction. To fulfill this duty, most African States have set up governmental or parastatal structures responsible for humanitarian action, either through ministerial structures (ministry of social and / or humanitarian affairs), civil protection agencies and specific national funds (f.e. national solidarity funds for the fight against Covid-19). In addition, in accordance with their participation in humanitarian Conventions including the Geneva Conventions of 1949 on armed conflicts, African States with national Red Cross or Red Crescent societies, their operational arms in the field of assistance to victims of conflicts and natural disasters. African National Red Cross and Red Crescent Societies participate in the International Federation of Red Cross and Red Crescent Societies, a major humanitarian actor in Africa.

Finally, it should be noted that, depending on the circumstances (conflicts, pandemics, natural disasters, etc.), more and more African, national and local non-

governmental organizations (NGOs) are getting involved in humanitarian action.

B - Regional humanitarian actors

Two main sub-categories of regional humanitarian actors in Africa can be identified: African regional and sub-regional organisations and non-African regional organisations, especially the European Union.

1 - African regional and sub-regional organizations

The Organisation of African Unity (OAU), after adopting the Convention governing the specific aspects of refugee problems in Africa in 1969, set up an Office for African refugees, which was specifically in charge of inter-African resettlement of refugees. The Office's activities have been enhanced by the expansion of its mandate to include internally displaced persons (hereafter, IDPs).¹

Taking over from the OAU in 2002, the African Union (AU) furthered the humanitarian activities started by the former. Normatively, after adopting the Kampala Convention for the Protection and Assistance of Internally Displaced Persons in Africa in 2009 and the Declaration on the Launch of the African Solidarity Initiative in 2012, the AU moved to strengthen its structure for humanitarian action. The AU Commission includes, in its organisational chart, a department in charge of social and humanitarian affairs. Several Regional Economic Communities (RECs), which are integrated into the AU Peace and Security Architecture (APSA), also include structures responsible for humanitarian action (like the Economic Community of West African States or ECOWAS or the East African Community or EAC).² Mention should also be made of sub-regional organisations such as the Lake Chad Basin Commission (LCBC) and the G-5 Sahel engaged in peace operations with a humanitarian dimension.

2 - The European Union

¹J. Oloka-Onyango, "The Place and Role of the OAU Bureau for Refugees in the African Refugee Crisis", *International Journal of Refugee Law*, vol. 6, 1994, pp. 34-52.

²M. MUBIALA, "The African Union and the COVID-19 Pandemic", in S. Szurek, M. Eudes et P. Ryfman (dir.), *Traité de droit et pratique de l'action humanitaire*, Paris, LGDJ, 2019, p. 389.

Among the non-African humanitarian actors operating in the humanitarian field in Africa, EU should be particularly mentioned. The latter acts through its Office for Humanitarian Affairs better known as ECHO (European Community Humanitarian Office) which became the Directorate General (DG) for humanitarian aid of the EU Commission since 2004.³ A major humanitarian actor in the world, the EU has developed a strategic partnership with the AU in several areas of international cooperation, including humanitarian action, which will be discussed later in this study.

C - Universal humanitarian actors

Universal humanitarian actors are the most represented among those engaged in operations in Africa. This category includes both humanitarian NGOs with a universal vocation (ICRC and International Federation of the Red Cross and Red Crescent; Médecins sans Frontières; Save the Children; Search for Common Ground, to mention only the best known) and UN humanitarian agencies. UN is a major humanitarian actor, if not the most important, on the African continent. It is also a complex actor, insofar as its interventions are divided between several operational or semi-operational agencies, including the World Food Program (WFP); the United Nations High Commissioner for Refugees (UNHCR); the United Nations Children's Fund (UNICEF); and to some extent, the United Nations Development Programme (UNDP) and the World Health Organisation (WHO).⁴

Multidimensional peace operations, whose mandate now includes a humanitarian dimension focused on protecting civilians and securing the environment for the delivery of humanitarian aid should be added to these civilian UN humanitarian actors.⁵ Among the United Nations missions with such a mandate operating in Africa, it is worth mentioning the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUSCO);

³A. Millet-Devalle, "The European Union", in Szurek, Eudes and Ryfman, op. cit. (Note 2), p. 362.

⁴See, in particular, M Cuq, "The World Food Program", op.cit. (note 2), pp. 307-311; C. Schmitt, "The Office of the United Nations High Commissioner for Refugees," *ibid.*, Pp. 311-318; C. Brisset, "UNICEF", *ibid.*, Pp. 318-323; and M. Méité, "Le PNUD", *ibid.*, pp. 323-328; and C. Bories, "Onsus actors lacking operational skills", *ibid.*, pp. 329-336.

⁵Ph. Lagrange, "United Nations humanitarian action within the framework of peacekeeping", op. Cit. (note 2), pp. 337-359.

the United Nations Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA); the United Nations Multidimensional Integrated Mission in the Central African Republic (MINUSCA); and the United Nations Mission in South Sudan (UNMISS).

All of the aforementioned humanitarian actors in the three broad categories operate on the same ground, and this raises the question of their interaction in this context.

II - INTERACTION BETWEEN HUMANITARIAN ACTORS IN THE AFRICAN CONTEXT

Although interaction between a multitude of actors in the African humanitarian field has generated good practices, it has also been the source of several challenges. A review of these good practices and challenges will opens ways for future prospects for humanitarian pluralism in Africa. These good practices and challenges will be illustrated by case studies drawn from the professional experience of this author, supplemented by references to episodes of ancient mythology (Greek and Roman) in the process of becoming realities in the tropics in general, and in Central Africa and the Great Lakes region in particular.

A - Good practices in interaction between humanitarian actors

Some good practices identified in the interaction between humanitarian actors include specifically, (i) cooperation between African States and universal actors in the assistance to refugees (the Tanzanian experience); (ii) the organisation of pan-African regional conferences of national Red Cross and Red Crescent societies; and (iii) the development of collaboration between regional and national African humanitarian actors in the fight against pandemics (examples: Ebola and Covid-19).

1 - Cooperation between African States and universal actors in refugee assistance: the Tanzanian example

It should be noted that in the 1960s and 1970s, the humanitarian action of

national actors was more important than that of international actors. In this context, some African States have developed very good cooperation with universal humanitarian actors, including the UN. This was the case for Tanzania, in the area of assistance to refugees fleeing the wars of national liberation in southern Africa and internal programs in the Great Lakes region (Burundi and Rwanda). The Tanzanian government's humanitarian action earned its first president, Julius Nyerere, the honor of UNHCR, which in 1983 awarded him the Nansen Medal, named after the first High Commissioner for Refugees. During the Nansen Medal presentation ceremony to the former Tanzanian President, the High Commissioner for Refugees at the time, Poul Hartling, had this to say:

«By giving asylum to people who cannot go elsewhere, the Tanzanian authorities offer them an opportunity await better days until they are in a position to opt for voluntary repatriation, resettlement in another country willing to receive them, or for integration in Tanzania. In doing so, Tanzania is not only applying the recognized principle of 'burden sharing', which is one of the cornerstones of international co-operation in the economic and social field. Goal, also because of its geographical location and as a front line state, Tanzania has been called on, at times, to take more than its fare share - and it has done so notwithstanding the additional charges and efforts this entailed, especially in the field of large scale rural settlement of refugees. Many of us here will remember the joint venture undertaken by the Tanzanian authorities and UNHCR in the early seventies, to help thousands of refugees from Burundi to become self-supporting through farming, animal husbandry and sometimes also fishery. Important contributions to this end, in the form of arable land and technical and administrative services were provided by the government. This has greatly facilitated the effective implementation of UNHCR projects for organized settlements created for refugees and also accessible for some of the local population. Invaluable material and operational support was also received from the operational arm of the Lutheran World Federation, the Tanganyika Christian Refugee Service, the World Food Program, the Christian Council of Tanzania and Caritas.”⁶

⁶Nations Unies, «Nansen Medal Award Ceremony: Statement by Mr. Poul Hartling, United Nations High Commissioner for Refugees, on the Occasion of the Award of the Nansen Medal for 1983 to His Excellency Julius Kambarage Nyerere, President of the United Republic of Tanzania», Geneva, October 3, 1983, p. 2.

Tanzania's humanitarian leadership in the 1970s, as confirmed by the organisation of the Arusha Pan-African Conference on the Situation of Refugees in Africa in May 1979, contrasts with the supremacy of international humanitarian actors in the Rwandan refugee camps of 1994 in Tanzania, especially in Ngara.⁷

2 - Pan-African Regional Conferences of National Red Cross and Red Crescent Societies

African National Red Cross and Red Crescent Societies have developed interaction through the organisation of regional conferences. As this author wrote in an earlier study,

“The African National Red Cross and Red Crescent Societies hold a regional conference every four years [...]. The third Conference, held in Mbabane, Swaziland, from 18 September to 2 October 1992, noted that assistance to the victims of conflict in Africa was often seriously impeded and called on National Societies to use their influence with governments to promote respect for international humanitarian law, whether by urging them to access to the Additional Protocols or by highlighting the need to apply and ensure application of that law.”

[...]

The Kampala Conference of the Red Cross / Red Crescent societies (23-27 September 1996) recommended inter alia that the African governments should take action to follow up commitments made at the 26th International Conference of the Red Cross and Red Crescent “(Geneva, 1995), in particular with regard to:

- protecting civilians during war;
- promoting the principle of non-recruitment and non-participation in armed conflict of children under the age of 18;
- moving towards a total ban on landmines;
- encouraging the use of the Code of Conduct for the International Red Cross and Red Crescent Movement and non-governmental

⁷See M. Mubiala, « Les Nations Unies et la crise des réfugiés rwandais », *Revue belge de droit international*, vol. 30, 1996, pp. 499-516.

organizations;

- permitting relief operations of a strictly humanitarian character in states under sanctions;
- recognizing the specific role of national Red Cross / Red Crescent societies in disaster response;
- helping create a beneficial environment for the overall development of national societies [...]”⁸

The regional conferences of African national Red Cross and Red Crescent societies and those that followed were the basis of a pan-African humanitarian dialogue. This constitutes a good practice whose momentum should be strengthened.

3 - Collaboration between regional and national humanitarian actors in Africa in the fight against Ebola and Covid-19 pandemics

Two examples of good practices in the interaction between humanitarian actors can be mentioned in the context of the fight against two recent pandemics in Africa, namely Ebola virus disease (EVD) and Covid-19.

Between 2014 and 2016, West Africa faced the Ebola epidemic. Three countries were particularly affected, including Guinea, Liberia and Sierra Leone. For the first time in its history, the AU deployed a civil and humanitarian mission to support the fight against this pandemic (African Union Support against Ebola in West Africa or ASEOWA). ASEOWA was backed by African States, health volunteers deployed by them and by African NGOs, as well as unprecedented funding by the African private sector to the tune of nearly US \$ 15 million, almost as much than contributions made by traditional donors from the North. African leadership in the response to the Ebola crisis in West Africa was made possible thanks to this interaction of humanitarian actors and this pooling of efforts at the regional level. This response was effective and welcomed by the international

⁸Ibid., “International humanitarian law in the African Context”, in MK Juma and A. Surkhe (eds.), *Eroding Local Capacity. International Humanitarian Action in Africa*, The Nordic Africa Institute, 2002, p. 45.

community.⁹The experience of the African response in West Africa between 2014 and 2016 paved the way for the establishment of the African Centre for Disease Prevention and Control (Africa CDC) in 2017, as well as the creation of The African Health Volunteers Corps (AVoHC), a rooster now available from CDA-Africa. These volunteers were used, in particular in the context of the recent Ebola crises in DRC (2018-2021). Thus, Guinean volunteers were deployed in eastern DRC, as were their Congolese counterparts in Guinea during the Ebola humanitarian crisis in that country, from 2014 to 2016. Likewise, in the context of the the Covid-19, the Africa CDC obtained from the DRC the deployment of 37 experts in four African countries, including Cameroon, Guinea, Mali and Niger,¹⁰ With these regional collaborating centres attached to the Regional Economic Communities, the Africa CDC has played and continues to play a central coordinating role in the response to the current Covid-19 pandemic, from which Africa appears to have drawn its game so far.¹¹

B - The challenges posed by humanitarian pluralism and interaction between humanitarian actors

Humanitarian pluralism harbours the seeds of the fragmentation of humanitarian action. Specifically, interaction between humanitarian actors, while generating some good practices, is the source of many challenges. Among the major challenges of humanitarian pluralism and the interaction between humanitarian actors are: (i) the proliferation of humanitarian actors; (ii) the omnipresence (continued presence) and supremacy of universal humanitarian actors; (iii) the military-humanitarian dualism of peace operations (UN and regional) with a humanitarian mandate (protection of civilians and securing the delivery of humanitarian aid); as well as (iv) the support of UN peace operations to non-UN peace and / or security forces (national and regional).

1 - The proliferation of humanitarian actors

⁹Ibid., “The role of African regional organisations in the fight against pandemics”, in Société française pour le droit international, Santé et droit international. Rennes conference, Paris, Pedone, 2019, pp. 407-431.

¹⁰Ibid., “The African Union and the Covid-19 Pandemic”, Policy Brief N ° 108, Brussels, TOAEP, June 4, 2020, p. 3.

¹¹ Jeune Afrique numéro spécial sur le Covid-19, mai 2021.

The proliferation of humanitarian actors is the most important challenge in humanitarian action in Africa. This proliferation emerged in the context of the Great Lakes crisis in the mid-1990s. Indeed, especially with the 1994 Rwandan crisis, we witnessed the deployment of a multitude of humanitarian actors more or less experienced. At the height of this crisis, there were as many as 180 humanitarian NGOs, in addition to the United Nations agencies involved in the field. The joint evaluation carried out on emergency assistance to Rwanda and its impact showed a great lack of coordination of humanitarian actors in this context.¹²

The Addis Ababa symposium jointly organised by the OAU and the UNHCR, following the refugee and displaced persons crisis in the Great Lakes region, found that the action of this multitude of humanitarian actors was dominated by competition, duplication and waste.¹³ Addressing the aspect of humanitarian assistance and the coordination of related activities in the African context, a speaker at this conference wrote that:

“The international relief network is overstretched, all too frequently unable to meet the mounting demands placed upon it and constantly concerned about the availability of resources. The network is faced with a growing number of situations for which there is a limited degree of previous experience. Rules and responses are often made up as a particular situation evolves. Many of the emerging situations that relief organizations now confront are new with another kind of uncertainty, namely, the threat of violence [...].

In the rapidly evolving humanitarian environment of the 1990s, the very dimension and complexity of a growing number of emergencies engender not only institutional ambiguity and insecurity. The proliferation of relief actors, the inconsistencies of the donor responses, and disconnected bilateralism, when added to the increasing uncertain boundaries of humanitarian affairs and the scarcity of resources, are all part of the environment faced by the international relief network. Now and in the immediate future, co-ordination will be increasingly important, and yet for these very reasons become more

¹²Joint Evaluation of Emergency Assistance to Rwanda, *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience. Humanitarian Aid and Effects*, vol. 3, 1996, pp. 122-136.

¹³OAU and HCHR, *Addis Ababa Document on Refugees and Forced Displacement in Africa*, Geneva, 1994, p. 15.

difficult.”¹⁴

The proliferation of humanitarian actors is compounded by the equally important challenge of the ubiquity and supremacy of universal humanitarian actors.

2 - The omnipresence and supremacy of universal humanitarian actors

The continued presence and supremacy of universal humanitarian actors in Africa, while being an expression of international solidarity, has serious consequences, including the permanent dependence of African States on international humanitarian aid and the marginalisation of national and local humanitarian actors. Ultimately, the latter have been reduced to the role of subcontractors. This inexorably leads to the weakening of national and local capacities in the field of humanitarian action. Regarding this last aspect, the Christian Michelsen Institute (CMI) of Bergen (Norway) implemented a three-year Afro-Nordic research project (1997-2000), in which the author participated, in cooperation with the Centre for Foreign Relations of Dar-es-Salaam and the School of Governance of the University of Western Cape in Cape Town. Three conferences were organised within the framework of this project, respectively in Arusha, Cape Town and Oslo. Contributions presented during these conferences were gathered and published, in 2002, in a volume with the evocative title: “Eroding Local Capacity. International Humanitarian Action in Africa”. As the two coordinators of this publication point out in their introduction,

“Sensing both the need and the opportunities, international aid organizations developed into large, professional institutions with stable bureaucratic procedures. Many expanded their functions from immediate emergency to longer-term provision of social services, becoming reliable welfare providers in what Mark Duffield (1994) has aptly called an international safety net [...].

This international humanitarian welfare regime has a dominant Northern imprint. Using OECD, the UN and ad hoc fora, the

¹⁴CR Kent, “Humanitarian Assistance and Inter-Agency Co-ordination and Co-operation: Constraints and Prospects in an African Context”, *International Journal of Refugee Law*, special issue, July 1995, p. 246.

industrialized states and Northern-based aid organizations have primarily been responsible for articulating common norms, providing financial resources, and developing institutions and strategies to both identify the problems and address them. Relief and protection activities on the ground are dominated by Northern-based organizations. Most of the operations, by contrast, take place in the South as conventionally defined [...], and assistance activities there. This structure raises some critical questions regarding the role that local or ‹Southern› actors can and should play in the international humanitarian international regime. The dominant rhetoric on all sides has long emphasizes the need to build ‹more local capacity›, yet this is generally followed by non- local action. Even long-term, semi-permanent emergencies have not generated significant capacity to assist. In some cases, whatever local capacity aid exist in this arena has been overwhelmed by the international aid presence and eroded.’¹⁵

To meet this challenge, the experts have proposed some possible solutions. Two of them, formulated by African experts including the author of this contribution, aim, on the one hand, to contextualise the standards and principles relating to humanitarian action in Africa;¹⁶ and, on the other hand, to regionalize the latter.¹⁷ A decade after the publication of this book, it can be asserted that lines have moved in the right direction.

At the normative level, in 2009 the AU adopted the Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) and, in 2012, the Declaration on the Launch of the African Solidarity Initiative (ASI). The first instrument contributes to the regionalisation of the guiding principles of the United Nations in the field of displaced persons,¹⁸ while integrating the AU’s right to intervene in the event of an obstruction to the delivery of humanitarian aid (Article 8, paragraph 1) and this, in accordance with Article 4(h) of the Constitutive Act of the AU, which authorizes this Organisation to intervene in a State in serious circumstances of

¹⁵ MK Juma and A. Suhrke, “Introduction”, in Juma and Suhrke, *ibid.*, Pp. 5-6.

¹⁶ Mubiala, “International Humanitarian Law”, in Juma and Suhrke, *ibid.*, Pp. 35-59.

¹⁷ B. Rutinwa, “Regional Co-operation for Humanitarian Action. The Potential of the EAC”, in Juma and Suhrke, *ibid.*, pp. 60-69.

¹⁸ See M. Duchatellier and M. Mubiala, “La Convention de l’Union africaine sur la protection et l’assistance aux personnes déplacées en Afrique: une codification régionale des principes directeurs des Nations Unies relatifs au déplacement de populations”, *Annuaire africain de droit international/African Yearbook of International Law*, vol. 18 (2010), 2013, pp. 399-411.

threat or commission of genocide, war crimes and crimes against humanity.¹⁹

From the ASI Declaration emerged a principle qualified by this author as the “responsibility to assist” (neologism) which he defined as the duty for States, organisations and African people to help other States and people in need, following events such as natural disasters, pandemics and the displacement of the population caused by armed conflicts, global warming and other phenomena. This regional (emerging) African principle was applied for the first time in the context of the fight against the Ebola pandemic in West Africa. It is currently being implemented in the current humanitarian crisis linked to Covid-19, according to the research and publications of this author, who has been working on this concept for some years now (from 2018 till date)²⁰.

At the institutional level, this normative arsenal based on African realities and traditions contributes to the emergence of a new regional health security system which includes, in addition to the Africa CDC (with its five attached regional collaboration centres, in particular, to RECs), the African Health Volunteer Corps.²¹

3 - The military-humanitarian dualism of peace operations or the «Janus syndrome»

The militarisation of humanitarian action is not a new phenomenon. We can remember the Safe Humanitarian Zones (SHZ) or *save haven*, inaugurated during the Balkans war. However, this phenomenon has increased, thanks to the extension of the mandate of peace operations to humanitarian action, especially in the protection of civilians. This is not without its problems, specifically in the interaction between the civilian personnel of these operations and other civilian humanitarian actors on the one hand, and the military on the other hand.²² A civil-military competition has arisen in this context, due to what

¹⁹ Mubiala, «The African Union», p. 388.

²⁰ Ibid., “The «responsibility to assist» and its implementation in the fight against pandemics in Africa”, African Yearbook of International Law / African Yearbook of International Law, vol. 24 (forthcoming).

²¹ Ibid., “Africa and Pandemics: Towards a Regional Health Security Regime”, Yearbook of International Disaster Law, vol. 3, 2020 (forthcoming).

²² AB Siegel, « Pourquoi les militaires pensent que les civils sont surpayés et trop peu sollicités Revue des questions humanitaires, hiver 2003, pp. 52-55.

the current writer describes as “Janus syndrome”, in reference to the double-sided Roman god (a symbol of both peace and war). This neologism aims to designate a situation in which one mixes two elements, contradictory by nature and by object, in order to get a problem solved.

The most harmful consequence of implementing the «Janus syndrome» in humanitarian action is the undermining of humanitarian principles, mainly neutrality and impartiality. Indeed, as one author points out,

“Humanitarian action is exclusively based on need and driven by a strict adherence to the principle of neutrality. Peace operations, however, are political at heart and may at times have to take action groups that threaten a peace process. As a result, the greatest obstacle to closer cooperation is the concern of humanitarians that their perceived association with the political objectives of a peace operation would undermine their neutrality, thus jeopardizing access to those in need.”²³

Moreover, the “Janus syndrome” underpins the contrasting approaches used by civilian and military humanitarian actors in the field. This has caused dysfunctions between the two categories and sometimes led to serious humanitarian crises, as illustrated by two situations that Pr Mubiala closely observed in his previous professional activities (as desk officer of relevant countries at the time): the 1994 and 1995 Kibeho IDP crisis in Rwanda and, more recently, the 2014 crisis in the Muslim enclaves of the Central African Republic.. .

3.1 The humanitarian crisis in the Kibeho IDP camps (Rwanda, 1994-1995)

After the withdrawal of Operation Turquoise from Western Rwanda, many Hutu communities, which had not been able to take refuge in DRC, flocked to makeshift camps, under the protection of the United Nations Mission in Rwanda (MINUAR or UNAMIR, English acronym). In agreement with the Rwandan government but in total disagreement with the humanitarian

²³ A. Kugel, “Humanitarian Action and Peace Operations”, Policy Briefing, Center for International Peace Operations, July 2016, p. 2. See, for further development, see V. Holt, G Taylor and M. Kelly, Protecting Civilians in the Context of UN Peacekeeping Operations. Successes, Setbacks and Remaining Challenges, Independent Study Commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, New York, United Nations, 2009.

community, the UN force engaged in several joint operations with the Rwandan forces (Rwandan Patriotic Army or APR / RPA) to ensure the return of the displaced persons from these camps to their hills of origin. All these successive operations failed, with most returnees returning to the camps for fear of reprisals from ethnic Tutsi people. The camps, far from being empty, were only getting bigger, particularly the Kibeho camp, the largest, which numbered up to 115,000 people in February 2015. The situation deteriorated rapidly, following the increase in tensions and incidents between the Rwandan security forces and internally displaced persons that the UNAMIR (UNAMIR) could not prevent. This prompted the Rwandan authorities to proceed with the unilateral closure of the camps and the forcible return of displaced persons. Skirmishes ensued and soldiers opened fire on the crowd, leaving between 2 and 8,000 people killed among the displaced, according to humanitarian sources. Analyzing the murderous incidents of Kibeho, an author, on mission in Rwanda at the material time, wrote, in particular:

“Some organizations faulted the international community’s negotiators with the government concerning IDP return, considering certain principles non-negotiable: the IOC [Inter-Office Coordination] renounced the principle of <voluntary return in safety and dignity> because it believed that this was the only way to retain some element of influence on operations and keep potential abuse at a minimum. Such damage control was also responsible for UNAMIR involvement in Operation Hope. UNAMIR believed its involvement allowed the operation to take place without incident. The price paid for such joint action with the military, however, was that UN neutrality was compromised, undermining the displaced population’s confidence in UNAMIR (which it had the mandate to protect) and contributing to the subsequent failure of Op Retour.”²⁴

Some twenty years later, a similar situation recurred in the Central African Republic, following the recent conflict of 2012 (still ongoing), which had a strong inter-community connotation, characterised in particular by the constitution of enclaves of displaced persons of Muslim faith.

²⁴ ST Kleine-Ahlbrandt, *The Protection Gap in the International Protection of Internal Displaced Persons: The Case of Rwanda*, 2e. ed., Geneva, IUHEI, 2004, pp. 72-73.

3.2 The humanitarian crisis in the Muslim enclaves of the Central African Republic (2014)

The Central African crisis, which lasted for thirty years, was worsened at the end of 2012 by a lightning assault on Bangui by a coalition of predominantly Muslim militias called Séléka. This coalition succeeded in seizing power in the capital in March 2013. Faced with the rout of the official Central African armed forces (FACA), leaders claiming Christianity created another coalition called «anti-balaka», reinforced by survivors of the former Central African armed forces, in order to fight the Séléka (who became ex-Séléka, following the establishment of a government of national unity, in accordance with the Libreville Agreements of January 2013).

The armed conflict degenerated, despite the mediation efforts of the States of the sub-region (Libreville and Brazzaville peace processes) and the successive deployment of several foreign and/or international forces, including the Sangaris Force (France), EUFOR-CAR (800 soldiers), the African-led International Support Mission to the Central African Republic (MISCA) (6000 soldiers), deployed by the African Union with the former ECCAS peace mission (MICOPAX) at its core. MISCA was replaced and integrated by MINUSCA (13,000 soldiers at creation in mid-April 2014), which became operational as from September 2014. All these forces were authorised by the UN Security Council on the basis of Chapter VII of the UN Charter, with the main missions of protecting civilians, stabilizing the country and restoring the State authority.

At the height of the conflict in the first half of 2014, the country had up to 430,000 refugees in neighbouring countries and 450,000 displaced people.²⁵ Particularly, Muslim communities found themselves in sites referred to as the “Muslim enclaves,” with the approval and under the protection of MISCA, as precisely reported by the NGO Médecins sans Frontières,

“The western half of the Central African Republic (CAR) has been emptied of over 90% of its inhabitants in just a few months of exodus. Under the armed protection of international forces, rare enclaves shelter

²⁵ Global Centre for the Responsibility to Protect in the Central African Republic”, Policy Brief, March 9, 2015, p.2.

the last Muslims in very precarious conditions.

On the square in Carnot, in the west of CAR, Muslims kneel down to pray, with Cameroonian soldiers guarding the gate alongside an armoured vehicle. Inside the compound, just under a thousand people of different ethnicities but all Muslims crowd into an area the size of half a football pitch.

These displaced persons have been brought here by MISCA, the African Union's peacekeeping force, to ensure their protection. The rest of the town is under anti-balaka control."²⁶

In his 1 August 2014 report on the situation in CAR, the UN Secretary General wrote, inter alia:

"3. Most of the Muslims have been displaced or fled the country, while around 20,000 are trapped in nine sites in the western and central regions, aware that they may be attacked if they leave before reaching a safe place. In Boda alone, 5,670 people are at risk in an enclave under attack by anti-balaka. These communities are denied access to food and basic goods. In Yaloke, more than 600 Peul Mbororo herders who have lost their cattle remain trapped in town due to antibalaka attacks. They requested the support of the international community in order to be resettled in Cameroon, where about 50 of them have already found refuge with their family members."²⁷

The report continues,

"7. As a last resort, humanitarian actors facilitated the resettlement of 1,352 IDPs, mostly Muslims, from Bangui to Bambari on 20 April and to Kabo and Moyen Sido in the north of the country on 28 April, with the support of international forces. On 28 April, a convoy came under grenade attack on the road from Dekoa to Kaga Bando by the anti-balaka. Two people were killed and six injured before reaching their destination the following day."

[...]

"Following allegations that MISCA peacekeepers were involved in the enforced disappearance of civilians in Boali, the Mission announced on 17 July the suspension of its commander and his unit in that locality

²⁶ Médecins Sans Frontières (MSF), «République centrafricaine: impasse humanitaire dans l'enclave musulmane de Carnot», Genève, 8 juillet 2014, pp. 1-2..

²⁷ Report of the Secretary-General on the situation in the Central African Republic (S/2014/562), pp. 1-2.

pending investigation.”²⁸

As shown in this report, although there was generally good collaboration between civilian humanitarian actors and the military in dealing with the humanitarian crisis in the Muslim enclaves in CAR, the involvement of the latter did not always make it possible to avoid the drawbacks of military-humanitarian dualism.

4 - Support of UN peace operations to non-UN forces

Although the protection of civilians is the primary responsibility of the State, it has increasingly become an area of collaboration between the latter and the United Nations or other organisations, particularly regional and subregional, which have deployed a multidimensional peace operation including this aspect in their mandate. This development can be illustrated by a recent example in the DRCC. Of course, during a mission in the Beni region (North Kivu province placed under a State of siege for a few months), Brigadier General Assane Beye, Deputy Cammisssioner of the United Nations Police (UNPOL) in DRC, declared that the objective of his mission in the region was “to make an assessment of the police dimension of the joint engagement of MONUSCO and the government of the Democratic Republic of Congo”.²⁹ Such collaboration is not without risks. In the past, it had raised the issue of UN support to Congolese national forces accused of committing human rights violations against civilians. The denunciation of these allegations of human rights violations prompted the United Nations to suspend its support to these forces.

What is better, it adopted a policy of due attentiveness to human rights issues (United Nations Human Rights Due Diligence or UN HRDDP),³⁰ which conditions the UN’s technical and logistical support to non-UN security forces on compliance with International Human Rights Law (IHRL), International

²⁸ Ibid., Pp. 2-5.

²⁹ Radio Okapi, August 23, 2021 (www.Radiokapi.net/2021/08/23/emissions/linvite-du-jour/assane-beye-nous-avons-prevu-dappuyer-la-pnc-dans-les-taches-..), accessed 23 August 2021).

³⁰ United Nations, “Human rights due diligence policy on United Nations support to non-United Nations security forces”, A/ 67/775-S / 2013 / 110, March 5, 2013, annex.

Humanitarian Law (IHL) and International Refugee Law (IRL). Preventive measures including “screening” (verification) and corrective (training) measures can be adopted by the United Nations to mitigate the risks of these violations and / or strengthen the capacities of the assisted forces in the three areas mentioned above. We are gradually witnessing the institutionalisation of this policy in cooperation between the UN and regional forces in Africa. Thus, as part of its support to the G-5 Sahel Joint Force, The UN signed a tripartite agreement with the G-5 Sahel and the EU to develop a regulatory framework intended to help the contingents of member States engaged in this regional force respect IHRL, IHL and IRL. This regulatory framework is implemented by the States concerned with the support of the Office of the United Nations High Commissioner for Human Rights, through field presence in the region (Burkina Faso, Mali, Mauritania, Niger and Chad). Depending on the evaluation of this first arrangement, the parties to it envisaged, two years ago, to replicate this model in the support they give to the Multinational Joint Task Force (MNJTF) to fight against the terrorist group Boko Haram, for the deployment of which this policy was applied in an ad hoc manner.³¹

C - Responses to the challenges of humanitarian pluralism: the “UN’s twelve Herculean tasks”

The United Nations as a major humanitarian actor, especially in Africa, has taken the lead in finding solutions to the challenges posed by humanitarian pluralism. Firstly, it has developed humanitarian coordination to face the challenge of multiple actors and the diversity of their interventions. Secondly, it has introduced integration as a response to the military-humanitarian dualism of its peace operations that have a humanitarian mandate.

1 - Humanitarian coordination

Humanitarian coordination has a dual internal and global dimension (external to the UN).

³¹ See M. Mubiala, «The Multinational Joint Task Force to Fight against the Boko Haram Terrorist Group», *Zanzibar Yearbook of Law*, vol. 5, 2015, pp. 171-190.

1.1 The internal dimension

As noted at the start of this paper, the United Nations is a complex humanitarian actor, with several humanitarian agencies, operational and semi-operational. This already poses a problem of internal cohesion within the UN itself, which therefore had to start by cleaning up its own backyard before embarking on the coordination of humanitarian actors outside its system. Indeed, if there is one area in which UN reform has become perennial, it is that of humanitarian coordination. As a matter of fact, many related reforms have been initiated by the various Secretaries General of this Organisation.³² It would be extraneous to examine them in the context of this study which has a more limited objective.

The most important of these reforms is undoubtedly the creation, in 1998, of the Office for the Coordination of Humanitarian Affairs (better known as OCHA), headed by an Emergency Relief Coordinator with rank of Deputy Secretary-General of the United Nations. OCHA replaced the Department of Humanitarian Affairs established following the General Assembly resolution 48/152 of December 1991 on strengthening the response to complex emergencies and improving the effectiveness of the Humanitarian Aid, which also established the position of Emergency Relief Coordinator mentioned above. Likewise, in order to facilitate the financing of emergency relief operations, the UN has established a Central Emergency Response Fund (CERF).

Sharing its headquarters between New York and Geneva, OCHA has numerous representations in the field, mainly in countries facing humanitarian crises. The humanitarian coordination system in the field is, in general, ensured by the United Nations Resident Coordinator, who leads the United Nations Country Team and, in certain cases, by a humanitarian coordinator specially designated for these functions (in situations of serious humanitarian crises).

Despite the progress observed in the field of coordination between United Nations humanitarian agencies, efforts still need to be made to improve the

³² See, in particular, T. Weiss, "Humanitarian shell Games: Whither UN Reform?", *Security Dialogue*, vol. 29, 1998, pp. 9-23.

system, as evidenced by resolution 70/106 of the United Nations General Assembly, at the end of which,

“*Having noted* the Secretary General’s reports on the strengthening of the coordination of emergency humanitarian assistance of the United Nations and on the Central Emergency Response Fund,

[...]

“*Entreats* the Emergency Relief Coordinator to continue his efforts to strengthen the coordination and accountability of humanitarian assistance and leadership within the United Nations humanitarian response system, including through the transformative agenda of the Inter-Agency Standing Committee, and calls upon relevant United Nations organizations and other relevant intergovernmental organizations, as well as other humanitarian and development actors, to continue to work with the Office for the Coordination of Humanitarian Affairs of the Secretariat to enhance the coordination, effectiveness and efficiency of humanitarian assistance.»³³

This resolution targets humanitarian coordination, both internally and globally, involving the other major universal humanitarian actors.

1.2 The global dimension

Based on experience in inter-agency humanitarian coordination, the UN has developed coordination platforms with the main universal non-governmental humanitarian actors. In terms of strategic coordination, a case to be noted is the establishment of the Inter-Agency Standing Committee (IASC), responsible for discussing and developing humanitarian policies on a global scale. At operational level, it is the cluster system that has been developed. They consist of platforms bringing together humanitarian actors according to their areas of expertise and activities. Placed under the leadership of one or two humanitarian actors (UN and / or non-UN), the clusters collaborate in all phases of humanitarian planning in their respective areas of intervention. The clusters

³³United Nations, “70/106. Strengthening of the coordination of emergency humanitarian assistance of the United Nations”, A / 70/106, 28 December 2015, pp. 1 and 5.

are distributed according to the themes listed in the table below (table 1).³⁴

Table 1

Themes	Leadership
Protection	UNHCR
Food Safety	WFP and FAO
Telecommunications emergencies	WFP
Logistics	WFP
Education	UNICEF and Save the Children
Early recovery	UNDP
Nutrition	Unicef
Camp coordination and management	IOM and UNHCR
Water, sanitation and hygiene	Unicef
Shelters	International Federation of the Red Cross and Red Crescent and UNHCR

Under the leadership of the Humanitarian Coordinator, the clusters participate in activities related to all phases of the humanitarian cycle, including prevention, mitigation, preparedness, disaster, response, recovery and reconstruction. As the IASC points out,

“The cluster approach was adopted in 2005, following an independent Humanitarian Response Review, to address gaps and to increase the effectiveness of humanitarian response by building partnerships. It ensures that international responses to humanitarian emergencies are predictable and accountable and have clear leadership by making clearer division of labor between organizations, and their roles and responsibilities in different areas. It aims to make the international humanitarian community better organized and more accountable and professional, so that it can be a better partner for affected people, host governments, local authorities, local civil society and resourcing partners. The cluster approach is not the only

³⁴IASC, Cluster. Reference Module for Cluster Coordination at Country Level, Rev. 5, July 2015, pp. 1-2.

humanitarian coordination solution. In some cases, it may coexist with other forms of national or international coordination, and its application must take into account the specific needs of a country and the context. Using a cluster approach in every emergency might waste resources and impede action by governments, which are primarily responsible for providing humanitarian assistance to people under their jurisdiction.”³⁵

Another coordination tool or instrument in the framework of the interaction between universal humanitarian actors is the Consolidated Appeals Process (CAP), which consists of a programming cycle involving humanitarians in the needs assessment: planning, coordination, funding, implementation and evaluation of humanitarian assistance projects in response to disasters and emergencies, in conjunction with the governments of host countries. As part of this process, humanitarian actors produce common strategic and operational documents, including the Common Humanitarian Action Plan (CHAP) and the Consolidated Appeals (CAP). For instance, between 1992 and 2013, donor countries have provided US\$29 billion in 240 consolidated appeals to meet the needs of more than 50 countries in several regions of the world, including Africa (Angola, Ethiopia, Sudan and West Africa).³⁶

From the foregoing, it can be said that humanitarian coordination under UN leadership has helped to make the humanitarian organisations more evident and forged humanitarian dialogue between members. The United Nations pursued this effort from within to respond to the “Janus syndrome” caused by military-humanitarian dualism, by developing an approach which combines its peace operations and the internal coordination system discussed above.

2 - Integration

The integration approach is well summarised by an author in a study already cited, in these terms:

“The UN formally introduced a policy on integration in 2008. It is applicable to all contexts where both a country team and a peace

³⁵Ibid., p. 3.

³⁶IASC, “Consolidated Appeals Process (CAP)”, June 2013 [http // www. Intergencystandingcommittee.org/consolidated-appeals-process-cap](http://www.intergencystandingcommittee.org/consolidated-appeals-process-cap), accessed August 30, 2021).

operation are present and establishes a strategic partnership between the two. Integration arrangements are country- and context specific and can include common reporting lines, joint offices, assets or resources. Integration is not without challenge. In addition to concerns over the perceived co-option of humanitarian aid for political ends, integration has also been criticized as an impediment to a more robust political role of a mission that is no longer perceived as impartial.”³⁷

The multidimensional integrated missions in the above-mentioned African countries (MONUSCO, MINUSMA, MINUSCA, UNMISS, etc.) are structured according to the integration model. In missions’ leadership, this is reflected by the presence, under the authority of the Special Representative of the Secretary General (SRSG) and Head of Mission, of a Senior Deputy Special Representative in charge of the protection (of civilians) and operations and a Deputy Special Representative in charge of humanitarian issues (acting as humanitarian coordinator). It is through the latter that the integration between civilian and military humanitarian actors takes place.

Of course, integration has contributed to build coherence between the civilian and military elements of humanitarian action in UN peace operations, including Africa. But still, significant challenges remain. This justifies the recommendation made by the United Nations General Assembly in its aforementioned resolution on strengthening humanitarian coordination, under which it emphasized the essentially civilian character of humanitarian aid and reaffirmed that,

“In situations in which military capacity and assets are used as a last resort to support the implementation of humanitarian assistance, the need for their use to be undertaken with the consent of the affected State and in conformity with international law, including international humanitarian law, as well as humanitarian principles.”³⁸

Confronted with the continuing challenges of humanitarian pluralism and despite the efforts undertaken by the UN in the field of humanitarian coordination and integration, it is appropriate to suggest ways of strengthening interaction between humanitarian actors, particularly in Africa. In this regard,

³⁷Kugel, “Humanitarian Action”, p. 4.

³⁸United Nations, “70/106. Strengthening humanitarian coordination.....”, pp. 3-4.

the humanitarian action program adopted at the the World Summit on Humanitarian Action in Istanbul (Turkey) in 2016 has some relevant elements, including the networking of humanitarian actors.

The present and future of humanitarian networking in Africa

The Istanbul World Summit on Humanitarian Action called on humanitarian aid actors to “work differently”. One of the modalities of the renewal of humanitarian action recommended by this program is networking based on the experience of the Istanbul World Summit. Indeed, as the Secretary General of the United Nations underlines in his report on the results of this Summit,

“44.The World Summit launched new alliances, networks and initiatives to galvanize and cement new partnerships: the Global Alliance for Urban Crises will mobilize members to partner with urban institutions and communities to address risks and mitigate crisis impacts; and the Global Alliance for Humanitarian Innovation will match problems with people who might be able to solve them with new tools and insights. The capacities of regional organizations will be strengthened through the Regional Organizations Humanitarian Action Network. The Connecting Business Initiative will support, establish and strengthen private sector networks, nationally, regionally and thematically, and the Humanitarian Data Centre will increase collaboration between the private sector, academia, practitioners and policymakers to improve impact of data on humanitarian action.”³⁹

In Africa, we have witnessed in recent years the gradual development of networks dedicated to humanitarian action, its funding and related research. These initiatives concern specially the health sector. These include the African Health Volunteers Corps, which has been active since the response to the Ebola crisis in West Africa; the Regional Network for Equity in Health in East and Southern Africa (EQUINET); the Antimicrobial Resistance Surveillance Network (AMRSNET); and the Integrated Regional Surveillance and Laboratory Networks (RISLNET). In the context of the Covid-19 response, it should be noted the establishment of a coalition of African researchers within

³⁹United Nations, “Outcomes of the World Humanitarian Summit,” Report of the Secretary-General, A / 71/353, 23 August 2016, p. 14.

the framework of the “Sentinel” project,⁴⁰ aimed at developing an early warning system for pandemic prevention. African private sector companies have also established coalitions to help fund activities in response to Covid-19.⁴¹ The African response to Covid-19 is a rare good practice of interaction between African humanitarian actors to be highlighted here. Indeed, as the author wrote in a recent study:

“To better achieve its goals and purposes, the AU has engaged in a reform process since 2016, with some relevant decisions expected in June 2020. The AU agenda for

Reform includes the recurrent issue of funding of its programs and activities, and the division of work among the AU, the Regional Economic Communities, and Member States. The current intervention of the AU in the context of Covid-19 will certainly influence the outcome.

“There is a desire to curb the AU’s high dependency on external partners. For example, in the context of the fight against Covid-19, the operations of the Africa CDC have relied largely on donations from the Jack Ma and Alibaba Foundations. The proposed reform envisions that AU Member States will contribute 100 per cent of its regular budget, 75 per cent of its special programs, and 25 per cent of its peace-keeping activities. The reform envisions identification of exclusive and shared competencies between the AU, the Regional Economic Communities, and Member States. 13 The response to Covid-19 provides a good example of shared competencies, in the context of which the AU has served as the continental platform for co-operation and co-ordination of efforts.

[...]

“Since Covid-19 constitutes a major challenge to the economic and social development of Member States and to trade and regional integration of Africa, a group of African eminent and recognized finance experts made a call for the cancellation or suspension of the international debt of African States. 14 Building on this initiative, the Bureau of the AU Assembly of the Heads of State and Government held a meeting in

⁴⁰ According to the Africa CDC, about the “Sentinel” project, “the project was conceived long before Covid-19, but its relevance has become more significant in the ace of this fast-spreading pandemic” (UA / Africa CDC, “African Researchers Lead Scientific Coalition Developing Surveillance System for Detecting Pandemics in Real-Time”, May 11, 2020 (available on CDC-Africa website).

⁴¹ Jeune Afrique, numéro spécial sur la Covid-19, 3 mai 2020.

mid-April 2020 during which they established a <dream team> (including some of the above-mentioned eminent finance experts¹⁵ and other African finance high-level figures) to analysis ways to address the negative financial impact of the pandemic on Africa, and to develop regional strategies for the recovery.

“The unified engagement of African States and experts on Covid-19 with other regional and global actors - including the G20, the European Union, the United Nations, the World Health Organization - has given them a voice on the international stage, influencing some positive decisions such as the G20’s moratorium on African bilateral debt for nine months and additional loans by the International Monetary Fund to several African countries to combat Covid-19. Teaco-ordinated approach to Covid-19 has also reinforced mutual aid among and in African countries, and consolidated the practice of self-reliance or <self-help>, as provided by the 2012 African Solidarity Initiative (‘Africa Helping Africa’).”⁴²

The emerging practice of inter-African networking in the field of health emergencies in Africa, which makes it possible to respond more effectively to ongoing pandemics, should be replicated in other sectors of humanitarian action, including responses to natural disasters; massive influxes of refugees as well as the displacement of populations due to armed conflicts and global warming. Networking of humanitarian aid actors is an essential complement to building the capacities of African regional and sub-regional organisations for African integration in the field of humanitarian action.

CONCLUSION

From the above analysis, it emerges that humanitarian action is at a crossroads in Africa. Characterised by predominantly universal humanitarian pluralism, it is on the way to experiencing a revolution. This is evidenced by the interaction between African humanitarian actors in the context of response to the recent Ebola pandemics in West Africa and Covid-19 on the continent. The institutionalisation of Africa CDC and the networking of humanitarian actors operating in the health sector, which have proven effective, are a good

⁴²M. Mubiala, «The African Union», p. 3.

example of what could constitute the architecture of tomorrow's humanitarian action in Africa against a background of the emerging African regional principle of "responsibility to assist" recently conceptualised by the author. In this regard, this present Yaounde Symposium could send a strong signal for the development of instruments or theoretical tools appropriate for the advent of a "new Pan African Humanitarian order"

Yet at this same venue in December 1986, the 5th African seminar on international humanitarian law jointly organised by the International Relations Institute of Cameroon (IRIC) and the Henry-Dunant Institute, in partnership with the Cameroonian Red Cross, adopted a resolution calling for a general survey to be carried out on African humanitarian traditions and their interaction with international humanitarian law.⁴³ A quarter of a century later, this project has never been implemented. However, is not too late to start. Relaunching this research project in the current context could provide a scientific basis for the "new pan-African humanitarian order" in the making.

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PANEL 1

HUMANITARIAN AID : CHANGES AND TRANSFORMATIONS IN THE ERA OF GLOBALISATION

PREPONDERANT ROLE OF NGOS IN MANAGING HUMANITARIAN CRISIS IN SUB-SAHARAN AFRICA IN THE FACE OF STATE SOVEREIGNTY CONSTRAINTS

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Abstract

Although sovereignty was thought to qualify and magnify the independent, autonomous, homogeneous and unique State, new realities have marked the second half of the 20th century, thus challenging the once narrow vision of the exercise of sovereignty. Indeed, the formation and development of the sovereign State did not take place in ignorance of the process of universalisation of the rights of the human rights accelerated after the 2nd world war with the creation of universal and international organisations that significantly contributed to the adoption of instruments and universal declarations in this area, as well as the establishment of international and regional control mechanisms. Since then, international law has evolved towards the challenge of inviolable sovereignty in order to justify humanitarian actions, which may bear the name of humanitarian aid, intervention, interference or even the responsibility to protect.

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A restrictive conception of National Sovereignty is now being replaced by a new one according to which the protection of individuals no longer depends solely on States' authority, but is of interest to the entire international community, even in spite of the hostility or inertia of the State to which they belong, a major challenge to the question of State Sovereignty. This is the case in Africa, where the role of humanitarian NGOs in the management of humanitarian crises and other consequences of conflicts on the continent is becoming increasingly important

INTRODUCTION

According to Oxford Public International Law, sovereignty can be defined as «the supreme authority within a territory or the ultimate power within that territory.»² It is a political concept used to designate the legitimate holder of power which, within the State framework as it predicates here, can be imposed unilaterally either by the sovereign himself or by the constituted authorities acting on his behalf³.

Domestically, the State's sovereignty refers to its greatest power (imperium), which none of its components can claim. While the power of the individual components of the State is restricted and specified, that of the State is total and general. J. Combacau and S. Sur argue that

*“[la] puissance suprême de l'État se définit ainsi en droit interne par son contenu positif de plénitude, comme le plus grand degré possible de supériorité de son titulaire sur ceux qui lui sont soumis, qui comporte le pouvoir légal de briser la résistance aussi bien de ses sujets que de ses rivaux”*⁴

[(The) supreme power of the State is thus defined in domestic law by its absolute positive content, as the highest possible level of authority of its holder over those who are subject to him, which includes the legal power to break the resistance of both its subjects and its rivals.]

²Oxford Public International Law (OPIL).

³ Ibid.

⁴COMBACAU (J), SUR (S.), (dir.), Droit international public, Paris, LGDJ-Montchrestien, 2012, p. 236.

Where appropriate, sovereignty constitutes the source of the binding force of all positive law.⁵

Conversely, States could abuse their power or sovereignty by violating the fundamental rights of people living in their respective territories. Yet human rights, according to the *Glossary of Legal Terms*, are prior and superior to States. In addition, given that certain human rights are internationally protected, the relevant State can be brought to supranational courts by peers or individuals, to ensure compliance with international instruments in human rights protection. Therefore, the attitude of African States, which consists in asserting their sovereignty each time their international responsibility is questioned, is seriously problematic and deserves much attention to rethink the relations between sovereignty and the international obligations of States, particularly as concerns human rights.

A major player on the international scene, NGOs, have joined the traditional players, notably the international organisations in undermining what remains of the traditional notion of State sovereignty. The role of these non-governmental organisations in the African human rights system has become increasingly prominent in the recent years due to the budgetary and financial challenges faced by African countries in dealing with humanitarian crises during conflicts. The Covid-19 pandemic that the world has been experiencing for the past two years has further deepened the dysfunction of state services, allowing humanitarian NGOs to take even more of a lead in humanitarian crisis management activities in sub-Saharan Africa..

Non-governmental organisations are private associations that carry out activities on a non-profit basis at the domestic or international level. In principle, they do not emanate from States, which distinguishes them from intergovernmental organisations (UN, European Union) or their agencies (UNDP, UNHCR, ECHO).

NGOs are characterised by their great heterogeneity, making it difficult to establish typologies and even use the term “NGO” generically. Existing typologies generally distinguish the different categories of NGOs according to

⁵ALLAN (D.), RIALS (dir.), Dictionnaire de la culture juridique, op. cit., p. 1435.

their activities (development, humanitarian, human rights, environmental, etc.).

For several decades, they have played an essential role in the promotion and protection of human rights both nationally and internationally. They started out fighting to denounce individual or collective human rights violations and gradually moved into the humanitarian and crisis management field at both international and regional levels.

Humanitarian crises are not only the result of wars and conflicts. There are also crises resulting from natural disasters.⁶ In fact, there are four main categories of humanitarian crises in Africa, depending on their origins: geological⁷, hydrometeorological⁸, biological⁹ and those resulting from conflicts¹⁰.

All over the continent, there are conflicts and wars and, in some cases, terrorism as in Libya, South Sudan, Central African Republic, Mali, the Lake Chad Basin and Darfur (Sudan), where the effects of a conflict that leave many people internally displaced remain, while having a significant impact on neighbouring states that host these refugees.

However, crisis management is characterised by great complexity, due to its multidimensionality, its politicisation, and the fact that it is a response to a

⁶LOBRY (D.), « Une étude juridique des crises humanitaires résultant de catastrophes climatiques : l'exemple du continent africain », *Les Cahiers d'Outre-Mer* [En ligne], 260 | Octobre-Décembre 2012, mis en ligne le 01 octobre 2015., URL : <http://journals.openedition.org/com/6741> ; DOI : <https://doi.org/10.4000/com.6741>

⁷ Geological disasters in Africa include volcanoes, earthquakes and tsunamis, in BADEJO (B-A), Draft Report Study on the Operationalisation of the African Humanitarian Agency submitted to the Political Affairs Department of the African Union Commission, 22 March 2019, page 11, https://au.int/sites/default/files/newsevents/workingdocuments/37472-wd-pa24252_f.pdf

⁸ Hydro-meteorological disasters is frequent in Africa. These include flash floods, hailstorms, high winds, tornadoes, thunderstorms, droughts, forest fires, fires in informal settlements, and the drying up of rivers and lakes, Idem. Op. cit. page 11.

⁹ Biological disasters include epidemic disease outbreaks and parasitic infestations. Ebola virus disease has been a major epidemic in Africa from the 1970s to this day. Meningitis also falls into this category. The devastation of livelihoods by insects, particularly locusts, is a major natural disaster, Idem. Op. cit. page 12.

¹⁰ It is generally agreed that 80% of disasters in Africa result from conflicts and other socio-political instabilities that severely disrupt lives and livelihoods. However, insufficient emphasis is placed on how many of the conflicts are themselves the result of climatic and environmental disasters such as drought and others which, for example, constantly pit pastoralists against sedentary farmers and may partly explain the conflict in Darfur, Sudan, among others. Inter-communal conflicts are rampant in Africa and are usually accompanied by the precariousness of the survivors, death and destruction. Indeed, it is important to note that man-made crises, particularly land conflicts underpinned by development objectives, among others, have resulted in large numbers of deaths, massive population displacements and waves of refugees, Idem. op cit. Page 13

crisis or conflict situation. Associated with this complexity are perceptible challenges across several levels of crisis management. These challenges are political in nature and relate to the *raison d'être* of non-governmental organisations activities, State policies or the responsiveness of local populations. These challenges are also of an operational nature and revolve around the constraints linked to the implementation of crisis management. Crisis management operations are highly politicized activities that touch on central aspects of the functioning of the international system and the State, such as the use of force, the choice of a political system, an economic model or the internal organisation of a society and even sovereignty.

In principle, crisis management is understood as an activity carried out by third parties to a given conflict or crisis, which may involve a significant degree of interference in the internal affairs of a State. Thus crisis management involves a relationship between one or more actor (s) who are external stakeholders and a State or a society, which are the recipients.

These characteristics require any crisis management operation to have legitimacy, understood as the combination of a sound legal and political basis and the acceptance of this basis by all actors directly involved in the operation.

In this paper, we shall examine the increasingly important role of humanitarian NGOs in conflict management in sub-Saharan Africa, to highlight their substantial contribution in protecting human rights in Africa, which sometimes goes beyond the sovereignty of these States (I). However, parallel to this considerable contribution, these humanitarian NGOs are sometimes confronted with situations of politicisation and instrumentalisation, thus depriving the very humanitarian substance of their actions of all meaning.

I - THE DETERMINING ROLE OF NGOs IN THE MANAGEMENT OF HUMANITARIAN CRISES IN SUB-SAHARAN AFRICA

Today, humanitarian NGOs reflect the emergence of an “international civil society”, which is supposed to embody “a form of conscience and ethical

behaviour”. More broadly, the rise of NGOs and civil society in crisis management marks the evolution of the security concept around the notion of human security in particular”¹¹.

Faced with the preponderance of roles and place of these NGOs in sub-Saharan Africa, the sacrosanct concept of State sovereignty is radically undermined (A), all the more so as its consequences on the construction of international society to protect populations at risk is a point that needs to be examined with great caution (B).

A - State sovereignty confronted with the preponderant role and place of NGOs in managing humanitarian crises in sub-Saharan Africa

The erosion of State sovereignty and its challenges are simultaneously the cause and consequence of emerging actors who act as substitutes for the State in some of its conventional functions. This is the case in security, where the State tends to lose its Weberian attribute of «monopoly on legitimate violence» to private structures, more or less controlled or even mandated by this State.

Such a substitution undermines the primacy of the State, just as it feeds on its weakening. The privatisation of security functions has largely developed with the evolution of international systems and the diversification of its actors as a backdrop. Indeed, the end of the Cold War led to a reduction in size of the armed forces and defence budgets, resulting in a large amount of equipment and personnel being put on the market, especially in the former Soviet Union. On the other hand, the security environment, particularly in Africa, characterised by intrastate conflicts and the development of gray areas initially creates needs that traditional actors are not in a position to meet.

¹¹ TARDY (Th.), « Chapitre 10. ONG et gestion de crise : opportunités et risques de l'intégration », in *Gestion de crise, maintien et consolidation de la paix. Acteurs, activités, défis*, sous la direction de Tardy Thierry. Louvain-la-Neuve, De Boeck Supérieur, « Crisis », 2009, p. 209-221. URL: <https://www.cairn.info/gestion-de-crise-maintien-et-consolidation-9782804116392-page-209.htm>

By deciding to save victims despite the opposition of the territorially competent State, some NGOs wanted to recognize that traditional IHL was no longer suitable to new forms of conflict. This voluntarism has resulted in the development of private humanitarian aid, and the development of such an approach has been encouraged by the development of global society.

Indeed, growing interdependence and the phenomenon of globalisation had called into question the notion of economic, social, cultural and even environmental sovereignty. Furthermore, the emergence of the individual as a subject of international law and the development of human rights in the world have led to the individual being caught up in a process of integration at the global level, resulting in the development of a new universal ethic.

At the same time, technological revolutions and the immediacy of information will make it possible to go beyond the national framework and lead to solidarity movements which perceive the problems of others as affecting humanity as a whole. This humanitarian solidarity gradually developed from an emerging international civil society initiatives. This means that every human being must be rescued for the sake of the right to life. The individual is then confronted with the universal, which explains the special place that humanitarian issues have taken in Africa and elsewhere for several years.

As such, protecting basic human rights has been achieved by mitigating the exclusive competence of national and State sovereignty through a universal and regional normative framework, a preventive and repressive operational framework, resolutions of the United Nations General Assembly and the Security Council since the end of the Cold War which gave a new dimension to the humanitarian issue, and also thanks to the increasingly important role of NGOs, especially in the humanitarian field.

B - Humanitarian consequences of a reassertion of State sovereignty

The end of the West-East hostilities raised high hopes that Cold War conceptions of sovereignty would be challenged by the growing responsibility of States to their own populations. The competence of states in a wide range of

contexts, including much of Africa, seemed to confirm this hope, thereby changing the logics between national sovereignty and human rights protection.

Meanwhile, aid trends during the 1990s have increased the importance and number of humanitarian organisations at the expense of bilateral aid and national institutions. Poor quality services provided in some States encouraged the emergence of liberal development models initiated by the IMF and the World Bank which favoured private actors. This phenomenon was reinforced by international donors who bypassed States in crisis perceived as too weak or corrupt to manage aid efficiently. This therefore increased the role of UN agencies and non- governmental humanitarian organisations.

This rapid overview of the post-Cold War undermining of State sovereignty has one final element worth highlighting. By framing the debates around «sovereignty as opposed to human rights», the Security Council has only substituted «the paralysis that accompanied bipolarity» to a seemingly untenable tension between strict non-interference and relief for conflicts victims. Initiatives around the protection of displaced persons at the end of the 1990s and the modification of the notion of sovereignty as a concept comprising responsibilities were the direct consequences of these debates.

Subsequently the notion of responsible sovereignty was adopted during the UN World Summit in 2005, under the expression “Responsibility to Protect” (R2P)¹². Parallels could thereby be drawn with the different interpretations of State legitimacy prior to the Cold War, even if the terms and implications were then much clearer. The idea in 2005 was not to abandon the concept of sovereignty, but to qualify it by introducing limits and responsibilities, particularly with regard to internally displaced persons. Full sovereignty would remain an essential component of the international system, but would now be conditioned by «compliance with international human rights and humanitarian agreements». In the event of a breach, external action, including coercion, became theoretically legitimate.

However, it should be noted that, first, the changes described above did not

¹²GUELDICH (H.), « Rapport introductif : Genèse de la responsabilité de protéger », in BEN ACHOUR (R.), (sous-direction), Responsabilité de protéger et révoltes populaires, colloque FSJPST 2012, éditions Toulouse Capitole 2013, pp. 13-42.

happened without a hitch. Despite pressures to conform to international sovereignty standards, States also resisted the dilution of the right of non-interference, and the concept has been «both rejected and accepted in the twenty-first century.» Reconciling the core idea of sovereignty with humanitarian imperatives has always been complex, and there is no international consensus on the implementation of the responsibility to protect.¹³.

However, the hostility of States to relinquish their non-interference prerogatives is not always bad. Taking into account the history of Western aid policies linked to a liberal vision of economic and political change required in recipient countries, there is nothing unreasonable about perceptions of interference by the most powerful with the weakest. Taken to extremes, humanitarian intervention can also be seen as another form of “neocolonialism”, which opens the door to aggressive interventions like those in Somalia, Rwanda, Darfur and even Libya.

Long criticized for its denial of sovereignty and international legality, the right to humanitarian intervention, as presented by promoters Mario Bettati¹⁴ and Bernard Kouchner in 1987, was put forward to justify the priority given to the protection of human rights in the event of massive violations. But interference is based on the use of coercive measures, including the use of armed force, to compel another State to respect human rights on its territory and to intervene, against its will, to provide relief and assistance to its population in distress. How can this duty to protect be reconciled with the two corollaries of State sovereignty, namely the principle of non-intervention in the internal affairs of the State?

Chapter VII of the UN Charter, which deals with action in the event of

¹³GUELDICH (H.), *Droit d'ingérence et interventions humanitaires : état de la pratique et du droit international* (thèse de Doctorat d'Etat), éditions universitaires européennes, 2011, 692 pages.
https://drive.google.com/drive/folders/1KMvPj6ynh-U_fkD-ebmkM-FjHPk3peSy

¹⁴BETTATI (M.), “Intervention, interference or assistance? », In *Quarterly review of human rights*, 1994, pp. 307 - 358.
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threats to the peace, breaches of the peace and acts of aggression, paved the way for the implementation of humanitarian interference. Indeed, new generations of SC peacekeeping operations tend to qualify massive human rights violations (internal situation) as a threat to international peace and security. This action obviously falls within the competence of the United Nations through the SC/UN.

Therefore, the UN Security Council, the highest international authority empowered to define threats to peace and adopt coercive measures, has taken human rights into account. However, this process has developed slowly. For decades, the Council has reached consensus and applied sanctions only on a few occasions¹⁵.

This series of precedents has led to redefining the concept of sovereignty, which is no longer opposed to the concept of human rights but integrates it. A State cannot claim absolute sovereignty without demonstrating the will to protect the rights of its people.

Consequently, the said right of humanitarian intervention gave rise to a new concept, with less negative political and legal connotation, that of “Responsibility to Protect” (R2P).

Thus, the International Commission for Intervention and State Sovereignty (ICISS) produced its report on the responsibility to protect in 2001. Its main objective was to try to reconcile the responsibility of the international community to respond to massive human rights violations with the need to

¹⁵In 1950, he authorized states to intervene and restore the sovereignty of the Republic of Korea. In 1960, he adopted coercive measures to preserve the sovereignty of the Republic of the Congo against the secession movement, applying its authority to a non-international armed conflict. Using its powers both in the defense of state sovereignty and in the defense of human rights, the Council condemned the racist regimes in Southern Rhodesia (Zimbabwe) and South Africa and imposed sanctions against them. These. But, in many other cases, it has lacked political will or faced a veto, allowing murderous regimes like those led by Pol Pot in Cambodia and Idi Amin in Uganda to enjoy impunity.

With the end of the Cold War, the role of the United Nations has been strengthened. Numerous situations including systematic human rights violations - in the former Yugoslavia, Somalia, Liberia, Haiti, Rwanda, Timor-Leste, Sierra Leone, Sudan and recently in Libya (resolution 1973 of March 17, 2011) were qualified by the Council as threats to the peace that could justify an intervention.

In three cases, in Kosovo, Afghanistan and Iraq, coalitions, motivated by various reasons and not authorized by the Council, undertook military intervention in sovereign states. Whatever the legitimacy and the success of these interventions, they have one thing in common: they are illegal, they were made unilaterally, without the authorization of the Security Council, and that is why they have been qualified as unlawful interference. And contrary to state sovereignty and the norms established in international law.

respect the sovereign rights of States.

In addition, according to the promoters of R2P, sovereignty would no longer be defined in terms of control but in that of responsibility; in other words, sovereignty would no longer rest with the state but with peoples and individuals. Ultimately, the ICISS would advocate a shift from a culture of sovereign impunity to a culture of national and international responsibility.

Moreover, when governments fail to protect human rights, when they knowingly adopt policies that result in crimes against humanity or massive violations of human rights and humanitarian law, the international community must intervene, having a duty to protect people at risk in another country. This type of intervention does not deny the principle of sovereignty, which no longer means exercising absolute control over a country but assuming responsibility for governing in accordance with a number of principles.

This being said, we agree with the idea that the responsibility to protect is in no way revolutionary or innovative; rather, it is a logical part of the doctrinal construction of sovereignty from its very beginning. Indeed, this responsibility to protect is ultimately based on the principle of subsidiarity, which means that the primary responsibility to protect individuals lies with the State on whose territory the populations are living. In this sense, the primary responsibility of the relevant State is to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Only if the state is unable or unwilling to assume this responsibility to protect, or if it is itself the perpetrator of the wrongdoing, should the international community act in its place.

Nevertheless, in practical terms, it is this selectivity that this notion of responsibility to protect is likely to come up against. The Security Council, given its composition and operating mechanism, can react to situations, deal with some states and leave others out, even though systematic and serious violations take place daily on their soil and in their territory¹⁶. This is the main concern of the turbulent effectiveness of humanitarian action when it emanates from States. Humanitarian aid from NGOs is not above criticism either, when tainted with political and military instrumentalisation.

¹⁶ The cases of Libya and Syria in 2011 are the best illustration of this.

II - HUMANITARIAN AID AS A SOURCE OF TENSION: THE PITFALLS OF POLITICISATION AND MILITARISATION OF HUMANITARIAN AID

It is essential to distinguish between humanitarian intervention or interference (by States under a mandate from the Security Council, using armed forces and even without the consent of the State concerned, in case the crisis situation is qualified as a threat to international peace and security) and humanitarian assistance or aid (only through the use of humanitarian NGOs, without the use of armed forces and respecting the agreement and sovereignty of the State concerned).

With regard to free access to victims and the right to humanitarian assistance, the two most significant resolutions on the subject¹⁷ are Resolution 43/131 of 8 December 1988 on «Humanitarian assistance to victims of natural disasters and similar emergencies»¹⁸, followed by Resolution 45/100 of 14 December 1990 with the same title¹⁹.

¹⁷ In terms of their respective applications, Soviet Armenia was the first country where resolution 43/131 was applied, after having suffered a serious earthquake on 9 December 1988 (i.e. the day after the vote on resolution 43/131). Then, on the basis of resolution 45/100, several emergency humanitarian corridors were established, notably in South Sudan in June 1991, in the north of Iraq from 30 April 1991, in the former Yugoslavia throughout 1992, in Somalia from 27 July 1992 (etc.).

Finally, it should be recalled that a series of other resolutions have been adopted by the UN General Assembly with a view to strengthening international cooperation in the field of humanitarian assistance; these are resolutions 45/101 (Resolution entitled «New International Humanitarian Order», adopted on 14 December 1990), 45/102 (Resolution entitled «Promotion of International Cooperation in the Humanitarian Field» adopted on 14 December 1990) and 46/182 (Resolution entitled «Strengthening of International Cooperation in the Humanitarian Field», adopted on 17 December 1991).

¹⁸ Its main contribution is to enshrine the principle of free access to victims. On the proposal of France, on 15 November 1988, the United Nations General Assembly adopted, at its 75th plenary meeting on 8 December 1988, the resolution 43/131 on «Humanitarian assistance to victims of natural disasters and similar emergencies». This resolution has the merit of recognising, for the first time, a right to unarmed humanitarian assistance. Nevertheless, it preserves the sovereignty of the affected State, which is recognised as having the primary role in the organisation, coordination and implementation of humanitarian assistance (principle of subsidiarity).

But it is the principle of free access to victims that constitutes the main contribution and the most revolutionary part of the instrument ±.

¹⁹ Also initiated by France, it gave greater weight to humanitarian assistance law by transposing rules from the law of the sea into international humanitarian law. Indeed, resolution 45/100 of 14 December 1990 is based, more precisely, on articles 17 and 18 of the United Nations Convention on the Law of the Sea of 10 December 1982 and took into

At a practical level, the humanitarian field has become more complex since the end of World War II. Today, this complexity is further increased by the nature of new conflicts: while they were essentially inter-State during the Cold War, they are now mainly internal and result from guerrilla movements or ethnic conflicts for about fifteen years. The international non-governmental humanitarian network, normally based on volunteerism, the autonomy of organisations and the generosity of humanitarian commitment, sometimes lacks independence and can sometimes drift, especially in the event of internal conflicts on the African continent due to State hold on some of these humanitarian organisations.

If today there is «an international civil society», this term designates «an arena of struggle»²⁰. The instrumentalisation of humanitarian aid in sub-Saharan Africa can go as far as untenable situations ranging from situations of abuse of power and sexual abuse²¹, until embezzlement²².

It is therefore interesting to examine the pitfalls and excesses inherent in

consideration the requirement of free access to victims, while respecting State sovereignty.

Having retained the same logic as its predecessor, the same inputs but also the same provisions stressing the respect of sovereignty, territorial integrity and national unity, resolution 45/100 proposed to study the possibility of establishing emergency humanitarian corridors, on a temporary basis, where necessary and in a concerted manner between the affected States and the States or organisations offering assistance.

²⁰ BOEGLI (U.), « Les relations entre organismes humanitaires et médias : quelques réflexions », in *Revue internationale de la Croix rouge*, n°832, décembre 1998, page 678.

²¹ For example, several former employees of the NGO Médecins Sans Frontières claim that some aid workers used young prostitutes during their missions in Africa or paid for drugs in exchange for sex. The BBC published on Thursday a series of testimonies of former employees of the association Médecins Sans Frontières. According to their statements, members of the MSF staff - excluding medical personnel - have used prostitutes during various missions in Africa. A «widespread» behaviour, according to these anonymous testimonies. In 2017, the NGO had already separated twenty-four people, suspected of sexual harassment or abuse.

<https://www.lefigaro.fr/international/2018/06/21/01003-20180621ARTFIG00340-medecins-sans-frontieres-au-coeur-d-un-nouveau-scandale-sexuel-en-afrique.php>

²² Publicity that Amnesty International could have done without. The Zimbabwean police suspect that the local office of the international NGO has embezzled several million dollars from donors. Pending the conclusion of the investigation, the branch office has been closed. The Country Director decided to step down, while the President and the Finance Officer are currently suspended.

The accusation against Amnesty International Zimbabwe stems from an audit conducted by the organisation itself in late 2018. «An extensive audit conducted in late 2018 uncovered evidence of fraud and financial mismanagement by members of Amnesty International Zimbabwe,» the organisation said in a statement.

«Amnesty International's board can give assurances that since the allegations were revealed, urgent financial risk management measures have been put in place to ensure compliance with anti-fraud and corruption procedures and the security of donor funds,» the NGO continued, assuring that it has also taken «extraordinary measures to protect the reputation, integrity and functioning of the movement.»” <https://fr.africanews.com/2019/06/03/zimbabwe-accuse-de-detournement-de-fonds-le-bureau-d-amnesty-ferme/>

the success of non-state humanitarianism, both militarised (A) and politicised (B).

A - Risk of militarisation of humanitarian NGOs

Non-state humanitarian actors base their action on three principles: political and economic independence from other actors on the international scene, especially States; neutrality in relation to conflicts and impartiality in their treatment. For those in charge, this triple dimension is what gives them the legitimacy of their intervention and a guarantee for freedom of action.

In reality, it is the Red Cross which, at the outset, codified and unified a certain number of principles (humanity, independence, unity, universality, impartiality, neutrality) which had inspired its action and which were, for the most part, with the exception of the principle of neutrality, adopted by all humanitarian aid NGOs.

Indeed, for certain non-state humanitarian actors, the principle of neutrality appeared to be an obstacle to the effective protection of victims of conflicts. Neutrality implies silence; above all, we must not testify or denounce what non-state humanitarian actors see in the camps; and it is precisely this attitude that the ICRC has long been criticized for, which encouraged the creation of Doctors without Borders.

Gradually, humanitarian NGOs moved to the forefront of the stage in response to major international crises. From 1968 during the Biafra war, public opinion was alerted since by the remarkable growth of the humanitarian associative movement and the emergence of NGOs as leading players vis-à-vis States.

It is therefore legitimate to ask whether, to be effective, non-state humanitarian action should, or must, be accompanied by military convoys.

In other words, do non-state humanitarian actors still need military forces to open up access corridors, reduce delivery times and avoid long delays with very significant financial and human costs, in times of war and ethnic conflict?

In fact, humanitarian operations deployed in Angola (1990), Ethiopia

(1990), Iraqi Kurdistan (1991), Somalia (1992), Bosnia (1992) and Rwanda (1994) constituted, long before the Kosovo (1999), Afghanistan (2001), Iraq (2003), Syria and Libya (2011), etc., marked a turning point for humanitarian aid NGOs by associating the delivery of aid with a military presence intended to ensure its security.

It was also a turning point for the military, which would subordinate the function of peacekeeping to a humanitarian objective. Indeed, through the various resolutions of the Security Council within the framework of its peacekeeping missions in certain countries that had experienced internal civil, ethnic, religious and tribal wars, the UN successively demanded a halt to repression and the free distribution of humanitarian aid, then decided to provide armed support for relief efforts, and finally authorised multinational military intervention to stop genocide or a crime.

Moreover, in situations as complex, dramatic and dangerous as war, non-state humanitarian action finds it increasingly difficult to act in complete safety and therefore, cannot do without military personnel, who are needed to ensure their safety and to deliver aid²³.

Precisely in these cases, the military and NGOs need each other and their actions are complementary²⁴. Some authors assert, in this sense, the existence of «a collaboration between humanitarian intervention by NGOs and the military-humanitarian operations set up by certain states.

Two factors help to explain these new scenarios, they point out, the increasingly dangerous conditions in which NGOs are required to work and, moreover, the desire of certain States to do something on a field which is more and more deserted by international politics.

The insecure working conditions of humanitarians have worsened since the end of the Cold War. The latter have either become undesirable witnesses to be

²³VERON (J-B), « Les humanitaires face aux enjeux du XXIe siècle », *Revue internationale et stratégique*, 2015/2 (n° 98), p. 121-128.

²⁴The trend continued in 2021: of the 35 humanitarians killed since the beginning of the year in Africa, 11 were in South Sudan, 9 in the Democratic Republic of Congo and 2 in the Central African Republic. Most of the victims are local workers. In the year 2020, they represent 95% of the victims <https://www.rfi.fr/fr/afrique/20210819-l-afrique-un-terrain-toujours-plus-dangereux-pour-les-acteurs-de-l-humanitaire>.

disposed of, or new sources of profit likely to finance the fighting. Assassinations, kidnaps, abduction of humanitarian personnel, theft of medical equipment, destruction of offices (etc.), all of which require the support of the military in order to secure the action of NGOs and ensure the survival of volunteers.

Humanitarian NGOs had been forced to work in particularly dangerous conflict zones. Food aid, the object of all covetousness, can be diverted by the rebellion to feed the soldiers and not the populations suffering from the war. The establishment of humanitarian corridors and safety zones by the military therefore becomes essential in order to provide food and medical aid to the war victims.²⁵

Though the alliance between the state military and non-state humanitarian seems inevitable, even unavoidable in these conditions, the question arises as to the legitimacy of such military-humanitarian actions.

In other words, how do we qualify those non-governmental humanitarian actions that decide to go beyond the sovereignty of States, including using armed forces, to help populations in distress? Interference? Intervention? Intrusion?

In reality, no State and no non-State actor can, in the current state of positive law, impose humanitarian aid by force on a State which needs it but which refuses to open its borders to aid workers.

Moreover, this forced alliance between the military and the humanitarian, highlighted by the multiplication of major military-humanitarian operations in recent years, especially in the context of the terrorist threat in the Sahel region, for instance, has given rise to numerous analyses by NGO leaders questioning the use and manipulation of the humanitarian label²⁶.

Indeed, the military support of the peacekeepers may sometimes hamper the work of NGOs and risk undermining their impartiality and therefore their

²⁵ GOEMAERE (E.) et OST (F.), « L'action humanitaire : question et enjeux », in *La Revue Nouvelle*, novembre 1996, page 78.

²⁶ VERON (JB), "Aid and resilience, what to think about it?", In Jean-Marc Châtaigner (ed.), *Fragilities and resilience. The new frontiers of globalization*, Paris, Kharthala, 2014.

credibility. Moreover, the operations of peacekeepers are not yet neutral and impartial; their deployment depends on a Security Council decision and therefore on States whose positions are still determined by the preservation of their zones of influence, their political and strategic considerations, and whose collaboration with NGOs may be misunderstood.

Non-State humanitarian aid actors, therefore, risk being attacked and are no longer able to provide assistance to all those in distress.

B - Risk of politicising the action humanitarian aid NGOs

Humanitarian assistance from non-state actors can face several pitfalls. The first trap into which they risks falling is to feed the war instead of feeding the victims. In fact, by helping the population, humanitarian aid sometimes bears the responsibility of making the war last.

The refugee camps run by charities and humanitarian organisations are also very useful for the fighters. Sometimes, the aid is diverted by governments when they arrive, at the risk of helping the insurgents.²⁷

The second pitfall of non-state humanitarianism is that it is exposed to political manipulation due to the power positions of the governments that fund most of the humanitarian action in the world and that may or may not give the green light for an action to be carried out, depending on the power relations of the relevant countries, in relation to the populations in need of assistance, (Ethiopia, Iraq, Somalia, former Yugoslavia, Rwanda). In all these areas, humanitarian NGOs have come up against political contradictions. Moreover, the number of geographical areas where institutional funding remains high and NGO activity easy is conditioned by commercial or geopolitical States interests. This is all the more true as donor states make their funding to humanitarian NGOs subject to to «framework agreements and other

²⁷ “Controversy and ambiguity have always accompanied humanitarian action and ambiguity has not ceased to characterize the movement, writes Patricia Buirette (...) those who intervene in the field today are often faced with choices, bargaining and are led to wonder if they save the victim or the executioner”, According to this author, “ Any humanitarian action, even disinterested, can be taken in political stakes ”, BUIRETTE (P.), *International humanitarian law*, Paris, The discovery, 1996, page 8.

manifestations of their commitment to humanitarian aid»²⁸, which has the consequence of threatening these NGOs with «becoming, unwillingly and unknowingly subcontractors of the public authorities, the height of horror for movements that justify their existence «²⁹. This was particularly the case for the humanitarian aid deployed in Somalia in 1991 and in Rwanda in 1994.

Moreover, only independence from States allows NGOs to guarantee the neutrality and impartiality of their assistance. It is especially in cases of humanitarian interventions resulting from armed conflict that non-state humanitarianism can become a smokescreen to hide the political inaction of states. Indeed, governments would describe a crisis as «humanitarian» whereas it is in fact political in nature; the major powers especially, refuse to assume their international responsibilities and prefer to pass the buck to the humanitarians.

Politicians would rather focus on humanitarian actions than addressing the root causes of conflicts. However, humanitarian aid itself is very limited because it only deals with the effects of a crisis and does not address the causes.

On another note, the power relations that characterise the contemporary world order can also lead to disparities in humanitarian aid, and while relief workers may be ready to intervene everywhere, they will not always have the means to do so, nor the support needed. Non-state humanitarian aid, supposedly neutral and impartial, does not necessarily cover the crisis areas of the planet, but is often granted according to the interest it may represent, at the risk of becoming an abettor of the most powerful States in their devastating quest, which reduces such aid to a simple game of interests³⁰.

“Humanitarianism is used as an alibi.» writes Béatrice Pouligny, «in the absence of a real policy, as was the case for a long time in Bosnia-Herzegovina, or as a screen for a policy that does not dare to move forward openly, as was the case in Kivu «³¹.

²⁸ BRUNEL (S.), “ONG et mondialisation”, in *Mondialisations et inégalités*, La Documentation française, n ° 305, November-December 2001, page 70

²⁹ *Idem*. op. cit, page 94. 43

³⁰ The example of Rwanda is striking in this regard. The genocide, described as a “humanitarian crisis”, received “humanitarian” treatment, whereas only a political and military response could have avoided the catastrophe. Humanitarian aid had therefore served to camouflage the resignation of the international community in the face of the Rwandan tragedy.

³¹ POULIGNY (B.), « Les acteurs non étatiques et la guerre : réflexion à partir des organisations non gouvernementales

Non-State humanitarian response, in practice, is often selective and can only be implemented when the political will to act is there. It is generously deployed in countries which present a certain strategic, economic or political interest, but almost absent in areas considered by the great powers as having no geopolitical interest; some States are forgotten, while others receive more than necessary. Is non-state humanitarian aid therefore reduced to a simple logic of power, incompatible with the very spirit of humanitarian action?

Far from condemning non-State humanitarian action, which is in the process of politicisation, the postulate of a rigid separation between humanitarianism and politics must be reviewed, even though we believe that in reality the border between humanitarian aid and political power is not always very clearly established. Indeed, humanitarian and politico-military objectives are often intertwined in situations of armed conflict or internal violence, although the political objective of ending the conflict is completely different from that of protecting and assisting victims.

The entry into play of private military companies adds even more complexity to the already alarming situation of the drift into non-state humanitarian aid.

CONCLUSION

This turbulent effectiveness of non-governmental humanitarian action in Africa and elsewhere in the world is due to the very nature of humanitarian action, which is often manipulated, politicised, diverted and too instrumentalised. Humanitarian aid seems to become, nowadays, more a political purpose than a morality of the good and the just! The humanitarian measures to be taken are exclusively defined and implemented by the great powers alone, at the risk of becoming a political or diplomatic tool in the hands of these most powerful States and which can use it as they see fit for their purely selfish interests. The reality of this practice is firstly defined by its selective bias. It only happens in some cases, for some and not for others! It only happens

d'aide humanitaire », in Colloque La guerre entre le local et le global : Sociétés, Etats, Systèmes, CERJ, Paris, 29- 30 mai 2000, page 26

if it suits the Security Council and therefore the most powerful States that can pay for it. Consequently, the international community, today, tends to carry out selective policies, often contradictory and are only marginally determined by the consideration of human suffering.

Intergovernmental humanitarian action can only be implemented when the will to act exists! The pretexts change according to the circumstances, in order to convince the international community of the appropriateness of this or that action: eradicating despotic regimes, dismantling terrorist groups, undertaking just and preventive wars, preserving international peace and security, protecting human rights (etc.) (etc.). But the real motive for these actions is far from being purely humanitarian: it is either the desire to appropriate natural resources, strategic, economic or diplomatic interests, or simply the desire to preserve a good reputation and a radiant image on the world stage. These are the dangers and dilemmas of humanitarian engagement (not just state humanitarian aid but rather humanitarian action as a whole) today.

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HISTORY OF HUMANITARIAN ACTIONS AND COMPARATIVE APPROACH IN THE INTERVENTION OF NON-STATE ACTORS IN AFRICA

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Abstract

Prior to, and during the independence and post-independence period in Africa, most parts of the continent were embroiled and affected by complex arrays of internecine conflicts. These conflicts had as attendant corollaries, exceeding humanitarian deprivations from basic food supplies, shelter and generally incalculable levels of human rights abuses. These humanitarian outrages prompted concerted efforts from State and inter-governmental actors like United Nations (U.N) agencies. Complementing the government's humanitarian support system is the role played by non-State actors (armed, international, local, secular or faith-based) who in various ways have become the key players of the international humanitarian multi-centric system. The presence and role of non-State actors in the humanitarian playground has not maintained a consistent pattern over time. It is centrally on this basis that this paper examines the historical paths that the cross section of non-State actors has taken in their humanitarian actions, and assesses the extent to which such

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engagements have respected the Dunantian principles of neutrality, impartiality, humanitarian service and independence.

Key words: Africa, comparative approach, history, humanitarian actions, intervention

Introduction

In recent years, millions of lives have enjoyed protection and humanitarian assistance offered in circumstances of conflict and disaster by donor governments, international organizations like the United Nations (UN) and, more particularly, nongovernmental organizations (NGOs). The provision of food and medical supplies to refugees, displaced persons, and those near the battlefields in restive and crisis settings like in Somalia, Rwanda, Democratic Republic of the Congo (DRC), Mozambique, Angola, Liberia, Sudan, and elsewhere, is one of the most heroic and life-saving activities of our time.² The history of humanitarian actions in Africa is typical of Fernand Braudel's *longue duree* or several other events in history.³ This is because humanitarianism was in practice long before the era of African freedom from colonial and nominal European rule. In a nutshell, it precedes the age of African independence and post-independence management of the concept of sovereignty. It is in this perspective that the paper joins the stream of reflections informing the theme "Interaction between actors in the management of humanitarian crises in Africa: collaboration or competition." More often than not, attention in such considerations is narrowly restricted to experts in political science, legal scholarship, international relations scientists, conflict and peace analysts and geo-political strategists. Important and indispensable as these context-relevant connoisseurs are concerned in informing and building sustainable recommendations on the role of humanitarian actions and interventions in conflict/disaster ridden settings on the African continent, the role of history and the historian is becoming more and more useful and urgent. A stronger connection with history will help those that make up the humanitarian

² David R. Smock, "Humanitarian Assistance and Conflict in Africa," *Peacework* no.6, United States Institute of Peace, 1996, p.1.

³ Dale Tomich, "The Order of Historical Time: The Longue Durée and Micro-History," *Almanack. Guarulhos*, n.02, 2^o semestre de 2011, pp.52-65.

system to more accurately perceive its origins and identity in a broader global perspective.⁴

This paper which sets off with an introduction and rounds off with a conclusion is structured in three interlinking parts. Part one situates the background and conceptual clarification of humanitarian actions and interventions, while the second part examines phases and involvement of non-State actors in humanitarian actions in Africa. The study closes up with a critical analysis of the role of civil non-State actors on the African humanitarian playground.

I - Background and Conceptual framework of humanitarian actions/interventions

A - The Western Preponderant standpoint of humanitarian action

There is a long term debate on the origins of humanitarian action in conflict settings in the world. More often than not, parallels of humanitarianism are likened to efforts made by European States and non-State actors to alleviate the plights of war or disaster. In Great Britain, from the 18th Century, the fight to have the slave trade banned and then slavery entirely abolished at the turn of the next century was based at that very period on quasi non-governmental networks and structures.⁵ The presence of abolitionist movements as far off as the coast of West Africa and the stationing of British Naval squadron at the Man-O-War Bay at the coast of Cameroon were somehow rooted on humanitarian considerations.

In the same vein, the founding of the International Committee of Red Cross/Crescent (ICRC) in 1863 by Henry Dunant, the initiative of Florence Nightingale in the course of the Crimean war (1854-65) to nurse the wounds of British

⁴ Eleanor, Davey; John, Borton and Matthew, Foley, "A History of the Humanitarian system: Western origins and foundations", *Humanitarian Policy Group Working Paper*, 2013. p.1.

⁵ Philippe Ryfman, "Non-governmental Organizations: An indispensable player of humanitarian aid, *International Review of the Red Cross*, Volume 89 Number 865, March 2007, p.24.

soldiers and reduce mortality among the contingents initiated humanitarian actions. Likewise, the founding of the St John Ambulance association (1887),⁶ and development of charitable organizations like Oxford Committee for Famine Relief (OXFAM) in the UK to address famine extended the endeavour. The proliferation of faith-based Catholic benevolent institutions like *Caritas Internationalis* and charitable protestant communities like the Quakers in England revolutionized the humanitarian chain. The growth of selfless agencies like Save the Children that emerged in 1919 to oppose the maintenance of the Allied blockade against West Germany after the Armistice,⁷ and the medical missions dispatched to colonial Africa to eradicate epidemics like Sleeping Sickness, visibly placed Europe at the center of humanitarian consideration. Coupled with these actions, Europe through initiatives like the Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field (1864), and the Hague Conventions (1899 and 1907), which likewise aimed to minimize the impact of war, were inspired by humanitarianism.⁸

Furthermore, colonial propaganda in countries such as France, Belgium and the Netherlands both before and after 1945, with its emphasis on the iconic figures of the doctor fighting major epidemics and the missionary working to promote health and education, helped paradoxically to arouse public awareness of the broader issues of human deprivations in Africa. The ground was thus prepared for the concept of structured humanitarian development aid to give rise to an array of NGOs from the 1950s and 1960s.⁹ This development was largely influenced by international politics around the First and Second World Wars (1914-1918 & 1939-1945) and the post Second World War (Cold war) theatre that enflamed several conflicts especially in Africa. The first row of humanitarian reforms came with the Treaty of Versailles in 1919, which regulated the end of the First World War and instigated the creation of international organizations to address humanitarian issues.¹⁰ After the Second World War, Barnett as cited by Davey et al., note that, the proliferation of agencies was especially striking: in addition to organizations established during

⁶ Davey, Borton and Foley, "A History of Humanitarian System". p 6.

⁷ Ryfinan, "Non-governmental Organizations." p.24.

⁸ Davey, Borton and Foley, "A History of Humanitarian System". p 6.

⁹ Ryfinan, "Non-governmental Organizations." p.24.

¹⁰ Davey, Borton and Foley, "A History of Humanitarian System". p 6.

the war, nearly 200 NGOs were created between 1945 and 1949, most of them formed in the United States. Meanwhile, the main beneficiaries of humanitarian action shifted from being Europeans in need to all peoples in need, the world over.¹¹ In the absence of any contradictory findings on the origins of humanitarian action, the European caveat could best serve as the model that gained popularity on the African conflict/disaster history. This is somehow justified in the report of the Humanitarian Policy Group that mentions that:

... the development of the international humanitarian system as we know it today can be located both geographically and temporally. Its origins are in the Western and especially European experience of war and natural disaster, yet it is now active across the world in a range of operations: responding to needs in situations of conflict or natural disasters, supporting displaced populations in acute and protracted crises, risk reduction and preparedness, early recovery, livelihoods support, conflict resolution and peace-building.¹²

Such a quick conclusion leaves a belief more or less Eurocentric that humanitarian compassion was spread from Europe and/the West. It is worthy to note that each global society had ways of protecting humanity in instances of conflicts or in providing benevolent support to victims of conflicts and/or disasters. Indigenous African societies, of course were no exception to these classic human considerations. They were imbued with deep seated aspects of humanism that made them epicenters of the world's humanitarian civilization.

B - Indigenous African humanitarian initiatives in conflict settings

The rules governing the waging of war, capitulation and surrender, the end of hostilities, reprisals, peace treaties, the fate of prisoners, asylum, neutrality, interventions and alliances were numerous, and varied across ethnic/clan communities, yet they shared commonalities in principles related to humanitarian care. The same was true of the rules concerning the treatment of persons in times of war according to their role before and after hostilities

¹¹ Ibid.10.

¹² Ibid. p.1.

(special envoys, mediators), their special duties (priests, magicians, medicine men), their physical condition (women, children, the elderly, the disabled), their status (non-combatants) and also of the rules ensuring the protection of sites and property that either had symbolic value (burial grounds, sacred forests) or were of vital importance (water sources, crops, cattle).¹³ Women, rightly considered as the «cradle» of African society, and children, regarded as inherently innocent, were also entitled to special protection in time of war.¹⁴

Mubiala provides telling evidences of humanitarian considerations in the conduct of war in pre-European influenced or globalized African societies. Specific rules were not only set to safeguard some revered persons of society like traditional priests, oral librarians, magicians, or diviners who incarnated great psycho-spiritual strength and warehoused the vitality of the community, the elderly who were believed to be the umbilical link with the ancestors but was also extended to protect resources of importance like sacred places, water sources, crops and animals.¹⁵

While specific rules existed to protect non-fighters, there were others, equally strict, which fighters had to observe. This constituted a sort of law of war limiting the injury which could be inflicted. In Senegal, writes Diallo, «there was a genuine ethics of war which was taught to any young nobleman for his future calling as a warrior. He was taught never to kill an enemy on the ground...». War could be declared only after negotiations had been undertaken and had failed and, in many regions, only by the King or Chief and in solemn form. Professor Emmanuel Bello cites the example of the Kabaka of Buganda. It was, moreover, an established rule that emissaries who declared war were inviolable and protected by a sort of diplomatic immunity.¹⁶

Among East African peoples, tradition prohibited the use of dangerous weapons against adversaries from the same ethnic group as well as the use of arrows and poisoned spears. Sages taught that «brothers do not kill each other». Furthermore,

¹³ Mutoy, Mubiala, "African States and the Promotion of Humanitarian Principles", *International Review of the Red Cross*, Volume 29, Issue 269, April, 1989, p.96.

¹⁴ Ndam Njoya, A., «La conception africaine», in *Les dimensions internationales du droit humanitaire*, Paris, Geneva, Unesco/Pedone/Institut Henry Dunant, 1986, p. 24.

¹⁵ Mubiala, "African States and the Promotion of Humanitarian Principles", p. 96.

¹⁶ E. Bello, "African customary humanitarian law," Geneva, Oyez Publishing Ltd./ICRC, 1980, p. 19.

ambushes were allowed only under specific circumstances.¹⁷ As in other ancient civilizations, the problem of compensation for damages arose at the close of hostilities. Traditionally, the chiefs of the belligerent parties met in the presence of a member of a neutral group to settle the matter by payment in cash or kind.¹⁸

The African form of humanitarian initiatives, interesting as it is, is self-limiting in different ways. It does not quickly translate or merge into the global humanitarian system that gestated from Europe and became internationalized with the multiplication of conflicts that had as attendant repercussions grave humanitarian crisis.

C - Conceptual Clarification

One of the most complex expressions in international diplomacy is the term intervention. It has been a long established concept in conflict studies and embodies nuances in international law that need to be better positioned to address humanitarian related issues developing from crises circumstances. The general notion of intervention is derived from the Latin verb *intervenere*, meaning to <step between>, <to disrupt> or <to interfere>.¹⁹ Stepping between, disrupting or interfering brings into play the political space (the State and notion of sovereignty) to be affected. It also suggests the issue of consent in cases of humanitarian intervention and more importantly the mode and motivations of intervention. The ambiguity that goes with the questions raised confirms Kindiki's²⁰ remark that humanitarian intervention is "twilight area" where power, self-interest, international law and morality meet as constitutive elements of the international system."

Humanitarian intervention differs from related concepts, such as <humanitarian action>, <humanitarian operations> or <humanitarian assistance>. Humanitarian action or operations reflect a whole spectrum of humanitarian responses to conflict and crisis situations, and many of those responses may

¹⁷ Y. Diallo, "African traditions and humanitarian law, II," Geneva, ICRC, 1978, pp. 4-5.

¹⁸ Ndam Njoya, A., «La conception africaine», p.25.

¹⁹ Kithure Kindiki, *Humanitarian Intervention and State Sovereignty in Africa: The changing paradigms in International Law*, Eldoret Kenya, Moi University Press, 2003, p.2.

²⁰ *Ibid.*, p.3.

not necessarily involve the use of force. Humanitarian assistance on its part is the act of providing aid to the government or population of a State, in order to alleviate human suffering. The assistance may be in the form of famine relief, disaster relief, and sanctuary of refugees or providing for the population's needs for food, shelter and healthcare.²¹

II - Phases and involvement of armed non-state actors in humanitarian actions in Africa

A - Phases of humanitarian driven conflicts in Africa

Monono circumscribes four main phases of the involvement of non-State actors in conflicts on the African continent: the period of wars of liberation, between 1955 and 1976, with the emergence of armed non-State groups in Algeria, Kenya, Cameroon, the Portuguese territories of Angola, Cape Verde and Mozambique, and the French territories of Djibouti. Some few exceptions of this time scope were the wars in Zimbabwe, Namibia and South Africa which went on to the 1980s and 1990s. Most of these armed groups were recognized liberation movements inspired and led by “freedom fighters”, and their members, if captured, had the status of prisoners of war (POW).²²

The second period, between 1977 and 1992 was that of ideological wars. It was influenced largely by the cold war politics and waged in Angola, Mozambique, Zaire (now DRC), Uganda and the Horn of Africa. The period of secessionist wars, which came in two waves first in the 1960s, with the Katangese and Biafran secessions in the Congo and Nigeria respectively, and later in the 1980s, with the wars of Eritrea and Ogaden against Ethiopia, as well as of southern Sudan against the Republic of Sudan. We have the period of identity-related conflicts, which were complementary to most post-cold war armed conflicts in Africa and mostly in the Horn of Africa, the Great Lakes region and West Africa. This period stretched between 1992 and 2005, and was

²¹ Ibid., pp. 5.-6.

²² Churchill, Ewumbue, Monono, “Respect for international humanitarian law by armed non-state actors in Africa,” *International Review of the Red Cross*, Volume 88 Number 864 December 2006, p. 905. (905-924).

marked by the end of the cold war, the demise of apartheid and the decolonization of Namibia, and led to new types of identity-based armed conflicts in Africa fought by new types of non-state actors, mostly ethnic militias like the Mai Mai (DRC), Interhamwe (Rwanda), Kamajors (Sierra Leone) and Janjaweed (Darfur, Sudan).

B - Efforts of Armed Non-State Groups in African Humanitarian Actions

Some of the most prominent non-State actors that were and remain conspicuous in the African continent are non-State armed groups or constituted militias. Most of these armed groups were recognized liberation movements inspired and led by “freedom fighters”, and their members, if captured, had the status of POW. These groups in spite of their determination to overturn the political status quo by coercion were not altogether innocent (or intolerant) in adhering to norms of international humanitarian law. Monono has made an extremely laudable attempt to graphically provide the different ways by which non-state armed groups were implicated in the conflict or post conflict humanitarian multi-centric system. Most of the groups made unilateral declarations as well as consented on methods of conducting conflicts, types of arms and weapons in hostilities, incorporation of international humanitarian law in ceasefire agreements and recognition of humanitarian agencies.

In keeping with Unilateral Declarations, a host of African Liberation movements made unilateral pronouncements that articulated safe havens for civilians and non-belligerent groups. For instance: Declaration of 23 May 1968 in Kampala by the rebel Biafran authorities, pledging to respect civilian populations, give the ICRC facilities for the delivery of humanitarian assistance and organize the exchange of prisoners of war through the ICRC and the SWAPO Declaration of 15 July 1981, signed in Geneva by its president, Sam Nujoma, stated that:

It is the conviction of SWAPO that fundamental rules protecting the dignity of all human beings must be upheld at all times. Therefore, and purely for humanitarian reasons, SWAPO declares hereby that in the conduct of the struggle for self-determination, it intends to respect and

be guided by the rules of the four Geneva Conventions of 12 August 1949 for the protection of the victims of armed conflicts and the 1977 additional Protocol relating to the protection of victims of international armed conflicts (Protocol I).²³

Apart from these formal declarations, many liberation movements also made a number of statements of commitments to respect the International Humanitarian Law (IHL). For example the statements of commitment of December 1975 by Ethiopian liberation movements such as the Eritrean Liberation Front (ELF), Eritrean People's Liberation Front (EPLF), and by the Popular Front for the Liberation of Saugua el Hamra and Rio de Oro (POLISARIO) in Western Sahara to respect IHL.²⁴

Concerning the method of conducting wars, Special agreements between armed non-state entities and states parties or with the ICRC have been a strategy used to ensure compliance by African non-state actors with IHL. In the 1960–4 Congo crisis, for example the ICRC made special agreements with the rebels in the Katanga and Orientale provinces for the exchange of UN soldiers against Katangese gendarmes in March 1961, January 1962 and May 1963, while on 18 September 1964 the organization launched an appeal to “all exercising authority in Congo to respect prisoners of war and non-combatants and comply with the prohibition on hostage-taking and bombing civilian targets. Such compromises were characteristic of the Algerian Civil war from 1958-62, Nigerian (Biafran Civil war of 1967-1971) and popular liberation movements like the Popular Movement for the Liberation of Angola (MPLA), the National Front for the Liberation of Angola (FNLA) and the Front for the Liberation of the State of Cabinda (FLEC) in DRC (Zaire) and the Congo Republic.

Besides these humanitarian overtures, the armed non-state groups, in keeping with international humanitarian law contracted and respected ceasefire agreements and gave recognition and safe operations passports to relief agencies. These agreements *inter alia* had to provide safe corridors for humanitarian assistance, reasonable handling of POW and adherence of general aspects of international humanitarian law. There were several of such ceasefire

²³ Monono, “Respect for international humanitarian law,” p.909.

²⁴ *Ibid.*

agreements notably; Lome´ ceasefire agreement on Liberia of 13 February 1991, Cotonou Agreement on Liberia of 25 July 1993, the ceasefire agreement of 1 November 1998 between the government of Guinea Bissau and the self-proclaimed military junta in Abuja; the 7 July 1999 Lusaka ceasefire agreement on the DRC, which stated that the parties were “determined to ensure the respect by all parties signatory to this agreement for the Geneva Conventions of 1949 and the Additional Protocols of 1977”; and the ceasefire agreement on Liberia in 2003, the parties to which pledged to “respect as well as encourage the Liberian populace also to respect the principles and rules of international humanitarian law in post-conflict Liberia”.²⁵

In consonance with providing a safe corridor and recognition of international non-governmental organizations to provide humanitarian care, two examples of such actions are illustrative. The Kinyira agreement of 30 May 1993 between the government of Rwanda and the rebel RPF, which stipulated that in matters related to aid distribution “the ICRC position on each individual shall be final”; the 4 August 1993 Arusha Peace Agreement on Rwanda, providing for the mandatory protection of the expatriate community and the security of contributors of humanitarian assistance such as the ICRC; the Lome´ ceasefire agreement of 18 May 1999 between the government of Sierra Leone and the Revolutionary United Front/ Sierra Leone (RUF/ SL) on the release of prisoners of war and non-combatants through a committee “chaired by the UN Chief Military Observer in Sierra Leone and comprising representatives of the ICRC, UNICEF, and other relevant UN agencies and NGOs”²⁶

The acceptance and diplomatic romance between the armed groups and the international NGOs especially the ICRC had an endearing impact on the non-state belligerents and to humanitarian efforts as a whole. In 1975, the ICRC provided African liberation movements with relief supplies to a total value of 172,800 Swiss francs. The application of humanitarian principles by most armed non-state actors in African conflicts also led them to create humanitarian

²⁵ Monono, “Respect for international humanitarian law,” pp. 915-916.

²⁶ Churchill Ewumbue-Monono and Carlo Von Flue, “Promotion of international humanitarian law through cooperation between the ICRC and the African Union”, *International Review of the Red Cross*, Vol. 85, no. 852, December 2003, p. 757.

agencies. In Algeria the FLN set up the Algerian Red Crescent Society in 1956. In Eritrea, the armed Eritrean People's Liberation Front (EPLF) also had humanitarian agencies such as the Eritrean Relief and Rehabilitation Agency (ERRA) and the Eritrean Red Cross and Red Crescent Society (ERCCS). In Sudan, the Sudanese Peoples Liberation Movement (SPLM) created the Sudan Relief and Rehabilitation Association (SRRA) and Operation Save Innocent Lives (OSIL). Most of these “liberation humanitarian organizations” created by non-state actors helped considerably in the drafting and application of humanitarian principles in African armed conflicts.²⁷ Suffice to remark that in the 1960s and 1970s many liberation movements were recognized as observers within the OAU and as such participated in some international fora on the development of IHL, such as the Diplomatic Conference on International Humanitarian Law in 1974–1977.²⁸

C - Questioning the commitment of armed Non-State actors in humanitarian actions

The actions taken by armed non-state actors to assist in humanitarian services as projected were mostly attempts at aligning field operations with international humanitarian protocols like the Geneva 1949 Convention and the additional protocols of 1977. These actions to some extent complemented the efforts of States and intergovernmental structures to protect human concerns in war prone settings in Africa. Allowing safe corridors for relief operations to function, consenting on the types of arms and weapons used at war and recognizing humanitarian relief structures, armed non-State groups supported global initiatives to attenuate human sufferings during war or its aftermath.

Though considered important in the multi-centric humanitarian system, the actions and solidarity between non-state armed groups and international non-governmental organizations, charitable or faith-based humanitarian agencies were at times considered suspicious by state actors in further accentuating the conflict scenario. This suspicion was most often generated from the rigid but at times loose conception of the Hegelian principle of state sovereignty

²⁷ Monono, “Respect for international humanitarian law,” p. 918-919.

²⁸ Ibid. p. 922.

espoused by Heraclides and Dialla of being, an autonomous moral being, capable of making choices’ and which deserves respect from others, (‘foreigners’). Hence foreign intervention is a violation of that autonomy, even when it is undertaken for benevolent purposes’.²⁹

This Hegelian philosophy primarily suggests that the issue of humanitarian action and State sovereignty did not always converge on addressing humanitarian distresses. Some of the armed non-State groups hardly lived up to their commitments of providing safe havens for relief operations. In the 1990s for instance, the ICRC’s attempts to broker a special agreement between the Mozambican government and the Mozambique National Resistance Movement (RENAMO) in order to set up a neutral “combat-free zone” humanitarian corridor, the “Tete Corridor”, on the Mozambique–Malawi border failed because of security considerations. In the same vein, some of the armed groups stifled the return to normalcy because they maintained instances of human rights abuses and used relief assistance to sustain their war programmes. More so, post-independence armed non-State groups were not usually present in fora that were dedicated to discuss the respect for IHL.³⁰

III - Civil Non-Governmental Organizations in the humanitarian playground

A - Spectrum of civil non-State actors in the African humanitarian sphere

According to the Yearbook of International Organizations, there were about 26,000 international NGOs by the year 2000, compared with 6,000 in 1990.³¹ The US alone has about 2 million NGOs, 70% of which are more than 30 years old. This ambiguity of what constitutes non-State actors persists in the literature

²⁹ Alexis, Heraclides and Ada Dialla, *Humanitarian intervention in the long nineteenth century: Setting the precedent*, Manchester, Manchester University Press, 2015, 84.

³⁰ Monono, “Respect for international humanitarian law,” p. 922.

³¹ Elizabeth Ferris, “Faith-based and secular humanitarian organizations,” *International Review of the Red Cross*, Volume 87 Number 858, June 2005, 312.

on security, civil society and development. The most vivid distinction in literature is between armed non-State actors waging wars and unarmed non-State actors working as civil society organizations. While the notion of armed non-State actors is well developed, there are critical gaps in conceptualizing civil (i.e. unarmed) non-State actors. Civil non-State actors in peacekeeping and peacebuilding have been largely reduced to international NGOs.³² In spite of this generalization, Bah identifies three categories of civil non State actors; international NGOs, community-based NGOs, and ad hoc community organizations. There were myriads of these organizations in Africa. Sierra Leone, Liberia and Cote Ivoire for instance, counted well over 630 NGOs.³³

International NGOs are transnational corporate civil society organizations with clearly defined missions, well [structured management] which in most cases aimed at enhancing human security and human development. The defining features of these kinds of civil non-state actors are their transnational and corporate characters. As Krishna Kumar cited by Bah³⁴ notes, corporate NGOs have ‘large annual budgets, and managerial practices that are closer to corporations than to voluntary organizations. Starling examples of these NGOs are the International Committee of the Red Cross (ICRC), OXFAM, Save the Children Fund, *Médecins Sans Frontières* (MSF-Doctors without Borders), *Caritas Internationalis* (the official aid agency of the Catholic Church) and the Protestant World Council of Churches (WCC). In the realm of International humanitarian efforts, NGO actors could be quickly distinguished between charitable non-faith and faith-based organizations. The non-faith-based institutions were championed by NGOs like ICRC, Oxfam, Doctors without borders and CARE while faith-based structures included Caritas Internationalis and Protestant World Council of Churches. These two categories of agencies although tensioned by the secular and religious viewpoints of humanitarianism converged their actions to ameliorate the conditions of humanity affected by internecine conflicts.

³² Abu, Bakarr, Bar, “Civil Non-State Actors in Peacekeeping and Peacebuilding in West Africa,” *Journal of International Peacekeeping* 17, (2013), p.317.

³³ Ibid.

³⁴ Ibid.

B - Assessing the actions of civil non State actors on the African humanitarian front

For the most part the international NGOs worked in complementarity respecting in principle the pledge of impartiality and neutrality in the provision of their services. This was evident from the beginning of the Biafra crisis (1967-1971)³⁵ where British and Irish NGOs attempted to elevate their actions beyond the politics of the conflict. Christian Aid, for example, made clear that they were unconcerned with the military and political issues of the war and were more focused on relieving suffering on both sides, as equally as possible. Oxfam, for its part, made clear to its beneficiaries that it was more preoccupied with humanity.³⁶ This position was also maintained in Ethiopia and the Horn of Africa though with challenges to respect neutrality and solidarity between the government of Ethiopia and cross-border rebel dissident groups operating from Sudan. But there was still a sense in which Oxfam's relationship with the Ethiopian government was stronger than with the rebels for strategic motives. This made it difficult to claim strict neutrality and impartiality but prudence was shaped around a neutrality principle where:

Staff in Addis Ababa could not deny that the cross-border operations saved lives, nor could cross-border managers deny that Oxfam's work in government areas also saved lives. This led to a tolerable stand-off that could be called 'neutrality'.³⁷

By the mid-1980s Oxfam had effectively adopted a position of close solidarity with black Africans against apartheid and open support for the African National Congress (ANC) in South Africa, the Front for the Liberation of Mozambique (FRELIMO) and RENAMO. This was in the conviction that "the apartheid system was a fundamental affront to humanity and the primary cause of poverty, humanitarian suffering and violence among those Black

³⁵ Biafra marked a series of beginnings for humanitarianism. It was the first televised famine, the West's first major response to disaster in independent Africa and the first time that the international nongovernmental sector significantly shaped the agenda of disaster relief. See Kevin O'Sullivan, "Biafra's legacy: NGO humanitarianism and the Nigerian civil war" in Christina Bennett, Matthew Foley and Hanna B. Krebs, eds. *Learning from the past to shape the future: Lessons from the history of humanitarian action in Africa*, Humanitarian Policy Group, 2016, 11.

³⁶ Kevin O'Sullivan, "Biafra's legacy: NGO humanitarianism and the Nigerian civil war," p. 10.

³⁷ Tony Vaux, "Humanitarian involvement in wars of liberation in Africa in the 1980s: an Oxfam perspective", in Bennett, Foley and Krebs, eds. *Learning from the past to shape the future: Lessons*, p.64.

African liberation movements. In the Biafra War Oxfam provided large food aid through the rebel zones and regretted that it only went on to embolden the secessionist movement to sustain the war. In 1994 Oxfam and others also provided massive humanitarian aid to the perpetrators of the Rwanda genocide after they fled to Zaire in 1994, aid workers felt uneasy with principles that allowed the *genocide perpetrators* to use aid to dominate the relief camps, regroup and continue their violence.³⁸ These examples constitute some of the contractions of non-State actors in the humanitarian support system.

There were however occasions where the African States caged in their maxim of sovereignty felt offended by some NGO actions. This was aptly the case of the Biafran civil war (1967-1971) where suspicion of broadly pro-Biafra sympathies prevailed in Ireland. No doubt the Nigerian Federal government proscribed the activities of *Africa Concern* and the *Holy Ghost Order* from the country immediately after the end of the war.³⁹ This also came at a time when shortly after an ICRC relief plane was blown down in 1969 by Nigerian Federal Forces on grounds that it was colluding with the Biafra secessionist revolution. Thereafter, Biafra was solely dependent on supplies carried at night by unlit Joint Church Aid flights and NGO-chartered aircraft. Of the 7,800 flights into Biafra, 5,310 were operated by Joint Church Aid, which transported 66,000 tonnes of relief supplies. The Biafra war, all accounts agree, was of huge consequence: ‘a formative experience in contemporary humanitarianism’; ‘a test case and a turning point for international humanitarian assistance’; ‘opening a new chapter in humanitarian action’; ‘everyone is in agreement that modern humanitarian action in Africa was born in Biafra’. It was crucial in the formation of at least two NGOs: Concern and *Médecins sans Frontières*.⁴⁰

The NGOs were also actively present in the domain of health provision. When sleeping sickness for example resurged to its second peak of over 30,000 annual cases during the civil wars in Central Africa in the late 1990s, medical humanitarian organizations, particularly *Doctors Without Borders (DWB)*, were the only actors with sufficient interest and means to re-engage with the

³⁸ Tony Vaux, “Humanitarian involvement in wars of liberation in Africa in the 1980s,” pp. 66-67.

³⁹ *Ibid.* p.10.

⁴⁰ Davey, Borton and Foley, *A history of the humanitarian system*. p.11.

disease.⁴¹ In the same vein, in Southern Sudan by 1978, sleeping sickness in Yambio had become so acute, with the World Health Organization (WHO) seeming unable to mount a commensurate response. An international NGO working in Yambio, *Caritas*, for example, had been reporting cases to the WHO since 1973. In the absence of the promised UN intervention, *Caritas* had resorted to borrowing sleeping sickness equipment and drugs from the Belgian Development Cooperation (BDC)'s bilateral programme in neighbouring Zaire. Belgian scientists brought in from Zaire were uncomfortable with the WHO's response, estimating that the delay had cost 3,000 new infections at a price of \$1.2 million, which the Belgian government now had to fund.⁴² From 1986, MSF began to lead its own sleeping sickness interventions for displaced Southern Sudanese in Uganda. Eventually MSF engaged in a large global research and advocacy programme around medical innovations for sleeping sickness. MSF in this endeavor was greatly influenced by the works of Dr. Eugen Jamot who had made break-throughs in the mitigation of sleeping sickness in tropical Africa.⁴³

In Liberia and Sierra Leone, for example, MSF and the ICRC delivered huge supplies of medicines during the war, operated numerous mobile clinics, and provided critical services in public hospitals. Back in February and March 1998, MSF carried out 960 surgical interventions at Connaught hospital in Freetown. It also had a surgeon at Netlands hospital and provided basic health services for around 12,000 refugees at the national stadium in Freetown. In Kambia district, it deployed a medical team, which provided medical and nutritional services for approximately 15,000.⁴⁴ In December 2020, this prolific humanitarian health aid provider that was one of the only permanent international agency was intervening in the Socio-political crisis in the North West Region of Cameroon was banned for suspicious collusion with armed Ambasonian forces to orchestrate their guerilla operations against the

⁴¹ Jennifer J. Palmer and Pete Kingsley, "Controlling sleeping sickness amidst conflict and calm: Remembering, forgetting and the politics of humanitarian knowledge in Southern Sudan, 1956–2005," in Bennett, Foley and Krebs, eds. *Learning from the past to shape the future*. p. 31.

⁴² *Ibid.* p. 38.

⁴³ *Ibid.* p. 41.

⁴⁴ Bah. "Civil Non-State Actors in Peacekeeping and Peacebuilding in West Africa," p.330.

Cameroon Armed Forces. The NGO through Emmanuel Lampaert, Doctors Without Borders' operations coordinator for Central Africa repeatedly refused this involvement and after eight months of suspension without restitution decided to withdraw from the conflict scene.⁴⁵

Faith based organizations exclusively were actively at work to provide humanitarian actions in conflict torn countries. A classic example was during the Rwanda genocide (1990-1994) where the church as an institution adopted the trio-strategies of advocacy, pastoral care and humanitarian assistance to the victims of the genocide. Through its press organ like the *Kinyamateka*, the founding and engagement of priests in human rights groups such as the Defence of Human Rights and Public Liberties (ADL), set up in 1991, strong public advocacy against human rights violations were aired to the international community. Catholic and Protestant churches also initiatives to support peace efforts until the signing of the Arusha Accords in August 1993.⁴⁶

The World Council of Churches (WCC) in collaboration with the All African Council of Churches (AACC) consistently stimulated public and international opinion on the atrocities of the genocide. Besides, various church agencies accentuated pastoral care to victims and affected persons of the genocide through moral, spiritual and psychosocial support programmes.⁴⁷ The religious organizations also provided humanitarian assistance by sheltering people, including serious casualties. During the violence against Tutsi in 1959, 1961–64, 1973 and 1990, victims of war in Rwanda sought shelter and found safety in churches, and religious workers had usually been spared. As recently as February 1994, the Jesuit-run *Centre Christus* had sheltered many Tutsi who had fled their homes after a series of murders following the assassination of Martin Bucyana, the president of the Hutu Coalition for the Defence of the Republic (CDR).⁴⁸

In spite of the credits given to the faith based organizations in providing various facets of humanitarian actions, the role of churches in the Rwandan

⁴⁵ *Médecins sans Frontières*, Press Release 3 August, 2021, <https://www.msf.org/doctors-without-borders-forced-withdraw-medical-teams-north-west-cameroon> accessed on 17 September, 2021.

⁴⁶ Richard M. Benda, "Church, humanitarianism and genocide in Rwanda: beyond criticism and apology", in Bennett, Foley and Krebs, eds. *Learning from the past to shape the future*. p.81.

⁴⁷ *Ibid.* 81-82.

⁴⁸ *Ibid.* p.84.

genocide came under a barrage of criticism. In the aftermath of the genocide, the church was strongly criticized for failing the people of Rwanda, especially the Tutsis who were the primary target of the massacres. Critics argue that the church did little to prevent the genocide or alleviate victims' suffering in any substantial way. The horror of the atrocities committed, often on church premises, overshadowed acts of kindness and humanity that were expected from God's missionaries.⁴⁹

In Sierra Leone, Liberia, and Côte d'Ivoire the existence of important ad hoc community organizations that emerged during the civil wars played a crucial role in postwar humanitarian action for peace building. These organizations include high profile ad hoc committees of religious and national elders and women's groups that played critical roles in facilitating peace negotiations between the governments and opposition forces. Though most of these were temporary and informal bodies, they played critical roles in facilitating peacekeeping. Some of the most notable ad hoc community organizations include the Inter-Religious Council in Sierra Leone, the Collective of Religious Confessions for National Reconciliation and Peace in Côte d'Ivoire, the Inter-Religious Council in Liberia.⁵⁰

Civil non-State actors were also actively at work to assist in the demobilization and reintegration of war fighters especially children. In the conflict in DRC, despite the signing of peace accords in 2003, fighting continued unabated in the east of the country. Recruitment and use of child soldiers characterized the conflict as all actors in the conflict and foreign armed groups like the National Armed Forces (FARDC), and local Mai-Mai militias, employed children as soldiers.⁵¹ Given this predicament, the ICRC joined efforts with the U.N MONUSCO Disarmament, Demobilization, Repatriation and Reintegration (DDRR) agenda by paying routine visits to the centres to interview and assist child soldiers to reintegrate with their broken families.⁵²

⁴⁹ Ibid., 77.

⁵⁰ Bar, "Civil Non-State Actors in Peacekeeping and Peacebuilding in West Africa," pp. 322-323.

⁵¹ Peter, Kagwanja, "Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects," *International Peace Support Training Centre (IPSTC)*, Series 4. No.2, 2013. p. 1.

⁵² Ibid. 10-12.

Conclusion

Informed by sacred missions dedicated to meeting humanitarian concerns caused by mutually destructive conflicts and/or disasters, a range of non-State organizations decided to join the efforts of States and especially non-governmental organizations, (particularly the League of Nations and later United Nations agencies) to make up for human deficiencies and psycho-social destabilization brought about by conflicts. Acting as missionaries of humanity, International NGOs in collaboration with local NGOs and some *ad hoc* committees asserted their presence on the humanitarian front in the conflict phase and post war scenarios by physically providing advanced food and health relief services and shelter, as well as mediating between the belligerent factions or using diverse forms of advocacy to drum support for peace building and rehabilitation of victims of war. Besides, the armed non-state actors which under the cover of liberation movements articulated, though not with total commitments, maxims of humanitarian conscious warfare on civilians (non-combatants, especially women and children), the civil non state actors sandwiched in the oppositions of war tried to maintain the *Dunatian* principles of neutrality, impartiality, humanitarian service and independence in their actions. This moral engagement did not work in all cases as certain field human frustrations identified by humanitarian staff on field operations or popularized by advocacy networks and embraced by some donor members, caused some international NGOs to take political positions in conflict setting. This manipulation of neutrality usually went on to strain relationship with the state actors affected by the crisis, hence confirming the dictum that the presence of non-state(armed and civil) actors on the African war scene oscillated between complementing the efforts of state and governmental organizations and rivalry.

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THE “HUMANITARIAN-DEVELOPMENT-SECURITY” NEXUS IN THE FACE OF CRISES IN SUB-SAHARAN AFRICA

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Abstract

The humanitarian, development and security nexus was adopted in 2018, two years after the World Humanitarian Summit, with a view to providing a sustainable response to humanitarian crises. Intended as an innovative approach, it proposes a pooling of activities between the actors of the three aforementioned sectors so that their comparative advantages contribute to collective achievements. This analysis, far from adopting a Manichaean approach, seeks to grasp the theoretical and practical relevance of the nexus. It shows that in sub-Saharan Africa the relevance of the triple nexus depends on the nature of the relationships between the various stakeholders. Indeed, when they act in a concerted manner, a necessary complementarity emerges, with the pooling of resources predisposing a good crisis management. On the other hand, when their actions are competitive and individualistic in their logic, we are likely to witness a perpetuation of the crisis. However, it is possible to go beyond this dialectical vision insofar as we can reform the nexus by taking into account the pitfalls observed.

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Keywords: nexus, humanitarian, development, security, relevance, sub-Saharan Africa.

INTRODUCTION

In recent years, the world has witnessed the eruption of several multidimensional crises in various regions, with disastrous consequences for human survival. Conflicts, pandemics, climate change, natural disasters and poverty have created complex humanitarian crises that are increasingly difficult to contain. The ratio of humanitarian assistance in 2020 is the highest compared to previous decades. It is estimated that 1 in 45 people are in need of humanitarian assistance².

Whatever the area where the crisis takes place, people are becoming increasingly vulnerable. In terms of food, according to United Nations (UN) sources, the number of people suffering from undernourishment has increased by 13.1 million in 11 years. In the environmental sector, 20% of countries in the world are considered to be the most exposed to the adverse impacts of climate change³. The domain of security remains a concern. 32 States in the world are affected by armed conflicts⁴. With the advent of the COVID 19 pandemic, the global humanitarian situation is increasingly worrying. As of February 2021, 234 million people in 56 countries were in need of humanitarian assistance⁵. Africa appears to be the area most exposed to humanitarian crises. For sub-Saharan Africa alone, there are nearly 29 million people in a situation of extreme vulnerability⁶.

These humanitarian crises which threaten the lives of a large number of people could not leave the scientific community inactive. Several approaches have been

² M. Carrier and AM Sacko, At the crossroads of humanitarian and development practices in protracted crises, La Fontaine des Marins– France, Groupe URD, 2020, p.11.

³ Idem, p.12.

⁴ Stockholm International Peace Reseach Institute (SIPRI), Armaments, Disarmament and International Security, Yearbook 2020. Summary in French, in Les reports du GRIP, 2020/4, p.2

⁵ UN Office for the Coordination of Humanitarian Affairs (OCHA), Overview of the Global Humanitarian Situation 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/GHO_Monthly_Update_28FEB2021-FR.pdf, accessed 25/08 / 2021

⁶ UN Office for the Coordination of Humanitarian Affairs (OCHA), Overview of humanitarian and financial needs Sahel crisis, humanitarian program cycle 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/2021%20Sahel%20Crisis%20HNRO%20-%20FR.pdf>, consulted on 08/25/2021, p.24

considered to diagnose the phenomenon in order to provide analytical grids to shed light on the action of practitioners. In general, as Francine Saillant, Mary Richardson and Marie Paumier have so well noted, there are 4 approaches that address the humanitarian question from a socio-political, ideological, legal and anthropological perspective.⁷ Most of this work, developed in previous decades, does not take into account recent transformations in the humanitarian question. Today, with the recurrence of protracted crises, humanitarian aid has been associated with development at the World Humanitarian Summit held in Istanbul on May 23 and 24, 2016. Two years later, the determination of the international community to provide lasting responses humanitarian crises led to the adoption of a third pillar: security. We are now talking about the triple nexus. This new approach suggests that, depending on the specificity of the context, humanitarians⁸, development actors⁹ and security¹⁰, each with comparative advantages, take concerted action to achieve collective results.

As soon as this approach was adopted, it sparked significant public debate. For the moment, opinions are divided between optimists and pessimists. Although some analysts consider that the triple nexus, from the point of view of its content, is coherent and sustainable, its realisation is questionable.¹¹ This contribution,

⁷ F. Saillant, M. Richardson and M. Paumier, "Humanitarianism and identities: an anthropological perspective", *Ethnologies*, Vol.27, N ° 2, pp.159–187.

⁸ Humanitarian aid is understood here as an internationally shared ideology, through which various organizations take ownership of the mandate «to respond to needs qualified as urgent and in countries where the populations targeted are particularly deficient», Cf. F. Saillant, M. Richardson and M. Paumier, *op.cit.*, P.162.

⁹ In the context of humanitarian crises, development reflects the transition from vulnerability to socioeconomic resilience. It brings together all the economic and social activities aimed at the rehabilitation of infrastructure, the provision of basic social goods and services, the establishment of projects allowing the populations to meet their own needs, the promotion and the protection. Human rights, environmental protection, etc. In more depth, it is a question of financial and technical assistance which falls within the framework of the 2030 Agenda for sustainable development (G. Carbonnier, «New light on the Nexus: figures, principles and relative debate to social change », *Humanitarian Alternatives*, n ° 10, March 2019, p.6.), with a view to achieving social inclusion. https://www.unssc.org/sites/unssc.org/files/2030_agenda_for_sustainable_development_kcsd_primer_fr.pdf, accessed 09/05/2021).

¹⁰ Security is included in this study through its two meanings: the first, focused on the State, corresponds to the framework of expression of its sovereignty, of protection and defense of the Nation-State against military threats (Cf. A. Ceyhan, «Analyzing security: Dillon, Waever, Williams and the others», *Cultures & Conflits*, n ° 31-32, spring-summer 1998, p.2.) The second which makes the individual his main referent refers to human security. This emphasizes the protection of the individual in the political, economic, community, personnel, health, food and environmental fields (Cf. United Nations Office for the Coordination of Humanitarian Affairs, *Human security in theory and practice*, New York, 2009, pp. 6-7.

¹¹ N. Dahrendorf, Integrating a protection-centered approach into the humanitarian and development nexus in Mali, Report September 2019, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/assessments/mli_nexus_protection_rep

which sets itself apart from any Manichaeian approach, aims to examine the instruments and mechanisms for implementing the triple nexus in order to assess their relevance. Thus, it is structured around the following question: is the humanitarian, development and security nexus relevant to providing a lasting response to humanitarian crises in sub-Saharan Africa? This question calls for a differentiated response depending on whether it is perceived according to the neoliberal¹² or transnationalist reading grids¹³. The first considers the triple nexus as the expression of the interdependence and the pooling of efforts between several actors who want to provide a sustained response to humanitarian crises. This presupposes that when these act in a concerted manner, a necessary complementarity emerges for the pooling of resources which predisposes to good crisis management. The second captures the triple nexus as a field where competitive logics intertwine between different actors determined to make their point of view prevail in the field of humanitarian crisis management. In other words, when the activities of the actors involved in the nexus process translate into competition and individualistic logics, we can witness a perpetuation of the crisis. However, it is possible to go beyond this dialectical vision insofar as the taking into account of the main pitfalls observed in the dynamism of the players pave the way for the development of appropriate and fair reforms.

I - THE IMPORTANCE OF THE NEXUS APPROACH IN THE INTERACTIVE CRISIS MANAGEMENT PROCESS IN SUB-SAHARAN AFRICA

The humanitarian, development and security nexus represents a framework for expressing the pooling of resources and the complementarity between various actors on the international scene faced with the persistence of

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¹² D. Ethier, Introduction to international relations, Quebec, Les Presses de l’Université de Montréal, 4th edition, 2010. Pp.51-55

¹³ NOT A WORD. Roche, Théorie des relations internationales, Paris, Montchrestien, 4th edition, 2001, pp. 157-158

humanitarian crises. It thus reflects a change in collective action practices with a view to achieving better results. The innovations that it brings to the process of sustainable management of humanitarian crises tend to modify the ways in which said actors act.

A - An innovative approach focused on the sustainable management of humanitarian crises

The urgency of a plausible response to the recurrence of humanitarian crises has led actors on the international scene, united in different spheres of dialogue, to recognise the interest of the triple nexus.

1 - The need for a change of approach

The need for a nexus in international relations has imposed itself on the international community under the effect of the test of the realities inherent in the permanence of humanitarian crises and the unsuitability of traditional methods of managing them.

In sub-Saharan Africa, the humanitarian situation has worsened over the years. The crisis is concentrated in the Sahel region. In 2021, assistance and protection needs affect around 29 million people. Vulnerability is increasing exponentially in various sectors. Wars and conflicts are the root cause of the growing humanitarian crisis. Millions of people are victims of violence of all kinds. Regular attacks by armed groups, intercommunal violence, kidnappings added to the perverse effects of military operations have a negative impact on access to basic social services and the means of subsistence of individuals. Food insecurity has become chronic. It is estimated that in 2021 5.2 million people will be at risk of famine. Basic social services, in particular education and health, are experiencing remarkable deterioration more than in the past. Almost 5 million schools have been closed. Climate change exacerbates the crisis as it increases conflicts and further weakens livelihoods¹⁴.

In the regions in the east and south of the continent, the situation is not

¹⁴ UN Office for the Coordination of Humanitarian Affairs (OCHA), Overview of humanitarian and financial needs Sahel crisis, humanitarian program cycle 2021, op.cit., P.4-12.

much better. In the Horn of Africa, the upsurge in locusts at the start of 2020 is increasing the food crisis. In Ethiopia, the Tigray War, inter-ethnic conflicts, frequent droughts, floods, locust invasions expose nearly 16.3 million people to extreme vulnerability. In Mozambique, conflicts and storms left 1.1 million people on the waiting list for emergency aid¹⁵.

The gravity of the situation thus required a questioning of methods, which were essentially based on a classic practice of humanitarian crisis management.¹⁶ Although these have contributed to saving lives and alleviating the suffering of disaster victims during crises, the fact remains that they have not yielded satisfactory results. Obviously the proposed responses are inadequate and ineffective, especially since «humanitarian actors are locked into repetitive short-term actions» which do not generate positive effects on development and long-term security as evidenced by examples of the DRC, Sahel States and Syria¹⁷. Faced with the gravity of the situation, an immediate and sustained response from the international community was essential. This is how the humanitarian, development and security nexus was drawn up to provide a more appropriate response to humanitarian crises.

2 - The inclusion of the nexus in international programmes

The nexus approach is based on the idea that humanitarian, development and security actors, based on their respective strengths, work together to achieve collective results. The nobility of its aims exerts a particular attractiveness among actors working in the humanitarian sector. It is about capitalising the resources available to resolve humanitarian crises in the long term so that the resilience of the population is stronger and consolidated. Gradually in the concert of Nations, the triple nexus imposed itself as a suitable panacea. Under the UN banner this approach is adopted. It is gradually integrating the strategic plans of actors in the humanitarian sector.¹⁸

¹⁵ UN Office for the Coordination of Humanitarian Affairs (OCHA), Overview of the Global Humanitarian Situation 2021, opcit, p.8.

¹⁶ OXFAM, The humanitarian-development-peace nexus what implications for multi-mandate organizations? Oxford, Oxfam Great Britain, 2019, pp. 10-12.

¹⁷ Idem, p.12.

¹⁸ F. Cassam Chenai, opcit, p.8.

The United Nations cluster system, adopted in 2005 to «improve the efficiency and quality of emergency interventions by ensuring the coordination of all actors» in the humanitarian sector¹⁹ represents an example of appropriation of this new working method. One of its major pillars is the Water, Sanitation and Hygiene (WASH) approach, also called Water, Sanitation and Hygiene (WASH). In implementing the Nexus approach, the Wash cluster contributes not only to strengthening the humanitarian and development link, but also to peacebuilding and consolidation efforts, particularly in areas of water scarcity where conflicts occur and tensions related to access to water between communities are high²⁰. The clusters bring together a diverse range of actors, namely: the government, technical public administrations, international and local NGOs, specialised United Nations agencies, donors as well as other private actors.

The humanitarian, development and security nexus has several advantages. It makes it possible to :

- strengthen connectivity and complementarity between the three priority pillars;
- build bridges for dialogue and communication with a view to pooling resources between the actors of the three sectors for an effective collective response;
- put vulnerable people, much more than in the past, at the heart of the global humanitarian system;
- strengthen and consolidate the capacity of local actors to participate in resilience actions to humanitarian crises;
- ensure regular, sufficient and appropriate funding involving various institutions in order to sustainably support initiatives undertaken on the ground;
- put the concerted initiatives of the actors of the triple nexus in same phase with the achievement of the sustainable development goals (SDGs)²¹.

¹⁹ J. Gauthier «Focus on the WASH cluster: Coordination of emergency interventions for water and sanitation», https://www.pseau.org/outils/lettre/article.php?lett_article_lettre_id=1290, consulted on 08/26/2021.

²⁰ Tillett Will, “Applying WASH Systems Approaches in Fragile Contexts,” September 2020, <https://www.joinforwater.ngo/sites/default/files/wash-syst-fragile-contexts-fr-def.pdf>, accessed on 08/26/2021, p.7.

²¹ OXFAM, op.cit, p.14

By referring to the advantages that the nexus can offer, the various actors in the humanitarian field will redefine their humanitarian crisis management strategies.

B - The process of appropriating the nexus

The implementation of the triple nexus requires its appropriation by the actors of the humanitarian sector. In terms of the arrangements for the humanitarian organisation chart of international institutions, the task does not seem so difficult, especially since the integration of the development issue into the resolution of humanitarian crises is not new. For example, the *Linking Relief, Rehabilitation and Development* (LRRD) approach, developed by the European Union in 1996, includes in its agenda the need to implement development programs in order to resolve crises in the long term.

1 - International organisations

The United Nations, as a global umbrella body, sets the tone for this New Working Method. To respond to the recurrence of humanitarian crises caused by institutional and political weaknesses, socio-economic fragilities, the perverse effect of climate change, the prevailing insecurity in the Sahel region, it is setting up in Chad, in 2017, the United Nations Development Assistance Framework (UNDAF). Spanning a period of 3 years (2017-2021), the three-year strategic plan aims to «contribute to the development of human capital, to the strengthening of the protection of this most vulnerable population, to the improvement of crises and disasters, strengthening the sustainability of production systems, and promoting governance, peace and security”²².

Other international institutions also include the nexus principles in their new humanitarian approach. In the territories around Lake Chad as well as those of the Sahelian strip, the office of the United Nations Development Program (UNDP) has implemented a Local and Security Development Plan (PDLS), based on the Humanitarian / Development pillars – Humanitarian / Peace and Security – to

²² United Nations Development Assistance Framework (UNDAF) 2017-2021, consulted on 08/29/2020.

respond effectively to the resurgence of humanitarian crises²³. Along the same lines, the United Nations Children’s Fund (UNICEF) published a mandatory procedure in 2019 aimed at linking development programmes and humanitarian action in favour of vulnerable children and their families. In addition, it believes that in order to guarantee «conditions conducive for better results» for the latter, it would be necessary to add to the dual humanitarian-development nexus, the search for peace²⁴. For the International Labour Organisation (ILO), it would not be possible to resolve humanitarian crises in a sustainable manner without the implementation of a strategy articulated around the binomial of humanitarian action development on the one hand and consolidation of peace and development on the other hand. The first articulation responds to the need to reduce future humanitarian risks while the second emphasizes the place of peace in the achievement of development objectives. In the articulation between humanitarian action, development and the search for peace, decent employment and work thus appear to be an important bridge to the materialisation of the objectives sought.²⁵ Indeed, they represent «essential engines of resilience and peace, by remedying the underlying factors of fragility which previously made this society and this economy particularly vulnerable to external shocks»²⁶. The diagram below is a good illustration of the new ILO approach. Like the ILO, the World Bank, a key world body in development finance, has included the pillars of the nexus in its activities. It has set up a new global funding mechanism that will not only facilitate rapid interventions in the event of crises inherent in natural disasters, economic or social crises, but also strengthen the resilience of fragile States in the long-term²⁷. A sustained collaboration with its various partners is an important criterion for achieving its objectives.

2 - The other actors

Crisis management is, above all, a field for the expression of international

²³ F. Cassam Chenāi, *op.cit.*, Pp. 20-21.

²⁴ United Nations Children’s Fund (UNICEF), *Formative Evaluation of UNICEF’s Work to Link Humanitarian and Development Programs*, United Nations, E / ICEF / 2021/28, p.13.

²⁵ International Labor Organization (ILO), *Peace and Conflict Analysis Guidelines for ILO programming in contexts of fragility and conflict*, Geneva, ILO, 2021, pp.2-3.

²⁶ *Idem*, p.2.

²⁷ OXFAM, *op-cit*, p.19.

solidarity. Several actors, other than international organisations, make a significant contribution. With the advent of the nexus, they must now no longer juxtapose their actions but include a sustainable approach to crisis management in their practices through its three pillars, notably humanitarianism, development and security. It is in this perspective that the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD), in February 2019, called on its member States to coordinate their activities, taking into consideration the principles of the triple nexus. The European Union after the meeting of the Interministerial Committee of International Cooperation and Development (ICICD) which held on 8 February 2018 adopted the humanitarian-development-peace nexus in its action plans dedicated to humanitarian actions²⁸. The African Union has mobilised in recent years a multilateral diplomacy focused on the achievement of the Sustainable Development Goals (SDGs). This posture, materialised by the closeness between the United Nations 2030 Agenda for Sustainable Development and Agenda 2063, predisposes it to carry out its activities in perfect harmony with the objectives of the triple nexus. Indeed, these two instruments highlight the correlation between peace, security, human rights and development as a requirement for the sustainable resolution of conflicts²⁹.

The Western powers, active in the field of official development assistance, have also adapted to the New Way of Working. The German Federal Ministry for Economic Cooperation and Development (BMZ) drew up in 2020 a strategy for transitional aid for development, which integrates the triple nexus. Based on the humanitarian principles of *humanity, impartiality, neutrality, and independence*, this strategy aims to strengthen «the capacity of resistance (resilience) of people and local structures particularly affected»³⁰. It is on the one hand to help the transformation of State and societal structures to achieve development and on the other hand to contribute, within the framework of the “BMZ 2030” reform, to the consolidation of “peace, societal cohesion”³¹. In

²⁸ F. Cassam Chenaï, op.cit, p.14.

²⁹ «Study on the correlation between development, peace and security, human rights and humanitarian pillars in North Africa», <https://www.uneca.org/pdf>, consulted on 09/01/2021.

³⁰ German Federal Ministry for Economic Cooperation and Development (BMZ), Transitional Development Assistance Strategy. Managing Crises, Building Resilience, Creating Perspectives, Bonn, BMZ, 2020, pp. 2-3.

the same vein, the humanitarian approach of the French Republic (2018-2022), called the “Prevention, Resilience and Sustainable Peace” strategy, offers a comprehensive and lasting response to humanitarian crises through the use of humanitarian tools, diplomacy, development and defence. In this spirit, the French Agency for Development (AFD) now inscribes its «action incrisis contexts, within the framework of coalitions articulating the complementary know-how of actors in security, diplomacy, humanitarian aid, development and research”³². Among these cooperation actors in the humanitarian field, Non-Governmental Organisations (NGOs) play a central role. Through their contribution to the defence of human values, they remain ready to work with development and security actors. For OXFAM, the nexus approach is in line with its humanitarian resilient development program³³. In the field, they collaborate with local actors who represent essential partners for the implementation of the nexus. These provide an appropriate framework for the intervention of humanitarian workers, development and security actors. In Niger, for example, the implementation of the United Nations Development Assistance Framework (UNDAF) required the participation of the government and civil society organisations.³⁴.

II - TRIPLE NEXUS TESTED BY FACTS

The triple nexus, by virtue of its principles, concepts and standards, appears as a solution to the lasting resolution of humanitarian crises in sub-Saharan Africa. Indeed, in many countries, its experimentation gives hope for a better tomorrow. The resilience capacity of the vulnerable population is gradually improving at the same time as the peacebuilding process is making significant progress. However, on the ground, the results obtained, for various reasons, are still below the expected objectives.

³¹ Idem, p.3.

³² Quoted by F. Cassam Chenai, op.cit, p.15.

³³ OXFAM, op.cit, p.4.

³⁴ *United Nations Development Assistance Framework (UNDAF) 2019-2021*, https://fr.unesco.org/sites/default/files/undaf.niger_.pdf, consulted on 09/01/2021.

A - The implementation of the triple nexus

To maximize its success, the implementation of the humanitarian, development and security nexus requires that the various actors share common principles.

1 - The principles of operationalisation of activities

During crises, humanitarians, development actors as well as those in the security sector have often worked in isolation, although they act for the same cause: the sustainable resolution of the conflict. Such an approach could only lead to tiny results, resulting in an endless prolongation of crises. To remedy this unproductive distribution of the work of the humanitarian sector, the nexus approach thus proposes to build communication bridges allowing the actors of the three aforementioned sectors to act together in order to achieve satisfactory collective results. To do this, it is based on a set of major principles making it possible to guarantee fruitful collaboration between the actors who now allow themselves to be seen as partners united for the same cause.

The first principle refers to the common understanding of the problem, through the adoption of a method allowing to understand the humanitarian needs, the level of vulnerability and to identify the priorities. The second principle relates to the pooling of a strategic framework for planning and programming activities. It is therefore proposed that a United Nations Development Assistance Framework Plan (UNDAF) be put in place to enable the various actors to combine their efforts in order to reduce the vulnerabilities of the population and fight against the root causes of crises. The third principle refers to the coordination of activities. The United Nations Resident Coordinator in charge of humanitarian issues facilitates communication between actors, the adoption of a consensus on the nature of the problem as well as on the use of funds. The fourth principle concerns the coordination of the mobilisation of resources to rationally program short, medium and long-term interventions according to the planning adopted. The fifth principle refers to the development, by the different actors in their respective fields, of work plans and projects to get the best out of themselves in order to achieve collective results³⁵.

³⁵ UN Office for the Coordination of Humanitarian Affairs (OCHA), *New Way of Working*,

On the basis of these principles, the interactions between the actors in the three pillars of the nexus lead to two types of action: one focused on the implementation of development projects with a view to promoting the effectiveness of humanitarian aid, development transition and security viability; the other based on the consolidation of peace to facilitate the deployment of humanitarian aid and development aid. The first field of interactions assumes that humanitarians provide emergency aid in order to protect the lives of disaster victims and meet their basic needs, while development aid actors provide the support necessary for the socio-economic reconstruction of the population so as to facilitate the achievement of development, poverty reduction and security risks. The second section of interactions suggests that security actors can provide the minimum security necessary for the deployment of humanitarian aid and development aid in crisis areas. In this perspective, the coordination of activities between the actors will result in the improvement of the living conditions of the vulnerable population and the sustainable consolidation of peace.

2 - The experiences of sub-Saharan Africa

In sub-Saharan Africa, several initiatives combining humanitarian, development and security activities have been implemented. Burkina Faso has been facing for several decades an unprecedented humanitarian crisis linked to the deprivation, of a large part of the population, of access to drinking water. It appears that «more than 3 million people do not have access to drinking water and more than 5 million people do not have access to sanitation»³⁶. To remedy the situation, actions to implement the humanitarian-development nexus in terms of WASH have been undertaken. Thus with the financial support of donors such as Denmark, the French Development Agency (AFD), the European Union, UNICEF, the joint initiative led by humanitarian and development actors has resulted in the rehabilitation and expansion of Djibo's water network. This made it possible to provide a lasting response to the needs

https://www.unocha.org/sites/unocha/files/NWOW_Booklet_low_res.002_0.pdf, accessed 08/25/2021; Organization for Economic Co-operation and Development (OECD), Recommendation of the DAC on the link between humanitarian action, development and the search for peace, OECD / LEGAL / 5019, 2021.

³⁶ Humanitarian Nexus - Development to meet urgent water, hygiene and sanitation needs in Burkina Faso, <https://www.humanitarianresponse.info/>, consulted on 09/01/2021.

of 79,461 inhabitants of the city and 48,561 displaced persons”³⁷. In Niger since 2014, due to the conflicts in Nigeria and Mali, humanitarian needs have increased exponentially, despite funding from the European Union and AFD³⁸. One of the priority areas where the vulnerability of the population is particularly marked is food insecurity. In this context, the humanitarian nexus approach in the field of nutrition has become a priority. The nexus materialised through a strategy combining humanitarian assistance and development projects. In this logic, personal government projects and therapeutic products (PCIMA) and the National Nutrition Security Policy (PNSN) are supported by the Technical Nutrition Group (GTN) and the Tripartite Committee on the Emergency-Development Nexus (CTT Nexus) which represent multi-actor coordination frameworks. This multisectoral approach made it possible to “develop a multisectoral vision of the Nexus, around the maintenance of basic services in the zones affected by the disasters and conflicts”³⁹. In addition, in Chad where 40% of the population is affected by an unprecedented food crisis, the Food and Agriculture Organisation of the United Nations (FAO) has undertaken to distribute the seeds to the population without this preventing that they receive a daily food ration. This made it possible to link humanitarian actions to development and security. Finally, Mali, which since 2013 has been experiencing a humanitarian, security and institutional crisis linked to conflicts in its northern regions, has benefited from the support of Switzerland. The donation of office equipment made it possible to run the administration and, in turn, to limit the humanitarian consequences of the conflict. The rehabilitation aid was intended to restructure the State in a sustainable manner⁴⁰. In pursuit of similar objectives, the Urgence-Réhabilitation-Développement (URD) group, financed by the European Union’s Emergency Trust Fund and Food for Peace / USAID, for a period between 2016-2020, intervened in North Mali in order to strengthen the resilience of the vulnerable population in the fight

³⁷ Idem.

³⁸ A review of the opportunities and challenges to strengthen the Humanitarian Development Nexus for Nutrition. Examples from Myanmar, Niger and Afghanistan. Republic of Niger. Case study, <https://scalingupnutrition.org/>, consulted on 09/01/2021.

³⁹ Idem.

⁴⁰ AFRICA BRIEF, “The nexus, or how to combine humanitarian and development”, October 2018, p.2.

against food and nutritional insecurity⁴¹. This intervention made it possible to carry out several activities in favour of very poor households, in particular financial support to meet their basic needs; support in the implementation of agro-pastoral activities with a view to revitalising the local economy; technical support to ensure better management of development projects; the establishment of community credits to facilitate the materialisation of projects⁴².

In the scene of humanitarian crises, interactions between actors of the triple nexus are supposed to provide the necessary humanitarian assistance to the vulnerable population, facilitate development projects with a view to achieving lasting peace. By way of illustration, in the region of the Lake Chad basin where many conflicts are rife, the security forces have undertaken actions to secure sensitive areas to allow the deployment of development aid.⁴³ Such a case clearly shows the importance of the humanitarian, development and security actors connection. However, it is observed that the implementation of the triple nexus is still, in reality, in a phase of gestation. The results obtained so far in sub-Saharan Africa are still weak, compared to the stated objectives.

B - Mixed results

In many countries in sub-Saharan Africa, the humanitarian, security and development nexus approach is still at a level of experimentation, although the first activities aimed at bringing humanitarian and development actors closer together began a few years before its adoption. It is certainly true that, as demonstrated above, the nexus has had a positive impact on humanitarian crises. However, it appears that the problems linked both to the consistency of work plans between the actors and those relating to the implementation of projects within the framework of the triple nexus still limit the achievement of the set objectives.

1 - Planning issues

For the triple nexus approach to work, it is first of all necessary for

⁴¹M. Carrier and M. Sacko, *op.cit*, p.13.

⁴² *Idem*, p.17.

⁴³ OXFAM, *op.cit*, p.21.

humanitarians, development and security actors to draw up strategic plans allowing them to act in a concerted manner to achieve collective results. However, we note, based on certain cases in sub-Saharan Africa, that the communication, which should be required between the aforementioned actors is still for the most part hypothetical. In Niger, the planning of the activities of the Humanitarian-Development Nexus in the field of nutrition proved to be limited due to a lack of coordination between the actors. Rather than intervening in a concerted manner within the dedicated institutional frameworks, the latter individually develop their own action plans. Thus we observed the actors intervening within the National Policy of Nutritional Security (PNSN) according to their own priorities. There is therefore no common intervention policy, which establishes a hierarchy of priorities to be considered in the field of humanitarian action⁴⁴. A similar observation was made in the case of Cameroon.

In fact, for several years now, the country has been facing a succession of humanitarian crises caused by the various conflicts that have seriously affected its regions of the Far North, the East, as well as the English-speaking territories of the North-West and from the Southwest. The humanitarian situation is catastrophic. In 2020, there were approximately 960,000 internally displaced persons, 120,000 former Cameroonian refugees returning to their country, 115,000 Nigerian refugees and 290,000 Central African refugees.⁴⁵ To remedy this crisis, the Office for the Coordination of Humanitarian Affairs (OCHA) and the United Nations Development Programme (UNDP) are implementing, with the collaboration of the Humanitarian Coordination, a Task Force on the humanitarian-development-peace nexus in 2019. Within the framework of this body, Cameroon is requesting technical support from the United Nations, the World Bank and the European Union to develop the National Strategy for the Recovery and Consolidation of Peace (RCP). However, after the elaboration of this one, the government refuses, for unclear reasons, to validate it. However, the RCP could have constituted an appropriate formal framework to develop,

⁴⁴ A review of the opportunities and challenges to strengthen the Humanitarian Development Nexus for Nutrition. Examples from Myanmar, Niger and Afghanistan. Republic of Niger. Case study, <https://scalingupnutrition.org/>, accessed 09/01/2021

⁴⁵ M. Chelphi-Den Hamer, op.cit, p.4.

between Cameroon and the various partners, “a common understanding of the stakes and think about ways of action and complimentary financing”⁴⁶.

The absence of a joint strategy leads to a predominance of old humanitarian crisis management mechanisms, which were characterised by sector interventions by stakeholders in their respective fields of predilection. In terms of fundraising, collaboration between humanitarian workers, development and security actors is weak. The funds are still deployed in each sector according to the orientations of the policies, which govern their actions. Actors such as the UNDP, the World Bank, the International Monetary Fund (IMF), France, Germany, are undertaking visible actions on the ground, without however putting in place a concerted and rational strategy for the use of financial resources in the three areas of the nexus⁴⁷. In the absence of a joint approach, the implementation of the triple nexus remains problematic.

2 - Operational issues

In sub-Saharan Africa, the interventions of humanitarian, development and security actors severely challenge the effectiveness of the nexus approach. The fact that the latter adopt the principle of coordination does not, however, guarantee the success of their activities. In situations of major humanitarian crises, the need to respond promptly to the needs of the vulnerable population can, at times, create an unfavourable climate for humanitarian interventions. Three major problems are recurrent: the difficulties of collaboration between the different actors, the problems inherent in the security context and the difficulties of access to almost isolated areas.

One of the recurring problems with collaboration between actors is the risk of politicising humanitarian missions. By rubbing shoulders with other actors, humanitarian workers must respect the principles of neutrality, impartiality and independence. However, it turns out that the constraints of the field often put them in a real dilemma when it comes to their responsibilities. As part of the humanitarian intervention in the Lake Chad region, the issue of the escort of

⁴⁶ *Idem*, pp. 13-14.

⁴⁷ *Ibid*, pp. 9-10.

humanitarians by the Defence and Security Forces was a point of tension. Moving towards such a solution would lead aid workers to run the risk not only of violating the principle of neutrality, but also of tarnishing their image with the population who could make them complicit in the abuses of military intervention⁴⁸. In such circumstances, the choice of the reserve could prove to be counterproductive insofar as the affected population, awaiting a saving action of the international community, could find themselves abandoned to their own fate. This is a hypothesis, which, in the context of humanitarian intervention in sub-Saharan Africa, remains plausible.

In several countries, the coordination of actions between the actors of the triple nexus has often faced major difficulties inherent in the particularly worrying security context. In the territories surrounding Lake Chad, frequent attacks by the terrorist group Boko Haram have hampered the implementation of the Inclusive Economic and Social Recovery of Lake Chad (RESILAC) project. Bringing together AFD, the Lake Chad Basin Commission as well as NGOs such as Care, ACF, the URD CCFD-Terre des hommes group, this project intended to strengthen the resilience of the population through humanitarian and development activities has been suspended because of the deleterious security context. Also in Niger, Is the insecurity that prevails in several regions a real challenge for the humanitarian actions carried out by the Emergency-Rehabilitation-Development (ERD) group with a view to strengthening the resilience of the vulnerable population. In this context, the implementation of development policies in favour of the latter is uncertain. Although these receive the support of actors in the humanitarian sector, they could not make their economic activities prosper in such a way as to make a happy transition from the stage of fragility to resilience. When such a scenario occurs, we could witness, as evidenced by the case of the humanitarian intervention in the Tintadeni area, a dispersion of the efforts invested. In this context, the implementation of development policies in favour of the latter is uncertain. Although these receive the support of actors in the humanitarian sector, they could not make their economic activities prosper in such a way as to make a happy transition from the stage of fragility to resilience. When such

⁴⁸F. Cassam Chenaï, p.20.

a scenario occurs, we could witness, as evidenced by the case of the humanitarian intervention in the Tintadeni area, a dispersion of the efforts invested. In this context, the implementation of development policies in favour of the latter is uncertain. Although these receive the support of actors in the humanitarian sector, they could not make their economic activities prosper in such a way as to make a happy transition from the stage of fragility to resilience. When such a scenario occurs, we could witness, as evidenced by the case of the humanitarian intervention in the Tintadeni area, a dispersion of the efforts invested⁴⁹. When such a scenario occurs, the territories affected by the crisis are most often left to fend for themselves.

It also happens that the implementation of the nexus is confronted with the difficulties of access to the disaster area, not always linked to insecurity, but more to the absence of viable communication channels that should allow the deployment of humanitarian, development and security actors. In Burkina Faso, the implementation of the NEXUS project to support WASH public services in certain rural localities of Djibo, Fada, as well as certain small towns in the East, Sahel, North and Centre-North, was not successful because of the isolation. Faced with this obstacle, it was not possible for the actors to opt for a sustainable approach giving rise to the implementation of development projects⁵⁰. These realities on the ground do not reflect the failure of the nexus, but a set of difficulties to be overcome in order to make it effective.

III - THE CHALLENGES AND PROSPECTS OF THE TRIPLE NEXUS IN THE PROCESS OF INTERACTIVE HUMANITARIAN CRISIS MANAGEMENT IN AFRICA

The humanitarian, development and security nexus remains, through its objectives, a major collective action instrument for the sustainable resolution

⁴⁹ M. Carrier and M. Sacko, op.cit, pp. 19-20.

⁵⁰ Humanitarian Nexus - Development to meet urgent water, hygiene and sanitation needs in Burkina Faso, <https://www.humanitarianresponse.info/>, consulted on 09/01/2021.

of humanitarian crises in the world in general and in Africa in particular. Its recent experimentation in the countries of sub-Saharan Africa, as seen in previous developments, has produced some satisfactory results, despite the presence of many obstacles. The limits thus observed, far from calling into question the nexus, underline the major challenges that the promoters of this approach must overcome to make it effective both in the context of a humanitarian crisis in Africa and in other regions of the world.

A - Challenges

The triple nexus approach faces two major challenges: the problem of pooling resources and that relating to lack of efficiency.

1 - Use at a discount of comparative advantages

The triple nexus approach assumes that humanitarians, development and security actors work together so that their combined efforts can have a positive effect on the evolution of the crisis. However, in the field, the coordination and complementarity sought are still very weak, as the terms of reference supposed to define the framework of interactions are still vague. The notion of «collective achievements» of the UN, notes the NGO OXFAM, which could have facilitated communication and coordination between actors is not precise enough.⁵¹ In the absence of well-defined procedural rules, which must define the framework for collective action, it is possible to witness juxtaposed or heterogeneous strategies depending on the crises and scenarios. This problem is also aggravated by the fact that humanitarian actors have not put in place an institutional mechanism that defines the mechanisms for pooling their activities.⁵²

The lack of professionalism of humanitarians who, moreover, are at the very heart of humanitarian crisis management policies, can constitute a major obstacle to the implementation of the triple nexus. Their relations with security actors are complex and potentially pernicious for the success of humanitarian

⁵¹ OXFAM, *op.cit.*, p.15.

⁵² *Idem.*, p.22.

missions. First, the weakness of a dialogue between actors makes it difficult to collaborate with local actors who constitute essential links in the crisis management process. Then this defect observed at the level of the coordination mechanisms, can lead to a confusion of the mandates between humanitarian workers and the security forces insofar as the humanitarian interventions implemented by the latter can represent a danger to the maintenance of the identity of the humanitarians. The investment of the military in the field of humanitarian aid, as we have seen in the Sahel region, leads the population and even rebel groups to confuse them with humanitarian workers. This, therefore, represents an obstacle to respect for the principles of independence, neutrality and impartiality⁵³.

However, if we observe in several cases that humanitarian organisations are often assimilated into the security forces, it should also be acknowledged that they sometimes participate in «well-intentioned» armed coalitions, especially in the security areas⁵⁴. In this case, they represent an instrument at the service of the implementation of the *realpolitik* of the great powers. This is also, why the former Secretary of State of the United States, Colin Powell, considered American NGOs as «force multipliers» and «instruments of combat» against terrorism.⁵⁵ Such a commitment by NGOs in the implementation of the foreign policy of the great powers contributes to discrediting them among local actors who are now wary of the supposed good intentions of humanitarian aid. This is why we can easily understand that African countries such as Eritrea, Ethiopia, Rwanda, the Democratic Republic of Congo, at one point protested against international aid channeled through NGOs.⁵⁶

The rise of anti-aid movements in some countries tends to call into question the credibility of humanitarians. The questioning of their attributes can

⁵³ Respond to Humanitarian Challenges in a long-term perspective in the Central Sahel, <https://www.unocha.org/>, consulted on 09/02/2021.

⁵⁴ P. Reymond, J. Margot and A. Margot, "The limits of humanitarian aid", Lausanne, Ecole Polytechnique de Lausanne, year 2006-2007, p.21.

⁵⁵ Idem.

⁵⁶ H. Dylan, Humanitarian action in protracted crises: the new emergency aid «agenda» and its limits, London, Emergency and Rehabilitation Aid Network (RRN), April 1998, pp. 13-15.

constitute in other circumstances, a boon in the eyes of the belligerents who wish to profit from their presence on the national territory. Governments often accept the presence of humanitarian organisations to enhance their image on the international scene, while rebel groups see them as «a considerable resource for their movement»⁵⁷. The involvement of humanitarian actors in the political field can hinder the possibilities of success of the humanitarian nexus, development and security upstream.

2 - A lack of efficiency

The efforts undertaken by humanitarians, development and security actors to provide a lasting response to humanitarian crises in sub-Saharan Africa have certainly made it possible in a certain way to reduce the vulnerability of the population. However, so far, the curve of the crisis cycle does not suggest a real reversal of the trend. The triple nexus approach, developed to remedy the recurrent phenomenon of protracted crises, does not yet show signs of a sustained and adapted response. In several countries where it has been tested, the risk that it comes up against, like conventional methods, the problem of ineffectiveness is very real.

Crisis tend to last over time. The deleterious security environment is thus established as a structuring factor of sustainability. Indeed, as we saw during the war between Eritrea and Ethiopia, it was difficult for humanitarian aid workers and development actors to provide food security to the population who were forced to abandon their activities for survival⁵⁸. It is not excluded today, in view of the prevailing insecurity in several countries of the continent, that the implementation of the humanitarian triple nexus encounters a similar difficulty, especially since the complexity of the conflicts makes difficult to implement a chain of communication between the different actors involved. The unconventional nature of most wars leads to convoluted political situations. Beyond the proximity noted above between humanitarian organisations and political circles, there are complex relations between international and local institutional actors, which are based on a tacit understanding inherent in the materialisation of the well-understood interests

⁵⁷ P. Reymond, J. Margot and A. Margot, op.cit, p.22.

⁵⁸ «Food aid in emergency interventions», <http://www.fao.org/3/a0800f/a0800f04.pdf>, accessed 03/09/2021.

of each. In this environment, it is evident that the political logic tends to be superior to humanitarian preoccupations⁵⁹.

The politicisation of humanitarian action leads actors to make inappropriate and irrational choices in the use of financial resources to be devoted to humanitarian aid, development aid and security missions. For example, donors, depending on their perception of their interests, often favour funding humanitarian activities in areas controlled by the government while abandoning those that have passed into the hands of rebel groups. Therefore, we often see imbalances in the rationalisation of humanitarian spending. In Mali, it was found that investments dedicated to security and development were significantly greater than those devoted to humanitarian needs, which were nevertheless experiencing an exponential increase.⁶⁰

The disharmony observed in the rationalisation of resources can lead to a lack of trust between humanitarians, development and security actors. Despite the decision of the international community to associate the peace and security aspect with the double nexus, the behavior of the actors, influenced by their particular intrinsic identities, seems to dominate their perceptions. By way of illustration, humanitarians are not only reserved about the idea of involving security actors in the nexus approach, but also vis-à-vis them, they do not always share the same vision of realities. Indeed, as Sonia Rahal observes, “if for States and the military, the peace pillar is perceived under the security prism as involving politico-military measures; communities and the civil society see it as an absence of violence and a form of social peace”⁶¹. This observation represents an illustration of the challenges that the triple nexus approach must overcome to truly have a significant impact on the outcome of humanitarian crises in Africa.

B - Perspectives

The humanitarian, development, peace and security nexus is still, as we

⁵⁹ H. Dylan, *op.cit*, pp. 17-21.

⁶⁰ OXFAM, *op.cit*, pp. 43.

⁶¹ S. Rahal, «The Triple Nexus put to the test: humanitarian-development-peace», <https://defishumanitaires.com/2021/01/08/rahal-triple-nexus/>, consulted on 03/09/2021

have been able to show, in its first years of experimentation. There are certainly many pitfalls in its implementation, but they do not call into question the importance of the triple nexus, much less the possibility of overcoming them. The growing interest in this New Way Of Working within the international community requires the development of the necessary adjustments in order to achieve better results. To do this, two trajectories can be explored: the consolidation of complementarity between the three priority sectors and the strengthening of operational resources.

1 - Strengthening complementarity and coordination

The interest of the nexus approach is to make actors work together who, in the past, carried out activities individually, in order to achieve satisfactory collective results. Complementarity and pooling of actions are therefore essential as a sine qua non for the success of the nexus. To achieve a perfect harmony between the interveners it is important to promote in the first place a better performance of the humanitarians. Much more than the development and security actors who, in view of their postures in the socio-political environment, are closer to the circles of power, the latter setting up on the international scene as defenders of the general interest and <ethics,> help disseminate standards on human rights, access to water,⁶². Their integrity and their keen sense of professionalism can have a positive effect on their relationships with other actors. This is why measures must be taken to guarantee the impartiality, neutrality and independence of humanitarian action vis-à-vis the political, military and economic objectives, which very often surround the environment of humanitarian interventions. It is above all a matter of making a distinction between the mandates of the different actors in order to avoid a “mixture of genders”, “extremely prejudicial to humanitarian action and to the security of humanitarians and the civilian population”⁶³. The distinction of mandates paves the way for the establishment of civil-military coordination mechanisms geared towards a fair and efficient distribution of humanitarian work. Thus, while the military would take care of

⁶² MA Pérouse De Montclos, For “humanitarian” development? NGOs put to the test of criticism, Marseille, IRD Éditions, 2015, p.17.

⁶³ S. Rahal, op.cit.

the development and rehabilitation of infrastructure, the NGOs would devote themselves to activities relating to the primary needs of the vulnerable population⁶⁴ such as health, food, social protection, human rights etc.

The prerequisite for effective coordination of activities is the construction of a common vision of the nexus. Because, the actions of each other will be productive on the condition that they share the same understanding of the notion of “collective achievements” and of the strategy to be implemented to achieve it. In this context, a complementarity emerges which strengthens communication between the different actors while leading to real harmony in the development and implementation of projects. This will make it possible not to fall into the trap of juxtaposing or competing with humanitarian initiatives.

In this perspective, it will therefore be necessary to organise working sessions between humanitarian aid workers, development actors and those in the security sector, in order to clarify the added value of the nexus as well as the operations to be undertaken to deal with humanitarian crises. The working meetings will be able to offer them the opportunity to define, to prioritize and to specify the process of sequence of the various activities. It will also be an opportunity to develop strategic choices to be made according to the evolution of the crisis. Finally, these regular meetings between the actors offer a set of advantages, namely: better planning of activities; transparency in everyone’s work, information sharing, better coordination of activities. Finally, they could proceed to the elaboration of reports of activities to regularly evaluate their activities and proceed to adoptions and necessary reorientations when need be.

2 - Strengthening the operational framework

The first experiences of the nexus in sub-Saharan Africa revealed a weakness in the mobilisation of resources as well as their rational use. However, without better use of these, the implementation of the nexus approach in humanitarian crises would be a utopia. So in order to increase its success it would be necessary, as recommended by the Development Assistance Committee (DAC) of the OECD to «provide the resources required to create

⁶⁴ Idem.

the necessary impetus for the exercise of a cost-effective coordination between humanitarian action, development activities and peacemaking efforts”⁶⁵. In pursuit of this objective, donors, in particular multilateral development banks, should take the necessary measures to increase allocations as well as funding tools for humanitarian aid, development aid and peace missions. These tools should be flexible and multi-annual to adapt to the context of crisis management in fragile States⁶⁶. In addition, in order to guarantee a rational, balanced and efficient use of resources, it would be necessary to encourage concerted approaches between the actors of the three pillars. The allocation of funds should be oriented according to the priorities and activities to be undertaken. The approach should be sensitive to the role that certain actors who are not directly targeted by the three pillars of the nexus can play, in particular the United Nations, fragile states, the population and civil society. The United Nations, because of the role it plays in the coordination and supervision of humanitarian issues, should receive substantial financial support. Like the global body, fragile States should also benefit from material support. Most of these States are subject to a multifaceted disintegration of governance structures leading to an economic, social and security political crisis, which makes them, by this very fact, unable to assume their sovereign duties. Without the necessary financial support, it is obvious that they could not really facilitate the task of the actors involved in the nexus.

The partnership between the State on the one hand, humanitarian workers, development and security actors on the other hand is necessary to optimize the chances of success of collective action. Indeed, the implementation of the objectives of sustainable development as well as the mechanisms for consolidating peace in the context of a humanitarian crisis require the support of governments and the mobilisation of the capacities of local and regional structures. This involves supporting State institutions so that they can truly exercise the authority necessary for the deployment of interveners throughout the national territory, particularly in the areas most affected by crises. Without this contribution, how can aid be channeled to the vulnerable population?

⁶⁵ Organization for Economic Co-operation and Development (OECD), DAC recommendation on the link between humanitarian action, development and the search for peace, OECD / LEGAL / 5019, 2021, p.9.

⁶⁶ S. Rahal, op.cit.

Beyond the support provided to the various humanitarian missions, the State represents an essential link in the facilitation of trust and cooperation between stakeholders and the population.

The participation of the population and Civil Society Organisations (CSOs) is a guarantee of the success of the nexus approach. The former are, in crises, victims and beneficiaries of humanitarian projects. Far from being passive, they should be endowed with the means that would enable them to participate in the initiatives of the humanitarian development and security nexus. Economically, for example, it will be about placing them at the heart of activities that will allow them to move from the stage of vulnerability to resilience so that they can preserve livelihoods in a sustainable manner. Local civil society organisations are important in tailoring triple nexus programmes to local realities. They are better equipped not only to understand the environment of humanitarian crises, but also to bring to the actors, the humanitarian development needs of the population. They participate in the training of the latter and therefore contribute to the development and implementation of triple nexus projects. The role of CSOs thus marks the preponderant place that local actors should have in the success of the nexus approach. Without their substantial contribution, the financial resources invested in the three pillars of the nexus could not by themselves influence the resolution of humanitarian crises in sub-Saharan Africa over time. The role of CSOs thus marks the preponderant place that local actors should have in the success of the nexus approach. Without their substantial contribution, the financial resources invested in the three pillars of the nexus could not by themselves influence the resolution of humanitarian crises in sub-Saharan Africa over time. The role of CSOs thus marks the preponderant place that local actors should have in the success of the nexus approach. Without their substantial contribution, the financial resources invested in the three pillars of the nexus could not by themselves influence the resolution of humanitarian crises in sub-Saharan Africa over time.

CONCLUSION

Humanitarian crises remain a major concern for the international community today. In many countries of the world, the ever-growing number

of people in situations of extreme vulnerability calls on the international community to urgently provide a comprehensive response. The complexity and transformation of current threats to human survival cannot be addressed without real pooling of resources at different scales of international action. This is the whole point of the humanitarian, development and security nexus approach. Adopted in 2018, it is based on the coordination of activities between the actors of the three aforementioned sectors so that the comparative advantages drawn can lead to collective achievements adapted to the sustainable resolution of humanitarian crises. This New Working Method, by virtue of the nobility of its ambitions, tends to gain unanimity within the community of stakeholders who see it as an original approach bearing hope for a better tomorrow. International institutions, regional organisations, humanitarian organisations, States as well as local civil society organisations have accepted the principle of integrating the triple nexus approach into their practices. It is now a question of opting for an intervention strategy built on the connection and complementarity between the three pillars of the nexus through the pooling of resources, the pooling of actions, the coordination of activities, the participation of local actors, as well as respect for humanitarian principles.

In sub-Saharan Africa, recent experimentation with the nexus in countries such as Burkina Faso, Mali, Niger, Cameroon, and Chad has made it possible to sow the seeds of appropriate local resilience. The emergency humanitarian aid provided to the population, the initiatives aimed at settling them in a sustainable manner in various sectors of economic activity as well as the support for the rehabilitation of the State authority, have contributed to improving the socioeconomic and security environment.. However, these results are still weak compared to the objectives sought. The first years of experimentation with the nexus revealed many constraints and challenges, namely: the absence of a concerted policy between the actors, disagreements on the content of the strategy to be adopted, the resurgence of old crisis management practices, the difficulties of collaboration in the field, the deleterious security context, the isolation of certain localities,

Knowledge of these constraints is an asset to consider in developing appropriate reforms. In this perspective, two major levers must be activated;

first, the consolidation of complementarity between humanitarian workers, development and security actors through the construction of a common vision, the acquisition of a deep sense of professionalism, respect for each person's identity, as well as the organisation of intermittent coordination and planning meetings; then, the building of operational capacities by the allocation of significant financial resources and, and the active participation of local actors.

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LAW, ETHICS AND PRACTICE OF HUMANITARIAN ACTION: INTERFERENCE OR ASSISTANCE?

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Abstract

The humanitarian ideal points to the materialisation of the imperative of humanity, which derives from the recognition of the other as a human being, and induces the need for the protection of his/her life and the preservation of his/her dignity. However, the realities of practice reveal that humanitarian action, for being an emanation of its context, is often transformed into a vector of geopolitical regulation. In this regard, it also serves as a lever for the deployment of operations of influence and alibi for mercantilist logic. Hence the need, especially for African States, to equip themselves with a vision, public policies and dedicated instruments with a view to strengthening controls and transparency.

INTRODUCTION

Humanitarian action refers to the activities carried out in a context where humanity is in danger, and which warrants an urgent response. It generally results in the setting in motion of an affluence of local and / or international

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actors under the pretext of preventing identified dangers, supporting and protecting people, or promoting respect for fundamental rights. This deployment is not automatic, because it requires obtaining the prior agreement of State or non-State entities (civilian or [para] military). For some analysts, only so-called “humanitarian” private organisations and United Nations (UN) organs are authorised to carry out these activities (L. Minear, H. Smith, 2007, pp. 1- 4 and 36 - 62). For another understanding of the doctrine, however, every activity whose goal is to preserve human dignity, aside from the nature of its initiator (States, international organisations, humanitarian organisations, personalities, etc), is to be considered as a humanitarian action (M. Veuthey, 2012, pp. 195 - 209). In any case, humanitarian action is not yet framed by a complete and absolute legal regulation, capable of governing interactions between stakeholders through a set of institutions, principles, procedures and rules². The result is that it tends to merge, most of the time, with political action. Hence, the recurrence of questions about the impartiality of activities initiated and conducted on this level. To be convinced of this, it is sufficient to explore the realities of contemporary humanitarian action, after re-examining the characteristics of the ideal of humanitarian action.

I - THE IDEAL OF HUMANITARIAN ACTION

The ideal of humanitarian action has an essence, which is materialised by the actors, following logics and practices which make it possible identify the specificity of the principle of impartiality.

A - The essence and humanitarian actors

Humanitarian action draws is based on the recognition of the imperative of humanity. This postulates the recognition of the other, whoever he/she may be, as a human being, and infers the need for the protection of his/her life and the preservation of his/her dignity (H. Dunant, 1990)³.

²- As is the case for diplomatic activities, whose legal regime is based on: the Vienna Convention of 18 April 1961 on diplomatic relations; the Vienna Convention of 24 April 1963 on consular relations; and the Vienna Convention of 23 May 1969 on the Law of Treaties.

³- Henri Dunant’s work, published in 1862, is considered to be the philosophical foundation of IHL and of the action of

This imperative of humanity is the basis of International Humanitarian Law (IHL), which is intended to govern the conduct of international and non-international armed conflicts, with a view to limiting their consequences. It therefore infers the principle of disinterested and non-discriminatory assistance towards any victim or vulnerable person in a conflict, as well as that of the protection of persons who are not or no longer taking part in hostilities⁴. Taking into account the changes in the forms of conflictuality, which are characterised by the impact of technological progress and more active and iterative involvement of civilians, IHL also extends to the conduct of combat in order to limit the violence of conflict on soldiers or its consequences on the environment and intangible assets⁵. However, IHL suffers from the weakness that it only binds the States parties to the texts concerned⁶. Moreover, strict and immediate respect for the relevant principles remains subject to the political will of these sovereign States.

In the humanitarian galaxy, the International Committee of the Red Cross (ICRC) enjoys a special status. A private association under Swiss law created in 1863, the ICRC draws its specificity from the Geneva Conventions through which it is invested with the mandate of assisting and protecting victims of armed conflicts, as well as preventing suffering through the promotion and strengthening of the principles of IHL. The international legal personality enjoyed by the ICRC enables it to obtain, in several countries, a diplomatic status similar to that of the representation of a State or that of the United Nations. In the same sense, the ICRC enjoys observer status at the United

the ICRC. Indeed, it is at the origin of the undertaking of codification begun in Geneva on August 22, 1864 (Convention on the improvement of the lot of wounded soldiers) and continued in the XXth century of the IHL of the armed conflicts known as «Geneva law» (Conventions of 1864, 1929, 1949, 1977).

⁴ - They may be: civilians, sick and wounded from the armed forces, castaways, prisoners of war and members of medical personnel or humanitarian organizations who have come to help.

⁵ - International humanitarian law is a branch of international law. Its central hinge is made up of the four Geneva Conventions of 1949 and their three additional protocols. This is complemented in particular by: the United Nations Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two protocols; the United Nations Biological Weapons Convention; the United Nations Convention on Conventional Weapons and its four protocols; the United Nations Chemical Weapons Convention; the United Nations Anti-Personnel Mine Ban Convention; the United Nations Convention for the Protection of Persons from Enforced Disappearance; the United Nations Convention on Cluster Weapons; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in conflict; the Arms Trade Treaty.

⁶ - Insofar as conflicts involve men and women, it is essential to take into account the specificities of women on gender.

Nations General Assembly.⁷

The major actors in the humanitarian field have the ICRC as their benchmark, especially for the legal regime from which it benefits. This is how many have succeeded in being granted legal status, rights and privileges associated with it. These privileges are often declined in terms of tax and customs exemptions, inviolability of their premises and documents, immunity from jurisdiction. These attributes are intended to be exclusively functional. Indeed, they aim to enable them to negotiate with all parties to conflicts, including armed non-state actors, without this being interpreted as interference and without them being forced to reveal the content and context of these exchanges.

States have not abandoned this field of activities to the ICRC and other Non-Governmental Organisations (NGOs). Several have made it an essential vector of their foreign policy⁸. This inclusion of humanitarian considerations in the development and implementation of their foreign policy results, for these States, in a redefinition of their approach to the national interest by integrating moral elements (A. Brysk, 2009). In reality, far from being the materialisation of an unconditional universal altruism, it is above all the deployment of a logic combining the national interest and the promotion of values specific to these countries and their geopolitical group to which they belong. This type of humanitarian action can take bilateral or multilateral channels, and consist of the following activities: reception of refugees; establishment of a mediation, sanctions or reward process; establishment of mechanisms for promoting peace through conflict prevention or post-conflict reconstruction; establishment of development aid mechanisms; participation in the work of bodies dedicated to the humanitarian cause, codification and promotion of international humanitarian law.

⁷ - This principle is laid down by rule 73 of the Rules of Procedure and Evidence of the International Criminal Court. In its decision of 27 July 1999 concerning the case of *The Prosecutor v. Simić et al.*, The first instance chamber of the International Criminal Tribunal for the former Yugoslavia corroborates this principle, basing this privilege on «the immense general interest» represented by the action of the ICRC.

⁸ - This is the case with Norway or the Netherlands. In a text published in 2013, the Turkish Foreign Minister confessed to working for the development of his country's humanitarian diplomacy along three axes: the well-being of Turkish citizens, the promotion of a human approach to conflict resolution, and proactive action within the UN (A. Davutoglu, 2013). During a symposium organized in 2016 on Turkish-Japanese relations, it emerged that Japan shares this vision of humanitarian diplomacy (Orsam, 2016). The same is true of Canada, within the framework of its concept of «human security».

The United Nations is a key actor in the humanitarian galaxy. Unlike States, which are essentially concerned with their national interest, its mission is to work exclusively for the protection of humanity in danger. This is why the configuration of its activities in this area follows a very operational logic, which commits some of its agencies to establish their presence and that of their staff close to their theaters of operations, for efficient and effective monitoring of assistance programmes and compliance with IHL. In return, they are recognised with a legal status, rights and privileges appropriate to their missions⁹. Supervised since 1991 by the Office for the Coordination of Humanitarian Affairs (OCHA), the UN's action is carried out mainly by five organisations, namely: the United Nations Children's Fund (UNICEF); the United Nations High Commissioner for Refugees (UNHCR); the World Health Organisation (WHO), the World Food Program (WFP), and the United Nations Development Program (UNDP). This action is structured around the following major axes: humanitarian crises (natural disasters and armed conflicts), victim relief, protection of vulnerable people and crisis prevention.

Beyond the divergences of perceptions on this issue¹⁰, humanitarian action braves emergency situation and deep divisions in order to find solutions for situations which are a priori insoluble. Using constantly innovative negotiation and persuasion techniques, she demonstrates an unusual adaptability driven by the imperative of humanity. Hence the affirmation of logics and practices allowing the diversity of actors and fields of intervention to be taken into account.

B - The logics and practices of humanitarian action

The vision of humanitarian action, and above all of its relationship to politics, is structured around two main approaches.

The oldest approach is described as pragmatic and was initiated by the ICRC. It is the one that prevailed, exclusively, in humanitarian action until the first half of the twentieth century. It gained renewed interest from the mid-1980s

⁹ - It is in accordance with this logic that certain members of the UN personnel have special passes, benefit from diplomatic immunity and can negotiate with political figures.

¹⁰ - For some, it is a separate, discreet and limited enterprise (H. Smith, 2007, 38). While for others, it is a form of alternative diplomacy (P. Ryfman, 2010, 576).

onwards¹¹. It enshrines the principle of confidentiality as a quasi-dogma. This suggests that preference should always be given to *modus operandi* based on persuasion through discreet and confidential negotiation, For humanitarian action is determined by emergency and therefore induces neutrality by disciplining sympathy and rejection in favour of urgent needs, including the preservation of lives (R. Bauman, 2009, 107). In this regard, neutrality guarantees access to the field and to the victims of humanitarian crises.¹² As a result, through this conception of neutrality, the pragmatic approach rejects the emotional logic, which is characterised by public actions through naming and shaming or other campaigns designed to arouse public emotion;¹³; this emotional logic often conceals political logics. In line with this approach, NGOs should limit themselves to dealing with states mainly for obtaining visas for humanitarian actors, access to victims, negotiating food aid and coordinating aid (M. Veuthey, 2012, 95-196). Incidentally, the mobilisation of potential allies capable of exerting discreet influence on the parties to the conflict to ensure compliance with IHL could be envisaged (M. Harroff-Tavel, 2005).¹⁴

In any case, the pragmatic approach considers that humanitarian logic should remain different from political, economic and emotional lines of action. For example, it should not be inspired by the economic logic of development aid agencies whose standardised therapy aims to solve problems through economic transformation (C. Calhoun, 2010). Indeed, the *«know-how»* or the care to be provided should take precedence, as a matter of principle, over the duty to *«make known»* or the duty to bear witness (D. Maillard, 2008). By giving priority to denouncing the abuses committed in the territory where it is located, the NGO runs the risk of losing access to the victims. Humanitarian workers

¹¹ - This was the case at the initiative of Rony Brauman, president of Médecins sans frontières (MSF) from 1982 to 1994. Refusing to exclude the principle of humanitarian confidentiality, and thus coming closer to the ICRC's vision, he considers that care must take precedence over the duty to testify.

¹² - When NGOs are not perceived as threats by the states in which they operate, the latter hamper their actions very little (C. Calhoun, 2010).

¹³ - On this subject, Rony Brauman affirms that: «Individuals have emotions, but a humanitarian institution must, on the contrary, serve to *«smooth»* emotions, to get rid of their hold in order to act according to the situations observed and not to the outbursts of the moment» (R. Brauman, 2009, 111).

¹⁴ - In this case, when it comes to third States, the ICRC merely reiterates their obligation to *«ensure respect»* for IHL, by virtue of Article 1 common to the four Geneva Conventions. When it comes to other actors, the ICRC leaves them the freedom to define their means of intervention, but with due respect for IHL. The choice to have recourse to allies may, however, undermine the ICRC's *«Principle of Independence»*.

operate in an emergency situation. This implies that they must first deal with the most urgent needs, saving lives, before considering a possible structural transformation of the State concerned.

From the 1980s onwards, a different approach emerged and asserted itself publicly. It claimed to break with the vision and practices of humanitarian action advocated by the ICRC. This approach has claimed to be public, above all because it rejects the principle of confidentiality. It also advocates the denunciation of abuses observed in the context of crises in order to move and arouse the interest of public opinion. According to the promoters of this approach, this means that humanitarian action is political. Hence the desire to theorise the State's humanitarian action through the concept of the right to intervene, and later through that of the responsibility to protect - R2P (M. BETTATI, 2007, p.381-389)¹⁵. For its deployment, this public approach can take two paths.

The first is indirect and consists of methodical and sustained lobbying with governments and international institutions to force the crisis onto the agenda. Among the techniques used in this respect are the organisation of awareness-raising and naming and shaming campaigns, which are likely to make rare information public. Awareness-raising would take the form of framing, the aim being to provoke emotion and prompt action by third countries on the pretext of the imperative of humanity. The naming and shaming campaign would target States that are considered accomplices because of their alleged inaction (T. Risse and K. Sikkink, 1999, 23). The expected reactions may take the form of condemnation, sanctions or intervention (M. Keck and K. Sikkink, 1998).

¹⁵ - The doctrine of the "responsibility to protect" (R2P) stems from a desire to impose a new conceptualization of sovereignty, in order to counter the argument of States invoking the principle of non-interference in their internal affairs. Promoted at the 2005 United Nations World Summit, R2P postulates that every state has a responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity, including by preventing these crimes and incitement to commit them. Otherwise, it is up to international society (and, where applicable, the United Nations Security Council) to take it up and ensure the effective protection of the populations. Member States of the United Nations have a responsibility to react swiftly by taking collective action when a State is manifestly in breach of its obligation to protect. This amounts to saying that the three pillars of the responsibility to protect are: the responsibilities of the State in matters of protection; assistance from the international community; the prompt reaction of UN member countries when a state clearly fails to meet its obligation to protect. However, this is a concept that does not yet benefit from international consensus. See 2005 World Summit Outcome Document, A / Res / 60/1, §138-140, and formulated by UN Secretary General Kofi Annan: Report on the Implementation of the Responsibility to Protect, A / 63/677 (2009); Report of the Secretary General of the United Nations, Responsibility to protect; State responsibility and prevention, published on July 09, 2013 (A / 67/929); Responsibility to Protect: Responding Quickly and Decisively, published 25 July 2012 (A / 66/875).

The second path, known as direct action, can take the form of orchestrating public actions that directly denounce the deviant actor, without relying on the intermediation of a State, by means of naming and shaming campaigns (R. Friman, 2015). It can also involve participation in the negotiation and drafting of international treaties (P. Ryfman, 2010, 573). It can also be about monitoring the implementation of treaty provisions in States parties¹⁶.

While there is still debate within the humanitarian community about the meaning and use of various principles, including neutrality and independence, there appears to be a broad consensus among most actors in the field about the principle of impartiality¹⁷.

C - Specificity of the principle of impartiality in humanitarian action

Notwithstanding the changes occurred over time since it was forged by the ICRC, the principle of impartiality is recognised as one of the least contested humanitarian rules in the domain (M Péchayre, 2014, pp. 125-142). As defined by the 1994 Code of Conduct¹⁸, This involves a non-discrimination clause¹⁹, followed by a proportionality clause for relief²⁰.

However, under the leadership of OCHA²¹, this principle tends to be reduced to the relief proportionality clause, thereby transforming the non-

¹⁶ - This is the case in the framework of the Ottawa Convention on the prohibition of anti-personnel mines of 1997, as well as in that of the Kimberley Process regulating the sale of rough diamonds, which provided for this role.

¹⁷ - The principle of impartiality is endorsed by all humanitarian organizations, States and private donors, as attested by the list of signatories of the «Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief» (Steering Committee of Humanitarian Response, 1994). Regarding the case of France, please consult: Ministry of Europe and Foreign Affairs, Humanitarian Strategy of the French Republic 2018-2022, Paris, 2018.

¹⁸ - Its exact title is «Code of Conduct for the International Red Cross and Red Crescent Movement and for Non-Governmental Organizations (NGOs) in Disaster Relief Operations». It can be viewed and downloaded at: <https://www.icrc.org/en/doc/resources/documents/publication/p1067.htm> (Accessed September 06, 2021).

¹⁹ - «The aid is given without any consideration of race, creed or nationality of the beneficiary, and without discrimination of any kind».

²⁰ - «Assistance priorities are determined on the basis of needs alone». This is the most frequently cited clause; the formula «according to the only needs» (on the basis of need alone) becoming moreover a mantra for many organizations.

²¹ - According to the official speech, all of OCHA's activities are guided by the following four humanitarian principles: humanity, neutrality, impartiality and independence. These principles are considered to constitute the foundations of humanitarian action, as well as essential elements of effective humanitarian coordination. See OCHA on Message: Humanitarian Principles, June 30, 2012,

<https://reliefweb.int/report/world/ocha-message-humanitarian-principles-enar> (Accessed September 06, 2021).

discrimination clause into a mere consequence of the proportionality of needs (J. Darcy, C.-A. Hofmann, 2003)²². Yet the original ordering of these two clauses follows an inverse logic, beginning with a prohibition of discrimination between human beings. This expresses an equality clause, which is based on the principle of the equality of all men. On the other hand, the second clause introduces new discriminations, which infer inequalities between men, and therefore, would require a differentiation strategy to remedy them²³.

More worryingly, the non-discrimination clause sets out a (non-exhaustive) list of illegitimate discrimination.²⁴ Whereas the proportionality clause of the relief merely sets out a general rule, without mentioning any illustration of discrimination to be considered legitimate. This leads to the conclusion that, according to the Code of Conduct, proportionality implies that priorities are «determined solely on the basis of need»²⁵. In this case, the principle of impartiality is easily transformed into a principle of statistical distribution following a mathematical calculation or a mathematical objectification of human suffering.

As a result, the principle of impartiality, as conceived in the context of humanitarian action, raises an ethical and legal question, namely how to distinguish between legitimate and non-legitimate discrimination. Such a vision of humanitarian justice appears to be very different from that of the beginning of this sector of activity in the 19th century. It simply shows that humanitarian principles are the product of a history, which combines legal, strategic and algorithmic factors (J. Glasman, 2020, p. 8; D. Palmieri, 2015).

Reducing impartiality to an algorithmic principle of resource distribution opens up a Pandora's box given the diversity of actors, areas of intervention

²² - Resolution 46/182 of the United Nations General Assembly of 1991 (A / RES / 46/182) establishing an international aid coordination body (future OCHA) recalls the principle of impartiality. OCHA defines impartiality in a way explicitly inspired by the fundamental principles of the Red Cross: «Humanitarian action must be carried out on the basis of need alone, giving priority to the most urgent cases of distress and making no distinctions on the basis of nationality, race, gender, religious belief, class or political opinions », OCHA on Message: Humanitarian Principles, April 2010, https://www.unocha.org/sites/dms/Documents/OOM_HumPrinciple_English.pdf (Accessed September 06, 2021).

²³ - This logic is confirmed by its inventor, Jean Pictet. See on this subject: J. Pictet, «The principles of the Red Cross (II)», in *International Review of the Red Cross*, 37/441, 1955, p. 559-577; «The principles of the Red Cross (III)», in *International Review of the Red Cross*, 37/442, 1955, p. 633-640.

²⁴ - «race», «creed», «nationality», etc.

²⁵ - The English version of the Code of Conduct is more explicit, in that it states that priorities must be calculated on the basis of needs alone (aid priorities are calculated on the basis of need alone).

and practices. This implies facing perpetual challenges, above all to prevent the pitfalls of the instrumentalisation of humanitarian action and competition between different actors where coordination of efforts should be favoured. This leads us to review the realities of contemporary humanitarian action.

II - THE REALITIES OF CONTEMPORARY HUMANITARIAN ACTION

A closer look at the realities shows that humanitarian action is essentially a product of its context and can be transformed into a vector of geopolitical regulation. It can therefore be used as a lever for the deployment of influence operations orchestrated by different powers (state or private) and as an alibi for mercantilist logics.

A - Humanitarian action as an emanation of geopolitical regulation and context

The trends in humanitarian action reflect the determinisms inherent in its context.

The first of these stems from the nature of international law. As a consensual law, international law emanates from the political will of states. This is reflected in the process of its creation and implementation²⁶, which is entirely driven by the interests of states. This shows that international law is entirely subject to State sovereignty. This infers that any rule of international law has a political dimension and significance. Because, notwithstanding the fact that the interests of States are not exclusively political²⁷, it remains constant that they are always politically marked; since the dominant interests of the State remain political in nature. It can be deduced from this that the international political order and the international legal order are closely intertwined (F. Sudre, 2016, p.25).

These intrinsic characteristics of international law have particular effects

²⁶ - The implementation of international law is ensured by state political bodies placed under the authority of governments.

²⁷ - The interests of States can also be economic or other.

on the modalities of humanitarian action. This is all the more so since IHL is also a traditional law built on the reciprocity of the interests of the States between which hostilities have been unleashed. As it applies to relations of war, which are par excellence interstate relations marked by the seal of sovereignty, IHL is fundamentally a “classic” law, the implementation of which remains determined by the States²⁸. The same is true of international criminal law, the purpose of which is to punish especially serious violations of the basic human rights or of the principles of IHL committed by private persons acting as public officials; and not to ensure the international protection of the individual’s rights²⁹. In this regard, it is symptomatic that the Rome Convention of 17 July 1998 does not give individuals the right to refer cases to the International Criminal Court (ICC) and initiate criminal proceedings. For, if, by the affirming the international criminal responsibility of the individual, international criminal law recognizes the individual as a subject of international law, it is only as a holder of obligations and not as holder of rights.

As for international human rights law (IHRL), it is more of an ideological law, and not a political law; this turns it into a <politicised> law (F. Sudre, 2016, p.34 and 44). This situation is inherent to the ambiguity that characterises human rights; they are simultaneously an object of international law (the definition of rights and protection mechanisms) and a factor in international relations. Thus, both bilaterally and multilaterally, including within the UN framework, there is ambivalence between the objectives proclaimed by States (respect for human rights) and the objectives actually pursued by their foreign policy. Indeed, human rights have no real influence on international relations, although they are recognised as a dimension of the international environment. Human rights appear more as instruments at the service of State policies that aim at objectives other than safeguarding the dignity of individuals. We can therefore deduce with Frédéric Sudre that by reaching the level of international law, the question of respect for human rights has taken on a major political interest for the independence of the State and has been transformed into a

²⁸ - Cf. Articles 8, 9 and 10 of the first three Geneva Conventions; as well as 9, 10 and 11 of the Fourth Geneva Convention.

²⁹ - This is why the internationally defined offenses relate to subjects (assassinations, trafficking in human beings, slavery, torture, rape, etc.) which are also of interest to the international protection of human rights.

political issue: accusations of human rights violations betray more a desire to destabilise political regimes than a real consideration of the interests of the victims (F. Sudre, 2016, p.44).

These effects of the nature of international law on humanitarian action are reinforced by the contemporary geopolitical context. Although any historical comparison must be made with caution, a parallel with the Cold War era does not seem ridiculous³⁰. Indeed, we are witnessing the affirmation of a systemic and multidimensional confrontation in at least four areas, namely the geostrategic, economic, technological and governance (particularly on the universality or not of values)³¹. The basic issue at stake is whether or not to maintain the preponderance of the liberal international order, as governed until now by almost absolute law and norms, and deployed by an uncontested multilateral institutional network³². This shows a strong trend towards a growing polycentricity of the international system, marked in particular by the meteoric rise of rival powers, sometimes based on thousand-year-old civilisations³³. These emerging geopolitical dynamics take advantage of the multiple structural and cyclical crises in which the political, economic and social systems of the countries that have historically been the vectors of this liberal international order have settled.³⁴.

In this scenario, Africa, recognised as the world's reservoir continent,

³⁰ - At least two arguments help to temper the accuracy of the comparison with the Cold War. There is a strong economic interdependence between states and the current era of globalization; which cannot be compared to the division between blocs in the Cold War years. There are also nuances in the current ideological confrontation compared to that of the Cold War.

³¹ - The Secretary of State of the United States of America, Antony Blinken, during his first speech on foreign policy, declared: «We must defend our values when human rights are violated (...) or when the democracy is trampled underfoot».

³² - On this subject, President Emmanuel Macron declared during the Conference of Ambassadors of France on August 27, 2019: «We are undoubtedly experiencing the end of Western hegemony over the world. We were used to getting used to it. to an international order, which since the 18th century was based on Western hegemony. Things are changing». Acting «the emergence of new powers (China, Russia, India ...)», he specified that these become «powers not only economic but political and which think of themselves, as some have been able to write it. , like true states-civilizations. And which come not only to shake up our international order, which come to weigh in the economic order,

³³ - On March 18, 2021, Secretary of State Antony Blinken said China's actions «threaten the rules-based order that maintains global stability.»

³⁴ - President Emmanuel Macron affirmed, on this subject, during the Conference of Ambassadors of France on August 27, 2019: «If we continue to do as before ... then we will definitely lose control. And then it will be erasure. . I can tell you with certainty. We know that civilizations disappear, countries too, Europe will disappear».

appears more as a terrain for covetousness and confrontation between competing powers (C.D.G. Awoumou, 2005). It is a question of diluting the appeal of the development model and the political model of the ascendant powers; of guaranteeing a continuous hold on the immense and multiple natural resources found there; and of advantageously controlling all aspects of the demographic dynamics of this continent. To this end, various manoeuvres are being orchestrated in all directions, with the participation of all segments of society in countries that promote and defend the liberal international order, including so-called humanitarian actors. As a result, humanitarian actors, particularly through their reports, press releases, various statements and other initiatives or manoeuvres, are also used in several ways as leverage for influence operations in previously targeted countries or theatres of operation ³⁵.

B - Humanitarian action as a lever for deploying influence operations

Since the early 2000s, there has been a subtle use of grey zone situations or hybrid warfare strategy (JN Mattis and F. Hoffman, 2005, P.18-19)³⁶. This approach results in the blurring of the borders between a situation of peace and a situation of war, through the deployment of military and non-military means; and therefore the appearance of new threats and actors combining conventional warfare and other asymmetric means, such as terrorism or guerrilla warfare³⁷.

³⁵ - This is how the competent authorities have often argued irrefutable evidence of the effective and active connivance between certain NGOs (including OCHA, Human Rights Watch or MSF) and terrorist secessionists in the Cameroonian regions in crisis. Among the deplored acts, there are: the fabrication of false reports aimed at tarnishing the image of the Cameroonian Army; the discovery in the supposedly humanitarian convoys of arms and ammunition, cell phones, Thuraya satellite phones and binoculars intended for secessionist terrorists; the transformation of certain medical reception centers of these NGOs into refuges for the so-called terrorist secessionists; etc. ; On this subject, see, for example: the press briefing of February 27, 2020 by the Minister of Communication, René Emmanuel Sadi;

³⁶ - Since its conception in November 2005 by James Mattis and Frank Hoffmann, the notion of «hybrid war» has undergone modifications and now seems to carry three characteristics: ambiguity (inherent in the uncertainty about the reality and the nature of the attack, the actors then playing on plausible deniability), asymmetry, and the blurring of the classic dichotomy between war and peace by the implementation of operations in gray zones remaining below the threshold of war. This notion, although imprecise, has the advantage of highlighting the upsurge in this type of activity over the past two decades.

³⁷ - The notion of «hybrid war» (it is not strictly speaking a «concept») has imposed itself in the strategic debate (both NATO and the EU have adopted it). However, it remains criticized by the academic world on the pretext of its not very heuristic character. Indeed, various researchers consider that the phenomenon would not be new, because wars have always included a hybrid dimension; and therefore the notion is of little use. In any case, it should be noted that this concept is mainly used by Western powers to qualify Russian and, more recently, Chinese strategies, more rarely those of

So-called humanitarian actors play an essential role in this scenario, either actively or passively, which translates into orchestrated tactical operations in the various target countries. Under these, there is the compound combination of the war of public opinion, psychological warfare and the war of law.

In this context, the war of public opinion consists in making the cognitive orientation of the publics, to excite their emotions and to constrain their behavior, in order to shape a public opinion favourable to the maneuvers of the powers by the use of various media and information resources. This type of operation, which is implemented in wartime as in peacetime, aims to impose a narrative³⁸.

As for psychological warfare, it works for the rupture of the bond of trust between rulers and ruled, or the disruption of the decision-making process of the target country, with a view to demoralising its driving forces, dissuading any action, and eroding any possible will to fight or resist, the objective being to win without having to fight³⁹.

The war of law, on the other hand, is not so much a <legal war> as a confrontation of discourses or a strategic use of the law, the aim of which is to limit the freedom of action of the target country or, conversely, to increase that of the power concerned. The objective is to legitimise the manoeuvres of the power in question.

The deployment of these influence operations sometimes follows the logic of concentric circles. Thus, within the target country, the aim is to prevent the emergence and affirmation of social forces hostile to the power concerned, as well as to exert an influence on the political life of that state or its foreign policy, including by undermining its will, sowing discord or fanning existing tensions⁴⁰. While at the level of the diasporas, it will be a question of

other states. Therefore, it is an eminently political notion which also aims to stigmatize an adversary.

³⁸ - By way of illustration, each time the mainstream media and these NGOs evoke a situation concerning Cameroon, they also systematically allude to the age of its Head of State or to the duration of the latter's reign; artifice that betrays an obvious subliminal message. Another example is the biased comments made whenever it comes to Sino-African cooperation.

³⁹ - For example, via various channels (including fake accounts on social networks), the idea of a pronounced decay of the State and of said society can be conveyed to the attention of the populations of the target country ; which would make it incapable of any progress.

⁴⁰ - As such, the multiple influence operations implemented at the start of the COVID-19 pandemic can be noted. This was the case with the all-out maneuvers resulting from the confidential note from the Center for Analysis, Forecasting and

transforming them into the allies most likely to import the ferments of instability into the target State, by taking advantage of their mastery of the language and cultural codes of their country of origin as well as the fact of having been exposed to liberal ideas.

The vast majority of contemporary actors in the humanitarian field take an active and essential role in this regard. They are involved in operations designed to establish brain power by shaping and controlling cognitive capacities in target countries, as well as shaping information, beliefs and mentalities, in order to ensure the continued influence and even hegemony of the powers that be. The idea is to hinder the emergence of any threat to the interests of these powers, as well as to control the narratives in the target country and in the diaspora before acting beyond.

In the perspective of this action beyond, and benefiting from the close collaboration of the mainstream media, these humanitarian actors contribute, in a subliminal or affirmed way, to the legitimisation of a preconceived narrative and often specious narrative⁴¹, dubious statistics⁴², as well as a continued confusion between IHL and IHRL⁴³ by legal qualification inconsistent with the

Strategy (CAPS) of the French Ministry for Europe and Foreign Affairs, entitled «The pangolin effect: the storm that come to Africa? « It is argued in particular that the COVID-19 crisis could be in Africa «the crisis too many, which permanently destabilizes, even which brings down fragile regimes (Sahel) or at the end of the race (Central Africa)». It is therefore proposed that France, in this chaos, find interlocutors who are both reliable and legitimate to compensate for the possible bankruptcy of States. As listed interlocutors,

⁴¹ - This is the case with the narrative distilled by humanitarian actors (in their reports, press releases, and various interventions) about the origins of the crisis in the North-West and South-West regions of Cameroon. It aims to legitimize the action of the separatist groups by working for the credibility of the allegations maintaining that in 1961 two independent States decided to unite and create the Federal Republic of Cameroon; and that the triggering factor for the current crisis would be the «repression» undertaken in 2016 by the security forces against a «citizen and peaceful demonstration», relayed by the «serious violations of human rights» caused by the operations of the defense forces in this area.

⁴² - For example, in the case of the crisis in the North-West and South-West regions of Cameroon, humanitarian actors have always refused to present, in a contradictory manner, the scientific methodology or objectify on the basis of which they manage to obtain statistics (refugees, internally displaced persons, etc.) which they enjoy disseminating.

⁴³ - IHL and DIDH are distinct. In fact, they do not have the same nature, and their material scope is different (ensuring the protection of the human person, in a situation of armed conflict, so to speak, in one case, and in a situation of «ordinary» or «daily», in the other). Moreover, the European Court of Human Rights (ECHR) considers, in the context of an international armed conflict, that the State party is authorized to derogate, under cover of the Geneva Conventions, from Article 15 (derogation in the event of a state of emergency or exceptional circumstances) of the European Convention on Human Rights ... without resorting to the derogation clause of Article 15 of the Convention (cf. Hassan v / United Kingdom, 16 Sep 2014, GC; JCP G 2014-41, act, 1022, B. Pastre-Belda; RTDH 2015-102, 481, note P. Frumer). However, these two branches of international law have an identical concern and necessarily converge on a certain number of fundamental rules: obligation to protect every individual whatever his nationality, unenforceability of the rule of the

facts⁴⁴ and to the nature of the parties involved in the crisis⁴⁵. Through this role, and in accordance with the geopolitical agenda of the powers concerned, these humanitarian actors work to bring the matter before either the United Nations Security Council or the Human Rights Council, with a view to placing the target country under international trusteeship on the pretext of the responsibility to protect due to a humanitarian crisis or serious human rights violations⁴⁶.

In fact, it is quite telling that while its foundation - the imperative of humanity - also leads to interventions in situations where populations are vulnerable as a result of natural disasters, health or even social crises, there is an impression that the spectrum of humanitarian action (especially in Africa) seems to be confined to interventions in conflict situations. This is probably because it also conceals mercantilist logics.

C - Humanitarian action as an alibi for mercantilist logic

After seventeen years of humanitarian engagement, and as a consequence of the disgust stirred by her observations, Sylvie Brunel resigned as President of the NGO *Action Internationale Contre la Faim* (AICF). She had held various positions

exception of non-performance, obligation to respect (and, even, according to Article 1 of the Geneva Conventions, to «enforce») «in all circumstances» certain substantive rights. The International Court of Justice, in line with its opinion of July 8, 1996 on the legality of the threat or use of nuclear weapons, emphasizes, in its opinion of July 9, 2004, on the legal consequences of the «building a wall in the occupied Palestinian territory (RGDIP, 2004, 1017, chron. P. Weckel), on the complementarity of these «

⁴⁴ - This is the case with the pernicious activism deployed by humanitarian actors with a view to the internationalization of the crisis in the North-West and South-West regions of Cameroon. However, this is an internal problem. This reality is corroborated by the commentary of the International Committee of the Red Cross (ICRC) (1987) relating to Additional Protocol No. 2 of 1977 which gives indications on the qualification of situations with a content to the concepts of responsible command, control over part of the territory, or the continuous and concerted nature of military operations or the ability to apply the protocol. It proceeds from the typology defined by this conventional provision that Cameroon is facing a security crisis that it is working to contain with the means relating to the maintenance of reinforced order, as authorized by the paragraph 1 of article 4 of the International Covenant on Civil and Political Rights.

⁴⁵ - By way of illustration, it can be evoked the concepts used in crises in Africa by humanitarian actors to qualify the forces of republican defense and security on the one hand, and the unarmed and / or armed groups of the other side. This approach is part of a logic of desacralization and trivialization of the former, as well as of legitimation of the latter. This approach betrays a desire to create parity of status between these two forces, by conferring de facto a legal status (however not in conformity with international law) to these movements (insurrectionists, separatists, terrorists, etc.). This approach of humanitarian actors turns out to be exclusive to crises in Africa and in developing countries.

⁴⁶ - This was the approach followed when the Security Council authorized on March 17, 2011 a collective armed intervention in Libya (Resolution 1973), then on March 30, 2011 an individual intervention in Côte d'Ivoire (Resolution 1975). As indicated above, the principle of the «responsibility to protect» (R2P) confirms the right to override the national sovereignty of a State, within the framework of a mandate from an authority empowered to do so.

there for twelve years, having also been responsible for research at MSF. She deplors the transformation of NGOs into businesses concerned above all with «market shares», to the point where the givers of lessons have fallen into the faults they denounce: bureaucracy, the high level of remuneration.⁴⁷ Indeed, although drawing most of their resources from donations from individuals on the pretext of the imperative of humanity⁴⁸, the leaders and permanent executives of these associations are characterised by the high salaries they are paid; the installation of their premises and residences in the upscale neighborhoods of the main cities of countries in crisis; the purchase and importation for their profit of luxury vehicles at prohibitive costs; the allocation of nearly 80% of the financial resources of the said associations for administrative costs; etc. Therefore, it is not surprising that the organisation and functioning of these NGOs betray illegal or morally questionable practices.

Thus, it has been noted that funds have been misappropriated compromising the social purpose of the NGOs concerned for the purchase of luxury vehicles or the allocation of large salaries and other benefits; leaders of these NGOs have embezzled for personal enrichment; public funds have been embezzled; corruption and influence peddling have been rife as well as sexual exploitation and other moral crimes against the people rendered vulnerable by the crises in question (refugees, internally displaced persons, etc.). These NGOs, which demand transparency from everyone and teach others lessons, are reluctant to impose it on themselves. These associations have generated nomenclatures which no longer have anything humanitarian, neither in their remuneration, nor in their mentality. The business is running and it is a question of not disrupting it. There are few evaluations of operations and, where they are done, they are not disclosed.

These compromises result, in large part, from the fact that the major imperative of almost all NGOs is to raise funding, mainly through donations from large public

⁴⁷ - On this subject, Sylvie Brunel declares: «I quickly realized that I was faced with a business. The gap is widening between the expectations of citizens, especially humanitarian donors, and the reality of NGOs. Unfortunately I have the impression that these organizations are now riding more for themselves than for their supposed beneficiaries. I was hoping to be able to reverse the trend, but I do not have the means to change this situation. certain that the donors are well informed of the drift of the structures they support », https://www.liberation.fr/evenement/2002/03/07/les-organisations-humanitaires-sont-devenues-un-business_396152/ (Accessed September 06, 2021).

⁴⁸ - By way of illustration, the estimates for the Swiss Confederation suggest an average annual generous contribution of 350 Swiss francs per capita to the fight against crises, hunger and poverty.

and private donors. This results in competition for «market share» in the humanitarian sector. The opening and closing of humanitarian missions are therefore assessed only through the prism of essentially financial criteria. Rather than focusing on their usefulness for the population, these criteria conditioning the life of the missions aim to respond more to questions such as: Do institutional donors continue to finance these missions or not? Is the surplus from these programmes sufficient to fund headquarters costs? And although NGOs present themselves as independent and claim to be deployed where there is a need, it is now established that the functioning of their Boards of Directors conforms to an exclusively accounting logic; the primary and permanent concern being the identification of «profitable missions». This naturally transforms these associations into subcontractors of the major donors. This competition results in the deployment of marketing strategies, inspired by those of private companies, aimed at capturing the attention of contributors. It leads to the definition of product ranges that may correspond to the characteristics of the said market. This involves using communications techniques tailored to these «target clients», after sampling the type of humanitarian action likely to attract the attention of the different donor groups, whose interests may change according to the media coverage of events. It follows that NGOs play on the sensitivity of donors, particularly private donors.

It has also been observed that this commercialisation of humanitarian action has led to a professionalisation which, in many respects, is modelled on the management and marketing methods of both public and profit-making companies. For this reason, humanitarian action now seems to be a question of job seeking, professional status and social prestige. And when these NGOs claim to allocate 80% of their budget to operations «in the field», they fail to point out that the «the field» includes the salaries of those in headquarters who work in some way on the missions. The latter often benefit from levels of remuneration, which appear incompatible with being an association and soliciting public generosity; on the pretext that if you want professionals, you have to pay them. However, the average donor often earns between three and four times less than NGO officials, and they do not even know it because these associations operate in total opacity. This raises an ethical problem and the need for transparent information from donors. This is all the more true since even in the case of NGOs with an «emergency fund», the latter is often intended primarily to finance structural costs; de facto anaesthetising

the operational capacities of these organisations and rendering them incapable of reacting diligently to emergency situations. However, fundraising continues through media alerts, as well as the dissemination of the name of the structure and its bank references to donors. On the other hand, a team is dispatched instantly to «plant the flag» and legitimise the appeal for donations, without undertaking anything relevant. This reality is supported by the fact that even the best NGOs rarely report on the real and genuine results of their operations, let alone the «victims, donations» cycle of their activities. Programme evaluations are rare. There is also little transparency about the criteria for choosing interventions, and almost no prior ethical debate about humanitarian actions.

Similarly, the commercialisation of humanitarian action has led to a significant increase in advertising budgets. The pretext is that the time for good deeds is over and discretion is no longer appropriate; consequently, charity has become a product of mass consumption, a market and a spectacle (Bernard Kouchner, 1986). This logic sometimes leads to the hypocritical instrumentalisation of causes for marketing purposes (greenwashing⁴⁹, pinkwashing⁵⁰, whitewashing⁵¹, etc.). Gérard Mordillat denounces it in these words: «La charité se vend d'abord elle-même et c'est en cela qu'elle lève un nuage de fumée devant le réel. Cyniquement, à bon compte, elle permet à peu de frais de se grandir aux yeux des autres et à ses propres yeux sans jamais toucher aux causes de sa nécessité» (G. Mordillat, 2012).

Among these dubious, but still insidious practices, there is the phenomenon of systemic racism that prevails and persists. It confines some people to the permanent status of subordinate staff or agents, and reserves the exclusivity of strategic functions as well as the induced advantages to Caucasians or Caucosoids, otherwise citizens of the countries promoting the liberal international order. It is easy to guess the pernicious effects of such a state of affairs, especially in the effective role of these NGOs as vectors for the promotion of liberal values and as «smugglers» capable of helping to apprehend the thinking in motion in the target countries. As

⁴⁹ - Greenwashing (or «eco-blanching», «verdissage» in French) is a marketing method consisting in communicating to the public by using the ecological argument in a deceptive way to improve its image.

⁵⁰ - Pinkwashing is an English portmanteau word, formed on the model of whitewashing, replacing the adjective white by pink. It is the marketing process used by a state, an organization, a political party or a company in order to give itself a progressive image and committed to LGBT rights.

⁵¹ - Translated from English, whitewashing, whitewashing is a metaphor meaning to cover up or conceal vices, crimes or scandals or to exonerate by means of superficial investigation or skewed presentation of data.

an illustration of this, on 10 June 2020, a collective of 1000 former and current members of MSF accused this NGO of being (institutionally racist and reinforcing colonialism and white supremacy in its humanitarian work)⁵². The grievance against MSF is that it failed to recognise the extent of racism perpetuated through its policies, staffing practices, corporate culture and “dehumanising” programmes, run by a “privileged white minority”. Moreover, most of MSF’s operations are reportedly run by “European” senior managers, located in five operational centers in Western Europe; only one, in Senegal - which opened in 2019 - is located in the global South. Even the UN is not immune to these accusations of systemic or institutional racism.⁵³.

CONCLUSION

Thus weakened in its philosophical foundations, humanitarian action is frequently misguided and manipulated by different actors (governments and other public or private entities) driven by political motives (J.-C. Rufin, 1986). In this regard, the close proximity of the main NGOs to the mainstream media, which often obey the same clients, leads to the oversight of too many real and significant humanitarian crises. Moreover, the abovementioned drifts channel priorities more towards institutional rents and issues, to the detriment of the real interests of the victims of humanitarian crises. The media exposure, which sometimes results from this is potentially detrimental to the need for confidentiality inherent in negotiations and other measures for the efficient management of these crises. Just as inappropriate activism by humanitarian actors can lead to cultural misunderstandings or increase security risks for staff, population and parties to conflict.

⁵² - See on this subject: <https://www.theguardian.com/global-development/2020/jul/10/medecins-sans-frontieres-institutionally-racist-medical-charity-colonialism-white-supremacy-msf>;
<https://francais.rt.com/international/76776-1000-membres-msf-anciens-actuels-accusent-organization-institutionnellement-raciste>;

https://www.francetvinfo.fr/societe/racisme/d-actuels-et-d-anciens-salaries-de-medecins-sans-frontieres-accusent-l-ong-de-racisme-institutionnel_4042619.html (Accessed September 06, 2021).

⁵³ - See on this subject: <https://guardian.ng/news/lets-be-honest-theres-racism-in-the-un-guterres/>;
<https://www.thecairoreview.com/the-un-at-75/restoring-some-impartiality-to-un-senior-appointments/>;
<https://www.brookings.edu/articles/restoring-some-impartiality-to-un-senior-appointments/>;
<https://www.thepetitionsite.com/fr/913/562/481/end-the-victimisation-of-un-staff-calling-for-racial-justice/> (Accessed September 06, 2021).

The analysis of humanitarian action in terms of law, ethics and practice therefore raises a fundamental problem: that of its transparency and the monitoring of its activities. The prevailing methods need to be reconsidered. Today, in the name of humanitarianism, anything goes (Sylvie Brunel, *op. cit.*). Many NGOs argue that the real suffering of populations legitimises their existence and increases their market share. Their perpetuation seems to have become their real *raison d'être*; and the real beneficiaries of their existence are now a *nomenklatura*. Many NGOs can only justify their nature as associations by their privileged tax status and the absence of dividend distribution. However, their marketing and commercial approach is distancing them from their purpose and turning them into pure enterprises, to the point where even institutional donors are now cautious about supporting organisations that grow without seriously demonstrating more effectiveness in their interventions on the field. Consequently, controls and transparency need to be strengthened.

In this perspective, it is desirable for African countries to adopt a vision, public policies and dedicated instruments, with a view to rigorously regulating the NGO sector and providing efficient framework for humanitarian action throughout their national territory.

Among the possible measures, there is the careful supervision of the deployment of humanitarian actors. In this context, they may be required to obtain prior approval from the relevant State on the configuration of their staff members, especially executives, with a view to reducing the use of foreign expertise. A tax may also be introduced on the salaries of expatriates working for these NGOs. Just as it can be adopted a regulation guaranteeing that all the materials, which enter the country become, *de facto* and *de jure*, the property of the State at the time of the closure of the previously mentioned projects⁵⁴. Likewise, it may be prescribed that these NGOs finance, at pre-determined intervals, supervision missions of their operations in the relevant country. In addition, it should be ensured that the ongoing operations of these actors will gradually shift from a humanitarian logic to that of local development. / -

⁵⁴ - This approach is often followed by Congo, Sudan and Chad.

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PANEL 2

SECTOR, INSTITUTIONAL, BILATERAL AND MULTILATERAL COOPERATION IN THE HUMANITARIAN ISSUES: AFRICA AS A LABORATORY FOR HUMANITARIAN COORDINATION

HUMANITARIAN ACTION BY THE EUROPEAN UNION AND ITS MEMBER STATES IN CENTRAL AFRICA

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INTRODUCTION

Humanitarian aid has nowadays become an essential component of the foreign policy of States and international organisations. For several years now, humanitarian action has become the weapon through which international organisations and States act directly on the population in distress in the face of conflicts and other disasters that erupt in all regions of the world. The term “humanitarian actor” has therefore invaded popular jargon and has attracted various institutions. Nevertheless, when we talk about humanitarian action, what is it? In fact, we regroup humanitarian aid¹ and humanitarian action²to

¹Humanitarian assistance is defined as: «Operation carried out by one or more States, intergovernmental organizations or non-governmental organizations, tending to provide, while respecting the principle of non-discrimination, relief to the victims, mainly civilians, of armed conflicts, international or non-international, natural disasters or similar emergencies. The assistance consists of the provision of food, clothing, shelter, medicine, medical care and any other similar aid, essential for the survival of the populations and capable of alleviating the suffering of the victims. « (Jean Salmon (dir.), Dictionary of Public International Law, Bruylant, Brussels, 2001, p. 98.) This broad definition, including times of peace and armed conflict,

²The parameters of what is called humanitarian action have gradually broadened. The term used to refer only to saving lives, but today the importance of saving livelihoods is also widely recognized. Thus, humanitarian action includes both assistance and protection. Although the protection of citizens clearly falls within the role of the state, it is also expected that the entire humanitarian community plays a role - and not just the specialized agencies of the United Nations and the International Red Cross Movement and of the Red Crescent.

refer to a spontaneous gesture made by a natural or legal person to come to the aid of another person placed in a situation of need. In this regard, Council Regulation 1257/96 on humanitarian aid³ indicates that the EU uses the expressions «humanitarian aid»⁴ and “humanitarian aid action” to denote either the content of what the Union does following crises caused by natural or man-made disasters, or the objectives targeted by the actions undertaken. In all cases, whether in terms of objectives or content, the EU’s humanitarian action is conceptually aligned with values that appear in the Consolidated Version of the Treaty on the Functioning of the EU. European Union (TFEU)⁵, while humanitarian aid is seen as “a moral imperative and the fundamental expression of the universal value of solidarity between peoples”⁶. Explicitly recognised with the entry into force of the Lisbon Treaty on December 1, 2009, the values of solidarity and respect for human dignity on which humanitarian action is based seem to reflect “the principle of humanity, [...] indeed, never systematically defined, but [which] refers to a deontological conception, of Kantian and Judeo-Christian inspiration, of the inalienable dignity of the human person”⁷. International humanitarian action is therefore an area that remains difficult to define as it involves various actors and activities, in emergency or post-emergency contexts, the characteristics that make it difficult to compare. However, regardless of the nature of the context, for humanitarian actors, the vulnerable population will be the reason for their intervention in countries. Generally, these “professional” humanitarian actors recognise themselves in the respect of the humanitarian principles originally decreed by the International

³ EC, Council Regulation (EC) 1257/96 of 20 June 1996 on humanitarian aid, [1996] OJ, L 163, p1.

⁴ According to article 214 of the TFEU, «The actions of the Union in the field of humanitarian aid are carried out within the framework of the principles and objectives of the Union’s external action. These actions aim, on an ad hoc basis, to provide assistance and relief to the populations of third countries, victims of natural or man-made disasters, and to protect them, in order to meet the humanitarian needs resulting from these various situations. The actions of the Union and the Member States complement each other and are mutually reinforcing EU humanitarian aid aims to provide an urgent needs-based response with the aim of protecting lives, preventing and alleviating human suffering and preserving human dignity. Human, whenever the need arises, whether governments and local actors are overwhelmed or powerless, or unwilling to act.

⁵ Article 4 (4) of the Consolidated Version of the Treaty on the Functioning of the European Union provides that: «In the fields of development cooperation and humanitarian aid, the Union has the power to carry out actions and a common policy, without the exercise of this competence having the effect of preventing the Member States from exercising theirs. «

⁶ EC, Joint Declaration of the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission, [2008] OJ, C 25/1 at para 1.

⁷ Ryoa Chung, review of The principle of humanity by Jean-Claude Guillebaud (2002) 29 *Philosophiques* 396.

Committee of the Red Cross, guarantor of International Humanitarian Law. Humanitarian action therefore involves responding to a crisis, supporting preparedness and Disaster Risk Reduction (DRR) before a crisis, as well as the relieve and the rehabilitation after the crisis – even if the preparation and the relief are among the humanitarian activities and development activities in the long term⁸. This is what pushes the EU to act, not only within the borders of its Member States, but also with the population of suffering third States. The parameters of what is called humanitarian action have gradually broadened. The term used to refer only to saving lives; today, it also covers the importance of saving livelihoods.

The term «humanitarian action» will be understood in this study as “Action taken with the aim of saving lives, alleviating suffering and preserving human dignity during and after man-made crises or natural disasters, as well as to prevent such events and improve preparedness for their occurrence”⁹. It « aims, without any discrimination and with peaceful means, at preserving life with respect for dignity, at restoring man to his capacities of choice»¹⁰. This definition has the advantage of highlighting the idea that humanitarian action is peaceful action, the objective of which is the preservation of life with respect for dignity and which, in the long term, aims to liberate men of their suffering and thus enable them to take charge of themselves. Affirming this individual dimension of action means that, unlike development aid, humanitarian aid does not aim to transform a society, but rather to help its members - at least most vulnerable among them - to face a crisis. Specifying that it be implemented peacefully and without discrimination is to draw both the outlines of the stage and the silhouette of the actors. “The objectives of humanitarian action are to save lives, reduce suffering and to preserve human dignity during and after crisis provoked by man or natural disasters, as well as to prevent this kind of events and to ameliorate the preparation for their occurrence”¹¹. If the European

⁸ ALNAP, Guide to Evaluating Humanitarian Action, P. 25, available at <https://www.alnap.org/system/files/content/resource/files/main/fr-alnap-cha-guide-2016.pdf>

⁹ Definition proposed by Good Humanitarian Donorship Initiative (2003)

¹⁰ Rony Brauman, Humanitarian action, Paris, Flammarion, 2000, p 9.

¹¹ Principles and Good Practices for Humanitarian Aid adopted in June 2003, available at: http://www.goodhumanitarianandonorship.org/Libraries/Ireland_Doc_Manager/FR-23-Principles-and-Good-Practice-of-Humanitarian-Donorship.sflb.ashx

States included humanitarian aid in their external relations during the years 1960-1970, the European Commission only started to carry out activities in Africa towards the end of this same period, before intensifying its interventions in this direction during the 1990s¹². Firstly intervening more in contexts of armed conflicts and within the framework of its Common Foreign and Security Policy (CFSP), the European Union has seen itself increasingly challenged by natural disasters. By engaging in the field of international humanitarian law, the EU is then confronted with an area where the exercise of competences is not clearly defined by the letter of the constitutive treaties. To this difficulty is added a relationship between international humanitarian law and the European Union parasitised by the heterogeneous apprehension that the Member States have of these legal instruments. However, the gradual nearness of Member States on this subject, the rise of customary international humanitarian law which unites State points of view and, above all, the advent of the interdependence of the various legal instruments for the protection of the human person have propelled international humanitarian law into the sphere of intervention of the European Union. This is how the EU as a whole (i.e. the European Commission and the Member States), the main humanitarian donor - since it provides half of institutional international aid - adopted on 13 June 2007 a declaration in this area common to the Commission, the European Parliament and the Council¹³. In the framework of its relations with African countries, the EU is carrying out actions in line with its cooperation with the AU¹⁴ in general and sometimes with regional economic communities. The European Union (EU) provides targeted emergency aid to people affected by disasters and conflicts, through the European Commission Humanitarian Aid

¹²In 1991, the Community institutions decided to create a European Community Humanitarian Office in order to strengthen the efficiency of aid management. This office, called ECHO, became fully operational in 1992. On the history of EU humanitarian action, see CE, ECHO, Humanitarian Aid and Civil Protection, Luxembourg, CE, 2012 online: European Commission <http://ec.europa.eu/echo/about/presentation_fr.htm> [Humanitarian aid and civil protection]. Even if, within the framework of European Political Cooperation, the regional organization had ruled on many conflict situations, it still hesitated to mention international humanitarian law, preferring to use the more generic term and more encompassing human rights. <man

¹³ European Commission, "Towards a European Consensus on Humanitarian Aid", Communication to the European Parliament and the Council, COM (2007) 317 Final, June 13, 2007.

¹⁴Since the first Africa-European Union summit in 2000 in Cairo, the institutional dialogue between Africa and the European Union has strengthened and diversified rapidly. Thus, a new phase in Africa-European Union relations was launched at the Africa-European Union summit held in Lisbon in December 2007. The new Africa-European Union partnership is based on a shared policy, a joint strategy. Africa-European Union, and a roadmap for future cooperation.

and Civil Protection Service (ECHO). The EU considers humanitarian action a moral obligation to come to the aid of vulnerable people in various States around the world. For example, in 2021, a humanitarian budget of 210 million euros for the countries of the Sahel and Central Africa was adopted¹⁵. Regarding the humanitarian action of the European Union and its member States, it is part of the long tradition of humanitarian service in Europe. It should be remembered that humanitarian law was born in Europe. The European Union as a whole has provided humanitarian aid for over 40 years and is, together with its Member States, the largest humanitarian donor in the world.¹⁶

Humanitarian action must be distinguished from other EU interventions in the field of democratisation and consolidation of the rule of law, see in the overall framework of the development of the countries of Central Africa¹⁷. This action is guided by the principles of humanity, impartiality, neutrality and independence, which aim to differentiate humanitarian action from other activities, in particular those carried out by political and military actors. These principles are important for humanitarian action to be accepted on the ground by relevant actors, so as to facilitate access to people affected by the crisis.

In the humanitarian field, many actions are undertaken and carried out by various bodies and sometimes even by States, either in the event of natural disasters or in the event of political crises. An action is always inscribed in time and is not called upon to perpetuate itself in order to become permanent. This is why humanitarian action is often carried out simultaneously with actions aimed at returning the situation to normal in areas in distress. Indeed, the passage of time has the consequence of stifling the actors involved and depleting resources. This therefore means that humanitarian action must be one-off, dictated by circumstances, but also conditioned. We must therefore

¹⁵ The funds were allocated to humanitarian projects in the following eight countries: Burkina Faso (24.3 million euros), Cameroon (17.5 million euros), the Central African Republic (21.5 million euros), Chad (35.5 million euros) Mali (31.9 million euros), Mauritania (10 million euros), Niger (32.3 million euros) and Nigeria (37 million euros).

¹⁶ European solidarity receives the full support of its citizens: according to a recent poll (The Eurobarometer survey), nine out of ten Europeans say it is important for the EU to finance humanitarian aid.

¹⁷ Humanitarian action includes not only crisis response but also support for pre-crisis preparedness and disaster risk reduction, and post-crisis rehabilitation and recovery. These last two points are a gray area that often appears between humanitarian aid and development aid. There is currently a growing awareness of the importance of responding to recovery needs after natural disasters. In conflicts and other protracted crises, it is not always clear when the emergency ends and recovery begins; in practice, both types of support are often needed and provided simultaneously.

avoid the sustainability of humanitarian aid cycles¹⁸ and avoid turning the needy into pests. Increasingly, however, the plight of the local population in some States can last for a long time; the territorial State, too weak or in delinquency, being able to prove to be unable to fulfill the public service in the long term; the establishment of an effective aid system by foreign powers can create dependencies and therefore tend to gain a foothold, to continue¹⁹. Many voices are raised in the beneficiary countries of humanitarian action to denounce a kind of interference in internal affairs²⁰. This is how humanitarian action is the subject of numerous criticisms inspired by authors who suspect so-called «humanitarian» actions to cover up to allow the achievement of veiled objectives and serve as interference by institutions and third party States in internal affairs of the State under assistance, to the detriment of the victims²¹. In fact, humanitarian action can be accompanied in certain cases by the use of military means (in conjunction with a peace operation or in helping victims of natural or technological disasters) in synergy with “traditional” actors

¹⁸ The High Representative and Vice-President, Josep Borrell, said: “Today, a humanitarian crisis lasts more than nine years on average, if not longer. Many of them risk being forgotten, as in Yemen or Syria. But the EU is not forgetting. Humanitarian aid is one of the most tangible examples of the EU’s external action and proof of our solidarity. Respect for international humanitarian law must be more than ever at the heart of our foreign policy in order to support principled humanitarian action and to protect civilians and humanitarian workers who risk their lives to protect them around the world. « Crisis Management Commissioner *Janez Lenarčič*, for his part declared: «In a world where crises are increasing rapidly and where the principles of humanitarian aid are called into question as rarely before, the responsibility of the EU as a humanitarian actor at world has never been so important. It is with regret that needs are at an all-time high, but the global donor base remains desperately tight. We need to achieve better results by increasing the effectiveness and impact of our humanitarian action. We must be able to react with all the force necessary as soon as crises arise. This new strategic vision explains how the The EU can step up action to reach those most in need and lead the way at a time when the provision of principled aid is desperately needed. « (in «EU humanitarian action: new perspectives. Statements by Josep Borrell and Janez Lenarčič», & questions and answers, General Journal of Europe, available at <https://www.journalgeneraldeurope.org/2021/08/22/humanitarian-action-from-new-perspectives/>)

¹⁹ Robert Kolb, «On humanitarian assistance: the resolution on humanitarian assistance adopted by the Institute of International Law at its session in Bruges in 2003», RICR, DECEMBER, 2004 VOL. 8 6 No.856, p. 860

²⁰ As the ICJ has said, «An essential element of humanitarian aid is that it must be provided» without any discrimination. According to the Court, in order not to have the character of a reprehensible intervention in the internal affairs of another State, not only humanitarian assistance must be limited to the ends established by the practice of the Red Cross, namely, « prevent and alleviate human suffering «and» protect life and health [and] ensure respect for the human person «: it must also, and above all, be provided without discrimination to anyone in need in Nicaragua, and not only to contras and their relatives. (ICJ, Military and paramilitary activities in and against Nicaragua, judgment of 27 June 1986, § 243)

²¹ The Responsibility to Protect, International Development Research Center, Ottawa, 2001; Mario Bettati, “A right to interfere? (1991) 95 RGDIP 639; Mario Bettati, The right of interference: mutation of the international order, Paris, Odile Jacob, 1996; Olivier Corten, «The ambiguities of the right of humanitarian interference», The UNESCO Courier (July / August 1999) online: [unesdoc.unesco.org <http://unesdoc.unesco.org/images/0011/001165/116578f .pdf>](http://unesdoc.unesco.org/images/0011/001165/116578f.pdf); Jean-Marc Sorel, “The duty of interference: long history and constant ambiguity” (1991) 3 International and Strategic Relations 95; David Sánchez Rubio, “Humanitarian interventions: principles, concepts and realities”, online: (2004) 11 Alternatives Sud 1 <<http://www.cetri.be/spip.php?article248&lang=fr>>; Luc Verna and Gérard Verna, «Ethics of

(institutions UN, ICRC and NGOs), when it is practically impossible to obtain authorisation from the authorities in power in the State concerned. Humanitarian action alone cannot address the complex underlying factors of conflict and other crises. The EU is therefore stepping up its efforts by providing emergency aid in close collaboration with development and peacebuilding actors, focusing on²². While humanitarian aid is a crucial part of the EU's overall crisis response, it preserves the distinctiveness of its humanitarian aid, while further strengthening the link with its development aid initiatives, conflict resolution and peacebuilding. This is so because everyone does not always understand the understanding of the logic that drives a humanitarian action and the resources allocated to the humanitarian actions of organisations are exhausted over time. These humanitarian actions are themselves diversified and heterogeneous depending on the areas of intervention and the types of crisis. This is particularly the case for Central Africa where humanitarian action must be distinct from that provided in other parts of Africa. Nevertheless, when we talk about Central Africa, what geographical area are we talking about? Should we speak of Central Africa in a broad way in the economic sense of ECCAS or of Central Africa in the community sense of CEMAC?²³In the UNDP's first strategic assessment report, Central Africa is described as a lagging region²⁴. This region is suffering the consequences of decades of insecurity (which persists today), and tends to occupy the last places in the ranking of global development indices. This situation is aggravated in particular by the contemporary vectors of armed violence: the constant fragility in the aftermath of the 2012 crisis in the Central African Republic; the spread of the conflict with Boko Haram, which left Nigeria, to Chad, Cameroon and Niger; persistent insecurity in the Great Lakes region; the atrocities of groups such as the Lord's Resistance Army (LRA) in the Democratic Republic of Congo, in the Central African Republic, linked to

²²As also recalled in the EU's integrated approach to external conflicts and crises, EU humanitarian aid is not influenced by any political, strategic or military objective, or economical. This condition is also essential to ensure that assistance can be provided to people affected by crises in often complex political and security environments.

²³Harmonization of the two communities has been talked about for a long time and the discussion is progressing slowly, attracting different international sponsorships over the years - and leading the two institutions to create a rationalization committee.

²⁴UNDP, Central Africa, a lagging region? UNDP's first sub-regional strategic assessment report, March 2017, available at <https://knowledge.uclga.org/IMG/pdf/lafriquecentraleuneregionretard.pdf>

the illegal exploitation of natural resources; the resurgence of unrest due to the elections in Burundi; anticipated tensions following other polls held in the sub-region; the increasingly violent clashes between nomadic pastoralists and sedentary communities in different parts of the sub-region; maritime insecurity in the Gulf of Guinea (piracy, armed robbery, illegal, unreported and unregulated fishing, trafficking in arms, drugs and human beings, smuggling, etc.);²⁵ the security crisis that has been raging since 2016 in the English-speaking regions of Cameroon, etc. All these situations generate crises which increase the vulnerability of a population already weakened by the prevailing poverty situation in their countries and which require humanitarian action. The needs for humanitarian aid increase as these phenomena worsen. However, the EU is not the only organisation offering humanitarian action in these situations. Other international actors intervene, in particular the United Nations and the Non-Governmental Organisations. In this regard, there are the problems of coordinating the EU's humanitarian action with other humanitarian workers. Beyond this problem, one can wonder about the legal framework of such operations. Indeed, the deployment of humanitarian action, whatever the emergency, must have a legal basis in order to be legal and take place in accordance with the conditions laid down by the regulations in force. It therefore seems necessary to question the legal framework for humanitarian action by the EU and its member States, which today represents the world's largest donor of humanitarian aid, i.e. around 36% of global humanitarian aid.

The European Union is a relatively recent actor, but one which counts more and more on the international humanitarian scene. How is the humanitarian action of the EU and its member States deployed in Central African States? To answer this question, it is useful to analyze the texts of international humanitarian law and specific texts of the EU to find the rules that frame its humanitarian action and to add the sociological method to take into account the context and the conditions under which this action is operationalised. The use of this approach reveals that the humanitarian action of the EU in Central Africa is legally framed and conditioned (I) and that it is always in search of effectiveness and visibility (II).

²⁵Ibid, p. 7

I. A - SUPERVISED AND CONDITIONED ACTION

EU humanitarian action is based on a solid legal foundation and on a set of fundamental principles and objectives common to the Union and its Member States. The institution remains committed to the universal humanitarian principles of humanity, neutrality, impartiality and independence, as enshrined in international law. Respect for international humanitarian law by State and non-state actors remains one of the essential objectives of EU humanitarian aid policy. Indeed, the many resolutions or proclamations enunciated in the humanitarian field only represent reaffirmations of principles contained in the Charter of the United Nations or the Universal Declaration of Human Rights under which it exists, like the International Court of Justice. Justice recognised it in 1986, a right - even a duty - of humanitarian assistance²⁶. In this sense, in its judgment of June 27, 1986 relating to the case of Military and Paramilitary Activities in Nicaragua and against Nicaragua, the ICJ set the conditions for humanitarian intervention by declaring explicitly that: «II There is no doubt that the provision of strictly humanitarian aid to persons or forces in another country, regardless of their political affiliations or their objectives, cannot be considered unlawful interference or any other point of view contrary to international law. «²⁷ And to specify that «The characteristics of such assistance are indicated in the first and the second of the fundamental principles proclaimed by the twentieth international conference of the Red Cross under the terms of which: “Born of the concern to bring aid without discrimination to the wounded of the battlefields, the Red Cross, in its international and national aspect, strives to prevent and alleviate human suffering in all circumstances. It seeks to protect life and health as well as to ensure respect for the human person. It promotes mutual understanding, friendship, cooperation and lasting peace between all peoples.”²⁸ This means that the humanitarian action of the EU and its member States has a precise legal framework (A) and is deployed under certain conditions (B).

²⁶ ICJ, Case of Military and Paramilitary Activities in and against Nicaragua, Judgment of June 27, 1986, § 242.

²⁷ Ibid

²⁸ Ibid

A - A precise legal framework

The action of the European Union and its member States in the humanitarian field is a legal action, which is first of all based on the general texts of international humanitarian law (1), specified by specific texts (2) of which are detached a text considered to be the centerpiece (3).

1 - General instruments of international humanitarian law

It is in Europe that international humanitarian law was born, in relation to armed conflicts. Indeed, most of it emerged from the steps taken by Henry Dunant in his *Memories of Solferino*, which laid the foundations for this right, particularly developed after the Second World War²⁹. Emphasis was then placed on the need to protect victims of war situations. This resulted in the codification of the laws and customs of war at The Hague in 1899 and 1907. Later, it is in Geneva that international humanitarian law will experience significant development with the Convention of August 22, 1864 for the improvement of the lot of soldiers wounded in the armies in the field and the four conventions of August 12, 1949³⁰, adopted after the Second World War, to which are added the two Additional Protocols of 8 June 1977 relating, respectively, to the protection of victims of international armed conflicts and to the protection of victims of non-international armed conflicts³¹.

The consideration of natural disasters in the context of international humanitarian action has been greatly influenced by the United Nations, which adopted numerous resolutions following the occurrence of certain natural disasters causing extensive damage³². Today, whether responding to armed

²⁹ On the history and the various sources of international humanitarian law, see Michel-Cyr Djiena Wembou and Daouda Fall, *Le droit international humanitaire: théorie générale et réalités africaines*, Paris, L'Harmattan, 2000, at pp 29-38.

³⁰ These conventions concern the improvement of the lot of the wounded and sick in the armed forces in the field; the improvement of the wounded, sick and shipwrecked of the armed forces at sea; the treatment of prisoners of war and the protection of civilians in time of war. See Paul Tavernier and Jean-Marie Henckaerts, dir, *Customary international humanitarian law: contemporary issues and challenges*, Brussels, Bruylant, 200

³¹ Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), June 8, 1977, 1125 UNTS 272 and Protocol Additional to the Geneva Conventions of August 12, 1949, Relating to the Protection of Victims of non-international armed conflicts (Protocol II), June 8, 1977, 1125 UNTS 610.

³² See New International Humanitarian Order, GA Res 129, Doc off UN AG, 43rd session, (1988) 215; Promotion of international cooperation in the humanitarian field, GA Res 130, Doc off UNGA, 43rd session, (1988) 215; Humanitarian

conflicts or natural disasters, the EU's action makes it one of the leading donors of humanitarian aid, providing almost half of all aid global humanitarian aid. There has therefore been a gradual expansion of the legal framework for intervention. Consequently, humanitarian action will concern not only people who are no longer taking part in hostilities, but also and above all the threatened civilian population.

The taking into account of the need to act on a humanitarian level has evolved within the European Union. Indeed, it is only following the emergence of conflicting centers in the former Yugoslavia in the 1990s that humanitarian aid will develop more extensively, leading to the creation of the Humanitarian Aid Department of the European Commission in 1992, then known as the Humanitarian Office of the European Communities (ECHO). This service, governed by the Council Regulation on Humanitarian Aid³³, became, in 2004, the Directorate General of Humanitarian Aid (DG ECHO) whose mandate includes, since 2010, civil protection with the aim of improving coordination and response to natural disasters in Europe and beyond of its borders. The participation of the European Union in the implementation of international humanitarian law has been exercised mainly through heteronormative acts. However, certain legal instruments developed by the regional organisation also include a self-regulatory dimension, which makes the EU itself and its Member States the recipients of obligations arising from international humanitarian law.

2 - Specific EU instruments

The inclusion of international humanitarian law in the objectives of the European Union has followed a step-by-step process whose theater has essentially been the Common Foreign and Security Policy (CFSP). Having combined international humanitarian law first in its policy and its declaratory law, then in its binding acts, the European Union has emerged on this subject as a locomotive among international organisations.

assistance to victims of natural disasters and similar emergencies, GA Res 131, Doc off AG UN, 43rd session (1988) 216 and Humanitarian assistance to victims of natural disasters and similar emergencies dealing with assistance, GA Res 100, Doc off AG NU, 45th session, (1990) 197

³³ See Regulation of 20 June 1996, amended by EC, Regulation (EC) 1882/2003 of the European Parliament and of the Council, [2003] OJ, L 284 at p 1 and EC, Regulation (EC) 219/2009 of the European Parliament and Council, [2009] OJ, L 87 at p 109

Under the Lisbon Treaty, EU humanitarian action is governed by a series of rules and principles established by the Consolidated Version of the Treaty on the Functioning of the European Union (TFEU), the provisions of which can be interpreted from cross-referenced with previous acts of the Institution in this area. There is the emergence of a more thorough legal framework, even if the implementation of the adopted rules often faces the complexity of the reality on the ground. These instruments, which make it possible to clarify the legal regime of the Union's humanitarian action, place particular emphasis on the principle of partnership between the various humanitarian aid actors. However, this diversity can constitute a real obstacle to the application of these standards developed or promoted by the EU. The familiarisation of the European Union with international humanitarian law was carried out, initially and gradually, through declaratory acts, some of which have binding legal effects in application of public international law. The structuring dimension of this stage therefore represents a prerequisite so that the conventional instruments of Geneva also find their place in the more binding acts of the CFSP: actions and common positions. Thus, on May 31, 1995, the European Commission presented a proposal for a regulation aimed at providing a legal basis for Community humanitarian aid. The European Union as a whole (ie the European Commission and the Member States) adopted on June 13, 2007 a declaration in this field common to the Commission, the European Parliament and the Council. With this text, «Towards a European consensus on humanitarian aid», the Commission has, for the first time since the adoption of Council Regulation (EC) No 1 257/96 of 20 June 1996 on humanitarian aid³⁴, taken a significant political step for European external action. Launched in December 2006 by the European Commissioner in charge of Development and Humanitarian Aid, a broad consultation on a consensus led by the EU proposed to member States and organisations to discuss the main issues, constraints and challenges of humanitarian action. Faced with the evolution of the international context, which is characterised in particular by the increase in crises, the multiplication and professionalisation of actors or by the growing insecurity in the areas of intervention, humanitarian action has had to adapt. It is within this

³⁴ Council Regulation (EC) n° 1 257/96 of June 20, 1996, amended by Regulation (EC) n° 1 882/2003 of the European Parliament and of the Council of September 29, 2003 (OJ L 284, October 31, 2003, p. 1)

framework that the main actors and donors, primarily the UN and the European Union, have initiated reforms. The Consensus aims to respond to the challenges posed by the evolution of the humanitarian context, both at European and international level. These challenges were identified by the European Commission and its partners during the preparation of the document. This consultation phase then led to the adoption by the three major institutions of the EU, then to the drafting of an Action Plan providing for the operational implementation of the Consensus. This first joint declaration on the humanitarian policy of the European Community attempts to form part of the overall reform of the humanitarian system, since the Commission wishes to adapt its action to the evolution of the international context. The European Consensus on Humanitarian Aid serves as a reference text for humanitarian actions undertaken. The humanitarian context, both at European and international level. These challenges were identified by the European Commission and its partners during the preparation of the document. This consultation phase then led to the adoption by the three major institutions of the EU, then to the drafting of an Action Plan providing for the operational implementation of the Consensus. This first joint declaration on the humanitarian policy of the European Community attempts to form part of the overall reform of the humanitarian system, since the Commission wishes to adapt its action to the evolution of the international context. The European Consensus on Humanitarian Aid serves as a reference text for humanitarian actions undertaken.

3. - The European consensus on humanitarian aid: the masterpiece

The European Consensus on Humanitarian Aid defines the political framework for the EU's response to humanitarian crises. This text defines when, how and why the EU acts. Signed in 2007 by the Council, the European Parliament and the European Commission, the consensus aims to improve the coherence, efficiency and quality of the EU's humanitarian response. On the basis of the provisions of the consensus, the countries and institutions of the EU undertake to work in a coordinated and complementary manner, and to support

the United Nations in its role of general coordination. Actions include disaster preparedness, disaster risk reduction, emergency response, assistance in protracted crises, or even early recovery assistance and liaison work with development partners. The consensus also defines the modalities for the use of civil protection capacities and military assets during emergency interventions³⁵. The European Consensus on Humanitarian Aid presents a common vision, which guides the action of the EU, both at the level of its Member States and at Community level, with regard to humanitarian aid in third countries. Beyond these texts, the humanitarian action of the EU and its member States obeys certain conditions.

B - Conditions for deploying action

EU humanitarian response remains true to the principle of <doing no harm> to the affected population and the environment³⁶ and strive to accommodate conflicts so as not to inadvertently reinforce them. Humanitarian aid, being very often the main form of assistance provided to people affected by a crisis, is carried out through the territory of the State affected by a crisis. The first condition for the deployment of such an action relates to the consent of the State concerned. The second condition is that this action must be neutral in its operationalisation.

1 - Agreement of relevant State

To deploy in a State, the humanitarian action of the EU must obtain the agreement of that State. This requirement, implicit in Article 3 (2) common to the Geneva Conventions, is expressly incorporated in Article 70 of Additional Protocol I and in Article 8 of Additional Protocol II in order to protect the sovereignty of the State which gets help³⁷. The same is true of Resolution 46/182 of the United Nations General Assembly, which mentions the need for the

³⁵In October 2017, to mark 10 years since the adoption of the consensus, all interested parties renewed their commitment to continue working in accordance with the principles set out in the consensus. The consensus continues to serve as a relevant framework for humanitarian action undertaken by the European Commission and Member States.

³⁶The European Consensus on Humanitarian Aid calls for the integration of environmental considerations into sectoral humanitarian aid interventions and policies.

³⁷Yves Sandoz, Christophe Swinarski and Bruno Zimmermann (eds. Pub), Commentary on the Additional Protocols of June 8, 1977 to the Geneva Conventions of August 12, 1949, para. 2805.

consent of the affected State³⁸. The current resurgence of the assertion of State sovereignty constitutes a trend having a significant impact on the humanitarian response. An increasing number of host States are actively seeking to block, restrict or control the humanitarian response on their territory. One way or another, host States always want to show themselves capable of handling the political and humanitarian crises that strike them. This is due on the one hand to their anxiety to assume their own responsibilities and on the other hand to their skepticism about the effectiveness and intentions of the international humanitarian organisation. Some governments sometimes insist on their own definition or understanding of “humanitarian assistance” (limiting it to emergency relief, for example); others impose administrative obstacles that hinder the delivery of aid to disputed parts of the national territory. A certain number of States even go so far as to regard a neutral and independent approach as an infringement of their right to manage as they deem fit the conflicts or disasters occurring on their territory. For example, humanitarians may be denied access to areas controlled by parties to the conflict if they do not intervene in a manner considered humanitarian and impartial. Although victims of natural disasters have the right to request and receive foreign humanitarian assistance, their State remains free to accept or not accept humanitarian assistance offered by third party States and other international institutions. Nevertheless, a State can only refuse humanitarian aid on certain restrictive conditions³⁹. In this vein, the Recommendation(2006) 6 of the Council of Europe on internally displaced persons prohibits the State concerned from arbitrarily refusing the

³⁸ Res. AG NU A / RES / 46/182, December 19, 1991, Guiding Principle No. 3: «The sovereignty, territorial integrity and national unity of States shall be fully respected in accordance with the Charter of the United Nations, context, humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal from the affected country. «

³⁹This position also appears in the wording of subsequent rules on humanitarian aid, which expressly state that consent cannot be arbitrarily withheld; this is the case with the Guiding Principles on Internal Displacement (Guiding Principles on Internal Displacement, UN Doc. E / CN / 4/1998 / Add. 2, February 11, 1998, Principle 25:

«1. The duty and responsibility to provide humanitarian aid to the displaced persons rests first and foremost on the national authorities inside their own country.

2. Humanit organizationsinternational areas and other parties concerned have the right to offer their services to assist internally displaced persons. Such a proposal should not be regarded as unfriendly or as an act of interference in the internal affairs of the State and will be accepted in good faith. These services will not be arbitrarily refused, especially if the authorities concerned are unable or unwilling to provide the required humanitarian assistance.

3. All the authorities concerned will allow and facilitate the free passage of humanitarian aid and allow those responsible for its distribution to have rapid and free access to the displaced persons inside their own country. «

offer of assistance from other States or international organisations⁴⁰. In the event of an unjustified refusal by the territorial State to allow the delivery of humanitarian aid, the third party States may call on the Security Council to take appropriate measures in the face of this situation. The decision to deploy humanitarian action in a State without its consent is assimilated to the use of force, the decision of which rests with the United Nations Security Council and regional organisations duly authorised by it. According to one author, «the principle is that consent must be given but it can be refused for valid and compelling reasons. These reasons may include overriding considerations of military necessity. But there is no absolute discretion to withhold consent and it cannot be withheld for arbitrary or capricious reasons”⁴¹. It all depends on the circumstances in which such consent is required.

a. In peacetime

In peacetime, humanitarian action can be deployed in situations of famine and in the event of natural disasters. In these cases, humanitarian action is subject to the general rules of cooperation between the State concerned and the EU. Although the primary responsibility for providing assistance to the population they administer is the responsibility of States, they may be unable to provide assistance to their needy population. The help provided by international organisations and partners such as the EU is always essential in these situations. In fact, in peacetime, the implementation of cooperation agreements between the EU and the State on whose territory aid is deployed implies the clear authorisation of that State.

b. In times of conflict

⁴⁰ Council of Europe, Recommendation Rec (2006) 6 of the Committee of Ministers to member states on internally displaced persons, 5 April 2006, para. 4:

«4. Protect displaced persons within their own country and their rights as well as providing them with humanitarian aid is primarily the responsibility of the state concerned; Such responsibility involves seeking assistance from other states or international organizations if the state concerned is unable to provide protection and assistance to internally displaced persons; This responsibility also implies not arbitrarily refusing offers of assistance from other States or international organizations. «

⁴¹ Michael Bothe, Karl Josef Partsch and Waldemar Solf, *New Rules for Victims of Armed Conflicts– Commentary on the Two 1977 Protocols Additional to the Geneva Conventions of 1949*, Martinus Nijhoff, The Hague / Boston, 1982, p. 434.

In situations of armed conflict, humanitarian action is regulated in a special way by the Geneva Conventions and their Supplementary Protocols, which establish in certain cases a series of precise obligations. Humanitarian aid here mainly concerns civilian victims. Indeed, there is no duty to provide humanitarian aid to members of the armed forces of either party to the hostilities, except with regard to respect for and protection of the wounded and sick, shipwrecked or prisoners of war. The rights and duties in question all come under positive law, in the sense that they are legal duties in the narrow sense. Their application methods can however be more or less extensive.

In the event of a non-international armed conflict, Additional Protocol II of 1977 provides in its article 18, paragraph 2, a right to offer humanitarian assistance «when the civilian population suffers excessive deprivation for lack of supplies essential to its survival, such as food and medical supplies». The consent of the territorial State remains necessary, but should not in principle be withheld. We find the idea of the prohibition of any “arbitrary” refusal. The interpretation of this right of refusal is strict; the grounds for refusal must be compelling and reasonable. In addition, common Article 3 of the 1949 Geneva Conventions allows any impartial humanitarian organisation to offer its services, including humanitarian aid.

2. Neutrality and impartiality

EU humanitarian action must be neutral and non-partisan. The principle of neutrality means that humanitarian aid must not favour any side during armed or other conflicts. The principle of impartiality means that humanitarian aid must be granted on the basis of need alone, without any discrimination. These are the conditions for the operationalisation of humanitarian action. These principles are central to establishing and maintaining access to the affected population, whether in the context of a natural disaster, armed conflict or complex emergency. Respect for these principles is what distinguishes humanitarian action from the activities and objectives of other actors. It is also, what makes it possible not to see humanitarian action as interference in the internal affairs of a country. The nature of the institutional actor whose independence vis-à-vis political powers must be unequivocal, especially at

wartime when the political burden is very heavy, requires total transparency from humanitarian workers. This is indeed the necessary condition to establish when the climate is seen to be very tense; a relationship of trust without which there can be no effective humanitarian deployment due to the limitation of movements and the security problems encountered by the humanitarian teams⁴².

Humanitarian action by the EU and its member States in Central Africa is however faced with a major problem, that of efficiency and visibility.

II - AN ACTION IN QUEST FOR EFFICIENCY AND VISIBILITY

Humanitarian action by the EU and its member States, despite its importance, is hardly noticeable on the ground. This is so because it is an action which is embedded in several others and which is not always easy to distinguish. It is also much diversified due to a multitude of needs and it is practically difficult to perceive its direct effects on the ground. Indeed, EU humanitarian action faces many obstacles in responding to needs, such as access to the population in relation to security or political issues and insufficient allocated resources. There are therefore clearly problems of coordination of this action compared to other actions of the same nature (A) and of the disparity of actions, which makes the available resources insufficient or even imperceptible (B).

A - Coordination issues

EU humanitarian action is part of the overall and general framework of a humanitarian system deployed by various international bodies. The existence in the same country of several actors intervening in the humanitarian field can give rise to problems in the absence of good coordination.⁴³ There may therefore be a problem of superimposing one action on another due to a lack of information exchange between two or more humanitarian workers. In such

⁴² Rony Brauman, «Humanitarian Action», May 1, 1994, URL: <http://msf-crash.org/fr/publications/acteurs-et-pratiques-humanitaires/laction-humanitaire>, accessed August 21, 2021

⁴³ Coordination can be understood as «the organization of the different parts of an organ or a complex activity in such a way as to enable them to function together effectively» (Oxford English Dictionary, 2015)

circumstances, the possibilities for duplication, disagreement, and irrelevance are rife. To increase the effectiveness of humanitarian action, there must be good coordination between the different actors, respect for each other's mandate, a clear vision of the skills of each and the conduct to be observed in specific situations such as emergency situations. The presence of many humanitarian actors on the same field of operations poses coordination problems by the government concerned.⁴⁴ It is a question of distributing as well as possible the tasks according to the mandate, the competences, the experience and the means of each one. Humanitarian actors, while sharing the same goals, act in total independence, without any participation or submission to any form of strategy, priorities, structures, resources or common procedures. Coordination can be easy if institutions know each other well, share a common understanding of humanitarian aid and have experienced staff on the ground. These conditions are not always met and all humanitarian actions can be jeopardised by the biased behavior - or perceived as such - of a single institution. If humanitarian actors do not have the same demands vis-à-vis the protagonists as to the conditions under which they fulfill their relief and / or protection mandate, the risk is great of seeing a disorder developing that could lead to anarchy in the accomplishment humanitarian work.

The EU is aware that it is not the only actor to come to the bedside of needy people in States in the throes of disaster and that its action fits into the vast field of humanitarian action carried out by several actors. These actors are all in different situations: the legal frameworks and the economic models for which they have opted are different, the political contexts and the interpretations of the national interest which govern their choices evolve over time, the budgetary envelopes of which they are varied and the difficulties they encounter in the field vary from one organisation to another. They therefore take different paths to apply the Principles and Good Practices of Humanitarian Aid because they have

⁴⁴The challenge facing a government becomes more difficult as the number of international organizations increases, and if it has no humanitarian aid plans or official coordinating body. Often, specialized ministries or administrations are created for matters relating to refugees, emergency aid and rehabilitation or humanitarian assistance in general. As useful as this solution may seem, it brings in itself additional problems of internal coordination at the interface of such a specialized administration and the ministries which normally assume responsibility for it. (Koenraad Van Brabant, «The Coordination of Humanitarian Action: The Case of Sri Lanka», Emergency and Rehabilitation Network, December 1997, pp. 1-32, p. 6, available at

to face different realities and take advantage of the comparative advantage they have to channel the funds allocated to them under the best possible conditions. Humanitarian aid for the sake of efficiency and respect for the prevailing principles in this area. These actions must therefore be coordinated, although varying from State to State depending on the humanitarian need concerned. It is this good coordination, which can allow greater visibility of the EU's humanitarian action in the Central African States. The coordination of international humanitarian responses is undeniably a difficult and delicate task. In fact, it requires constant knowledge of what resources are available, it requires skills, financial resources, monitoring of donors and beneficiaries and, finally, evaluation of results. In addition, intervention mechanisms are evolving rapidly, especially since the start of the new millennium. In the European context, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the European Community Humanitarian Office (ECHO) of the European Union are the two main actors in terms of coordination. Questions always arise about the interactions between the groups and the European humanitarian intervention mechanisms, either through the EU civil protection or the individual actions of the Member States, or in liaison with other NGOs active in a given disaster area outside the scope of the intervention of the appropriate group. One of the main problems in coordinating humanitarian action in many States is the risk of duplication of international response mechanisms. Any overlapping of mandates would be a source of rivalry. This is how the EU's humanitarian action is delivered in partnership with more than 200 humanitarian organisations, including the United Nations system and Non-Governmental Organisations.

1 - Coordination with the United Nations system

According to Article 213 (7) of the TFEU, «The Union shall ensure that its humanitarian aid actions are coordinated and consistent with those of international organisations and bodies, in particular those which form part of the United Nations system.»⁴⁵The United Nations system includes institutions such as UNHCR, UNICEF and WFP that intervene to protect refugees, assist victims of conflict, especially children, and deliver food aid. It is worth noting

⁴⁵ Article 214 (7) of the TFEU

here the special status of UNICEF, which, alone among the UN agencies, can provide assistance without prior authorisation from the government concerned. These institutions therefore intervene in the same way as the EU in the field of humanitarian aid. United Nations humanitarian actions are overseen by the Office for the Coordination of Humanitarian Affairs (OCHA)⁴⁶. Relations between the EU and OCHA are not always well synchronised in the context of humanitarian action. On the one hand, the two partners must imperatively ensure that the human dimension of humanitarian interventions - that is to say the saving of lives and the protection of vulnerable populations - remains the primary objective of any action. On the other hand, the success of the negotiations on the division of responsibilities between the EU and the UN probably depends on the ability of OCHA to make the argument that the strength of European States does not lie in building parallel and separate systems, endowed with distinct capacities activated in an autonomous way but rather in the creation of a unified participatory system in which all the actors have the possibility of inserting themselves in a coordinated and complementary way. The EU strongly supports the central and general coordinating role of the United Nations, including the Office for the Coordination of Humanitarian Affairs (OCHA), in promoting a coherent international response to humanitarian crises. This role is considerably strengthened when OCHA is actively involved in the field (and a humanitarian coordinator is appointed and deployed). Further coordination by the EU would strengthen the overall humanitarian response of the international community, including concerted efforts to improve the humanitarian system; it would also reinforce the EU's ambition to work closely with other humanitarian actors. This role is considerably strengthened when OCHA is actively involved in the field (and a humanitarian coordinator is appointed and deployed). Further coordination by the EU would strengthen the overall humanitarian response of the international community, including concerted efforts to improve the humanitarian system; it would also reinforce the EU's ambition to work closely

⁴⁶ The Office for the Coordination of Humanitarian Affairs (OCHA) is a department of the United Nations Secretariat, established on December 19, 1991 by Resolution A / RES / 46/182 of the General Assembly. "OCHA's mission is to mobilize and coordinate effective and principled humanitarian action in partnership with national and international actors to alleviate human suffering in disasters and emergencies; defend the rights of people in need; promote preparedness and prevention, and facilitate durable solutions. «

with other humanitarian actors. This role is considerably strengthened when OCHA is actively involved in the field (and a humanitarian coordinator is appointed and deployed). Further coordination by the EU would strengthen the overall humanitarian response of the international community, including concerted efforts to improve the humanitarian system; it would also reinforce the EU's ambition to work closely with other humanitarian actors.

2. Coordination with other humanitarian organisations

The humanitarian action led by the EU, which is articulated around a comprehensive international approach bringing together the United Nations, the International Red Cross and Red Crescent Movement, humanitarian NGOs and others, supports the measures taken in local level to address humanitarian crises through a partnership approach with affected communities. It is the national authorities of the various countries concerned who remain primarily responsible for the protection of populations affected by a disaster. Humanitarian action is a collective responsibility at the international level and involves many governments, organisations, local communities and individuals. For the EU, it is fundamental to contribute to the development of the global collective capacity to respond to humanitarian crises. The EU is committed not to duplicate existing international mechanisms.

National and international NGOs (such as the International Federation of Red Cross and Red Crescent Societies (IFRC), the International Committee of the Red Cross (ICRC), Oxfam, Médecins Sans Frontières (MSF), etc.) cooperate with intergovernmental entities of the United Nations system to contribute to humanitarian operations when the need arises. EU action sometimes comes up against a lack of collaboration from other humanitarian actors. Thus, when it comes to the participation and cooperation of NGOs, the organisations of the International Red Cross and Red Crescent Movement and Médecins Sans Frontières sometimes prefer to stay outside the United Nations coordination framework to maintain their neutrality and their independence.

In particularly complex emergencies, they believe that UN agencies are too close to governments and too dependent on their cooperation to gain access to the disaster scene. If one can consider this attitude as exceptional and acceptable

on the part of NGOs of good reputation and governed by strong principles, it is precisely for political reasons that other NGOs refuse to register in the system of United Nations coordination (pressure from the governments that fund them), which can undermine the humanitarian aid system. In addition to the work of professional humanitarian organisations, various other actors intervene from time to time in crisis and post-crisis contexts. These contingent actors favour contexts of natural disasters where security conditions are not a major obstacle to intervention. They also regularly provide financial support to local or international humanitarian NGOs as part of the implementation of field programs. EU humanitarian action is therefore embedded in this vast array of disparate bodies responding to disasters and conflicts. There is thus a problem of ever increasing insufficiency of resources resulting from the needs assessment. EU humanitarian action is therefore embedded in this vast array of disparate bodies responding to disasters and conflicts. There is thus a problem of ever increasing insufficiency of resources resulting from the needs assessment. EU humanitarian action is therefore embedded in this vast array of disparate bodies responding to disasters and conflicts. There is thus a problem of ever increasing insufficiency of resources resulting from the needs assessment.

B - The disparity of actions and the ever-increasing insufficiency of resources

Even though the EU has become the leading international humanitarian donor, its humanitarian actions are still perceived as insufficient, due to the diversity and multitude of needs, depending on the State. Thus, in Central Africa as a whole, each State has specific needs and is faced with equally specific crises.

1. The problem of real needs assessment

The first practical challenge in organising a cohesive emergency response is very often determining roughly how many people are involved. This is usually done by approximation because it is sometimes impossible to count with certainty the number of people concerned. In addition, needs vary from State to State and require adaptation of humanitarian action depending on the

type of crisis and the nature of the needs. As a result, the budgeting of resources allocated to humanitarian aid during the planning of the European Union budget can prove to be very insufficient in a country in the grip of a specific crisis, thus rendering the action deployed imperceptible. This budgeting is not carried out after an assessment of real needs, but rather on the basis of the allocation of budgetary resources available and decided in advance. In addition, faced with the multitude of needs and the rapid transformation of contexts, it is difficult for a humanitarian organisation to have predictability on the resources to be deployed in case of need.

2. Depletion of resources due to the persistence of crises

The persistence of crises is a cause of exhaustion of allocated resources, which tend to be exhausted without having achieved their objective. Indeed, the installation of a crisis over time tends to transform ad hoc assistance into permanent care. Humanitarian action should keep its ad hoc nature and not become permanent. Beyond all these considerations, crises vary from one State to another and give rise to humanitarian action adapted to the specific needs of each country. For example, in 2021, the EU allocated € 21.5 million in humanitarian aid to Cameroon. Part of these funds come to respond to food insecurity in the country. In recent years, the EU has substantially increased its aid to respond to the growing needs and the growing complexity of the humanitarian context in the country⁴⁷. In the Central African Republic, since 2014, the EU and its Member States have been the largest humanitarian donor in the CAR - over € 1.4 million allocated in total (OECD). In 2021, the EU allocated € 21.5 million in humanitarian aid to the country, including € 2 million to respond to growing needs arising from the recent election crisis. In fact, the humanitarian action of the EU is not uniform vis-à-vis the countries of Central Africa⁴⁸. It intervenes according to the gravity of

⁴⁷ EU-funded actions in Cameroon support: Nigerian and Central African refugees, uprooted Cameroonians who have found refuge in other regions of the country, host communities in the far north, south-west regions and north-west.

⁴⁸ While the actions funded by the EU in Cameroon support: Nigerian and Central African refugees, uprooted Cameroonians who have found refuge in other regions of the country, host communities in the regions of the far north, west and north-west, in the Central African Republic, EU humanitarian aid focuses primarily on the needs of the most vulnerable, namely the displaced populations in the CAR and the communities that host them, by providing them with: food, emergency shelter, access to health care, access to water and sanitation, short-term livelihood assistance and agricultural support, education.

the crisis which shakes the country and according to the particular relations which bind it to the country in question. As Boutros Boutros Ghali said concerning the UN, “It is essential that the Organisation find the means to combine humanitarian action and the protection of human rights with operations to restore, maintain and consolidate peace «⁴⁹ Crises have increased in recent years⁵⁰, prompting the diversification of EU humanitarian actions. Humanitarian needs have increased, especially with regard to food insecurity. Instability worsens the situation of internally displaced persons and refugees.

In general, the Central African region experienced 11 humanitarian crises between 2014 and 2018⁵¹. Due to these humanitarian crises in Central Africa, a very large number of people are in need of humanitarian aid; their number was estimated at 7 million in 2015 and reached 10.2 million in 2018. The EU spends relatively more funds in some crises than in others because of political commitments or public action priorities. When needs exceed the available budget, the choice of which crises or topic to prioritise is a political decision. In this regard, the politicisation of EU humanitarian aid is a cause for concern.

3. The multiplicity of actions

EU humanitarian action goes beyond dealing with the immediate consequences of disasters and crises. Other EU resources are devoted to other actions considered by it to be priorities. As to their nature, EU humanitarian aid actions can finance the purchase and supply of any product or material necessary for the implementation of humanitarian actions, including the construction of housing or shelters for the concerned population., expenses related to external staff, expatriate or local, engaged in the framework of these

⁴⁹ Boutros Boutros Ghali, Report to the General Assembly on the activities of the Organization for the 47th to 48th sessions.

⁵⁰ The United Nations declared four level 3 emergencies in the humanitarian community in 2015, which is the highest level on their rating scale

⁵¹ We can cite the security crisis and the conflict that affects the whole of the CAR, the complex and multi-level crisis affecting Cameroon (in particular the influx of Central African refugees to the east, the Lake Chad crisis in the far north, the food and nutrition crisis in the north, and the “Anglophone crisis” in the north-west and in the south-west), the food and nutritional crises as well as of the refugees which affect all of Chad (in particular the food and nutrition crisis in the Sahel strip, the Lake Chad crisis in the west, the Central African refugee crisis in the south and the continuing crisis of Sudanese refugees from Darfur in the east). Three factors largely contribute to the occurrence of these multiple crises: The conflict and the security crisis in CAR; the violence caused by Boko Haram in Nigeria and the Lake Chad region

actions, storage, transport, international or national, logistical support and distribution of relief, as well as any other action aimed at facilitating or allow free access to recipients of aid⁵². In States in conflict, the major aspect of humanitarian action consists in providing aid to victims in the theater of war itself, and at a distance from it, in the regions where the population displaced by violence gather. This involves providing the wounded and sick with care to which they no longer have access due to the collapse or overloading of local medical structures, but also to visit, make an inventory, help prisoners and ensure humane treatment is afforded them. It is also about providing assistance and protection to refugees and displaced persons. The entirely legal distinction between these two populations reflects the conception that States have of their role and their prerogatives. Both have been uprooted by violence, but the former have crossed a border to find refuge in a country of asylum, while the latter have sought temporary shelter in their own country. Refugees benefit from clear international provisions regarding the assistance and protection they are entitled to obtain, and which the Office of the United Nations High Commissioner for Refugees (UNHCR) is mandated to implement. Funded by voluntary contributions from States, intervening at the request of the government of the host country, UNHCR in turn coordinates and finances part of the action of NGOs carrying out daily work in refugee camps: construction of shelters, water supply, organisation of medical care, while another United Nations agency, the World Food Program (WFP),

The European Commission Humanitarian Aid Service (ECHO), under the direct responsibility of a Commissioner, has been funding operational humanitarian organisations since 1992 that come to the aid of victims of natural disasters and conflicts. The mandate of community humanitarian aid is to «save and preserve lives in emergency and immediate post-emergency situations, whether these are the result of natural or man-made disasters»⁵³, but also to bring relief to people affected by lasting crises. The European Commission's Humanitarian Office occupies an atypical place in the international landscape,

⁵² EC, Council Regulation (EC) 1257/96 of 20 June 1996 on humanitarian aid, [1996] OJ, L 163 at p 1 [Regulation of 20 June 1996].

⁵³ Mandate recalled in the Commission Staff Working Document, Directorate General for Humanitarian Aid - ECHO, "2007 Operational Strategy", SEC (2006) 1626, 1 Dec. 2006

since it is the only international donor of this magnitude that does not intervene directly in crisis areas to provide aid to affected population.

CONCLUSION

Given the amplification of crises and the heterogeneity of needs, the EU must give new impetus to its humanitarian aid policy, so that it is able to respond more effectively to growing humanitarian needs and fostering an environment more conducive to the delivery of humanitarian aid based on sound legal principles. At the same time, the EU must strengthen the coordination of its humanitarian action with other actors for better consistency in the actions undertaken, but also to make its humanitarian action visible and perceptible by the beneficiary populations and not only by the States.

DDR PROGRAMMES AS A TOOL FOR HUMANITARIAN PUBLIC POLICY AND CIVIL-MILITARY ACTION IN AFRICA,

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Abstract

From Namibia to Haiti to the Balkans to Afghanistan and back to the four Cardinal Points of the African scene, wars and armed conflict have engendered indescribable suffering to the human race. The Disarmament, Demobilization and Reintegration (DDR) procedures were thus created by the International Community under the leadership of the United Nations Organization, as a first step towards the restoration of peace. With this laudable objective in mind, the DDR of today presents itself as an instrument of humanitarian public policy involving civilian and military actors within the context of the comprehensive strategic global approach for crisis resolution. The heterogeneous nature of stakeholders has introduced the game of interests to tarnish the credibility of such a praiseworthy concept. This paper seeks to understand why 81% of DDR programs are found in Africa and how can they be ameliorated or simply eradicate their *raison d'être*.

INTRODUCTION

This paper attempts to present a view of the DDR process as an instrument of humanitarian public policy using civil military cooperation as the vehicle towards the realization of DDR programs. So far, the disarmament, demobilization and reintegration (DDR) process of ex-combatants has been presented as an economic venture with political and social inputs with not enough emphasis on the role of the military and its contribution to the general post-conflict humanitarian process which includes the DDR. The military remains an integral arm of the political machine of every state. Apart from cooperation in times of war or armed conflict, the military works in collaboration with the civil society in crisis resolution mechanisms in order to foster peace and security within a given Nation.

The purpose of this paper is to enhance cooperation between humanitarian stakeholders while providing insights to political actors in their role as the guarantors of peace and security. It is essential to note that in spite of the utmost significance of the DDR in post-conflict politics and social reorganization, there is no DDR program which is conceived to cover the totality of issues after a conflict. The variety of actors at the international, national and local levels attest to this hypothesis. The effectiveness of any DDR program depends on a number of factors which can be examined through the characteristics of a given human, natural and artificial environment.

In addition to taking the political and social aspects into consideration, DDR programs may need to place more emphasis on their humanitarian goals which sometimes get neglected in favor of the political domain. Macro and micro level practitioners face challenges from the target group, as well as the population of a given community. These challenges stretch from the definitions of the DDR, through ignorance and oversized expectations to the sequencing of D, D and R. The actual implantation, financing and follow-up of these programs represent their life force.

The first DDR programs in Africa have been traced to 1989 with the launching of the Namibian DDR. This program had an estimated number of 57 000 ex-fighters demobilized and 11 950 reintegrated. (Nzekani, 2013). The

latest DDR program is that of Cameroon, launched in 2018. DDR has existed for approximately 30 years since it was first launched in Namibia. It evolved from that initial stage to what came to be known as the second generation DDR after the Sierra Leone Conference of the 21st to the 23rd June 2005. This conference was organized in collaboration with the Office of the UN special adviser on Africa as well as the United Nations Development Program (UNDP). It brought together DDR experts from 15 African countries as well as high level representatives of the UN system. According to the Sierra Leonean President at the time, “post-conflict programs, be they political, social or economic, depend on DDR programs and on how the populations measure their success” (Harsch 2005). This statement highlights the importance of the DDR without claiming that the DD is the only passage from war to peace. Some of the recommendations included the following:

- the elaboration of practical DDR clauses in peace accords;
- Working on the particular needs of ex-combatants;
- The establishment of a better coordination mechanism between governments and peace-keeping forces in neighboring countries in order to solve the issue of cross-border arms trafficking;
- Give a particular attention to the collection of small and light weapons after the official disarmament operations;
- Assure collaboration with international partners, especially in the domain of financing.

This paper presents disarmament as a technique of inciting the voluntary handing over of weapons and ammunition which may have been used in an armed conflict. It includes the virtual as well as the physical weapons. In our study of ex-fighters, some of them in the DDR centers declare never to have carried a weapon or personally killed someone. But they were at the center of operations, working from a particular vantage point to provide strategic and tactical information, as well as participating in the recruitment process. They declared not to have handed in physical weapons, but they insisted that they put down their virtual weapons for peace to reign. This opens a door to the demobilization phase which in certain cases, may simply be the reduction of

an armed force as a national security policy. However, demobilization includes the modification of the mindset from that of a combatant to one of a law-abiding citizen within a given community. The question usually comes up why DDR is not DDRR (Disarmament, Demobilization, Reinsertion, and Reintegration). Reintegration is usually preceded by a transitory phase of economic and social empowerment of ex-combatants within a chosen community of settlement. This is what is referred to as reinsertion, teaching the ex-fighter how to live again in a civilian setting with follow-up. This phase is followed by the final reintegration where the ex-combatant is able to find a new life as a civilian, with certifiable results. (Douglas et Al, 2004).

This paper will proceed by looking at the DDR as an instrument of humanitarian public policy. It will further examine the general outline of DDR programs and the role of civil-military cooperation to attain that goal. Finally, it will embark on the evaluation of some of the challenges involved while providing corresponding practical solutions. It will conclude with some perspectives related to an eventual third generation DDR process.

I - DDR programs as an instrument of humanitarian public policy

Public policy refers to the official procedure or set of laws validated by a governing body of state executive, destined at resolving social economic, political, cultural and diplomatic problems for the smooth functioning of a given nation or community. It is institutionalized (Lassance, 2020) conceptualized and enacted by a government (Rinfret et Al, 2018). As far as civil protection is concerned, it refers to all the administrative and specialized efforts of a government to keep its people safe and secure from disasters, and when these occur, to be able to coordinate relief efforts destined at bringing the community back to its path of development. Humanitarian public policy will therefore imply the set of laws and procedures guiding the wellbeing of the occupants within a given territory.

Wars and armed conflicts have been classified as disasters considering the degree of destruction inflicted on human life, property and the environment.

In their wake, certain measures, such as the UN Cluster System, have been put into place to provide humanitarian necessities of food, shelter and clothing. The safety, security and comfort of the residents in a country depend primarily of the government, aided by both local non-governmental organizations as well as international partners. The UN System for example, recognizes the sovereignty of states and would only operate within a given territory according to its principles of neutrality and impartiality.

In Cameroon for example, the National Disarmament, Demobilization and Reintegration Committee for ex-fighters of Boko Haram and Armed Groups in the North-West and South-West Regions, was created by Presidential Decree in 2018 following a series of high level consultations both at the national and international Levels. As of the moment of the writing of this paper, 28 non-governmental organizations and most especially, the UN system have been identified as stakeholders in the Cameroon DDR process. The general objective of this body is to participate in the peace process. In spite of the fact that there are ongoing hostilities, the good-will of the executive in bringing back the whole national territory to normalcy is evident through the creation of the Cameroon DDR. It is an act of government, assisted by local and international partners at the macro and micro levels, at the strategic, operational and tactical levels. Though this Act has been widely criticized as anti-regular DDR, it should be noted that the DDR is not the last stage in a conflict but instead the first stage of the peace process and confidence building. It has sometimes been erroneously referred to as the second generation DDR meanwhile the second generation came to life in 2005. However, owing to its particularity, it should be understood that it is an institutionalized procedure enacted by the Cameroonian government in the direction of peace.

Concerning the Central African Republic, the DDR program was officially launched in 2018 as well, following the Khartoum peace accord between the rebel factions and the central government. The objective was to disarm at least 3000 fighters within its first year of existence, accounting for a third of declared fighters. The launching of this DDR program, though masterminded by the UN system on neutral territory, still represents a government act towards the peace process. Same as in the Cameroonian context, the launching of the program

was seriously contested by certain rebel groups such as that which is controlled by Abdoulaye Miskine¹. In spite of the reduction in the intensity of the conflict, there are still skirmishes and a high level of insecurity until the moment of research for this paper.

These two examples demonstrate that human interests and the assurance of their basic rights remain at the core of public humanitarian policy. The desire to harmonize DDR programs in Africa is a challenging task not only through the lens of politics, the economy, society and culture but must also be studied through the paradigm of the remote causes of the various conflicts. However, DDR programs have certain basic characteristics which will be examined in the next chapter.

II - General view of DDR programs

Sequencing constitutes a huge challenge in the DDR process. Definition as seen above determines the actions which take place at various stages of the process. DDR programs in Africa generally follow the UN definitions of the D, D, R and R but certain actions such as disarmament and demobilization could take place simultaneously. A study of the constituent elements of the DDR program reveals that disarmament is a part of demobilization, hence the difficulty in the resolution of ambiguities of definitions (Douglas et Al, 2004).

Every specific country elaborates its DDR program following its internal specificities therefore there is no standard duration of the DDR program. However, the shorter and more concise the program, the better it works towards the peace process. It is common knowledge that the reintegration phase is usually the longest and most delicate because its failure would result in an upsurge of violence. In our study, it was discovered that in all the 24 DDR programs studied since 1989, 20% of ex-fighters rejected the DDR program, 15% dropped out and an estimated 40% only, finally got to reintegration. The rest of the 25% have been a result of total failure of government humanitarian policy.

The Disarmament process first of all has to deal with weapons. This is where the military units, national or international peace keeping forces are most

useful. Disarmament entails the recovery of weapons. These weapons must be classified according to type, caliber, proliferation, origins, areas where they are most used and the degree of damage caused by them. It also includes estimated quantities, either by declaration of the various faction leaders or by the intensity of combats in various geographical areas or the number of combatants. The difficulty that arises here is related to individual civilians who decide to purchase weapons for their own protection, not as combatants, but as personal protective equipment which can neither be declared nor given up for as long as insecurity persists. The next step in the disarmament process is weapons collection. It requires powerful incitation mechanisms to influence combatants to self-surrender and turn in their weapons or for faction leaders to decide to give them up. This step also needs to secure storage facilities without which they will be raided by belligerent parties in order to avail themselves of weapons and ammunition. Storage is the third step in the disarmament phase. In the first half of 2021, there was a symbolic destruction of weapons presided by the Cameroonian Prime Minister in the South-West Region of Cameroon. This process of destruction depicts an opening to the fourth step in the disarmament phase. It is usually a public event, demonstrating the intention of warring parties to follow the rule of law. The fifth stage which is usually optional is the reutilization of some of the weapons within the official armed forces to fulfill their inherent missions. The disarmament process is a complex one and particularly delicate as it constitutes the first step towards the change of mentality. In our research, we were faced with the question as to why even dane-guns had to be destroyed considering that they represent the culture of certain tribes. The answer to this is that a firearm is the strongest symbol of violence and its destruction symbolizes a cultural revolution towards peace.

Demobilization is not a haphazard activity as certain persons are led to think. It involves 5 major steps. It begins with intense planning which includes among other aspects, a complete study of the human and natural environment, demographics and objectives. The end-state must be defined at this point with clear tentative duration, hypothesis and direct experimentation. This is where military methodology would be of great use and an elaboration of the strategic comprehensive approach concept, destined at meeting the end-state in record time with available resources. The second step in this process is encampment.

Temporary sites could be allocated to this effect but it is very likely that this is where disgruntlement begins especially when ex-fighters are dissatisfied with the DDR practitioners for unmet promises. Gender issues and macro-level thinking are important to cross this particular state. The third step is all about registration. At this stage, ex-fighters are categorized and administrative and personal details about them are indexed. As in every organization, there are tacticians and strategists; there are the direct actors and the support elements. All of these details need to be known including their zones of combat, strengths, initial training and vulnerabilities. The fourth stage entails disarmament including all that has been detailed above. Again, at this phase, the problem of definition of disarmament relative to demobilization presents itself. However, for the purposes of this paper, we would consider disarmament here as the mental disarmament and civic rearmament. Psychologists and social workers would be particularly busy in this step. The fifth stage is pre-discharge and orientation. This is basically what is called reinsertion where the ex-fighter is tentatively placed in the community of settlement of his/her choice after empowerment through training. The final step of the demobilization phase requires that the ex-fighter be certified fit to live in a community without regressing into acts of violence. It can be observed here that demobilization touches on particular aspects of disarmament and reintegration.

Reintegration is considered as a long-term process which includes reinsertion and final discharge. It requires a detailed study at the national, regional and local levels; each of them should be looked at in the formulation/updating/revision of policy, support for regional implementation agencies, local level emergency aid, and transport to selected settlement areas, discharge payments, reinsertion packages, construction or reconstruction projects and vocational training requirements. Reintegration is quite delicate but it is the rendering practical of its component aspects which renders it appetizing to eventual volunteers to disarm. National policy cannot end at the level of the government Act creating or launching a DDR program. Its continuity and success depends on its adaptability to the changing human environment. Regional agencies coordinate the actions of all regional stakeholders and they are at the level between the macro and micro. Follow-up is basically carried out at the local level which gives feedback to the higher levels of responsibility through observations and

proposals. It is at this level that destroyed communities are rebuilt, host communities are brought to terms with the ex-fighter to avoid stigmatization and the results of empowerment are evaluated.

Many DDR centers are built over large expanses of land. This could enable a community to be built, which could transform itself into a village or settlement. The disadvantage of this sort of settlement around the DDR centers, is that it would be easy for ex-combatants to regroup and remobilize if they judge that their expectations are not met. The advantage of such is that they would generally stay together and make security checks easier for the forces of law and order. Also follow-up on their progress can be easily documented and necessary corrections made. Such a settlement would eventually develop into a village, a town and maybe a city center of pacifists.

III - Civil-military cooperation within the DDR

In the previous chapter, it was stated how instrumental the military could be in helping solve the D and the D. However, the differences in approach as well as the organizational structure and management of both entities differ greatly, hence the need for cooperation. The operational paradox comes into play when military units, trained in the use lethal force as an extension of the political game become actors in a given humanitarian effort. This coordination of efforts is a complex procedure which may yield fruits with the right amount of liaison efforts or endanger the DDR efforts when an error occurs. Liaison, support and helping to defuse conflict situations or misunderstandings are the main role of the military. Civil military coordination was initially conceptualized and experimented as it is known today by the NATOⁱⁱ to breach the gap between military and civilians working within the same theatre of operations. The objective is to attain optimum results in complex crises. It should be noted that purely humanitarian and social workers value their neutrality, impartiality and independence and the presence of military units in the field could jeopardize these principles. From 1948 with the Berlin airlift until the earthquakes and natural disasters around the world, military units have been very involved in relief operations.

Military assets are generally used as a last resort by humanitarians in order to avoid confusion especially during the complex emergencies. In September this year, the Taliban took over power by force in Afghanistan, ousting the legitimate government. This was followed in Africa by the Benin coup d'état. Considering both examples, the question comes to mind how would a DDR program function in such a setting without fear of reprisals by the vanquished? The response can be summarized in one word: **FAILURE**. Any attempt to demobilize the defeated military through such a program will immediately arouse feelings of distrust. One of the consequences of such situations as in both of these countries is definitely a proliferation of small and light weapons as the vanquished flee to their homes and villages. With the almost balanced proportions between the military in power and the vanquished, taking also into consideration the divisions within the population, there is a need for the development of confidence-building mechanisms. In these cases, the neutrality of humanitarian workers will be seriously compromised if they use government or military assets to do their work. There will certainly be a need for international assistance to elaborate and implement a DDR program.

The capabilities of the military to reach remote parts of a country, its structure and its mission-oriented mindset make it a valuable tool for aid workers to get to the needy. It should be noted however that the DDR needs military knowhow for its success, not only in the domain of security but especially in the disarmament process, recovery of surrendered combatants in the elaboration of a working methodology. The DDR is a political Act with diplomatic, social, economic and cultural ramifications. The military is the coercive arm of the executive hence, it is not possible for each to estrange itself from the other if African DDR programs were to meet with a higher degree of success.

IV - An overview of DDR program challenges and some solutions

The problems of the DDR management can go as far as the origins of the conflicts given the various settings, through interests, stigmatization and total distrust giving to various forms of decadent criticisms. In our line of duty, we

have identified some of these difficult situations and this paper will go on to present them together with their possible solutions.

The target group of beneficiaries constitutes the first problem. There have been quarrels and violent fights in many DDR centers following the encampment of certain ex-fighters and their families. The problem of categorization of the residents makes it difficult to define a target group. Also, it is important to note that communities which have considered themselves victims of the atrocities of the armed groups also insist on benefiting from the DDR programs, meanwhile there are other bodies in charge of reconstruction and aid to these communities. For this purpose, this paper proposes a categorization according to involvement and good faith:

C1: An ex-combatant, who actually carried a weapon, turned it in and surrendered;

C2: An ex-combatant who surrendered without a weapon;

C3: The nuclear family of the ex-fighter who supported him/her in the fight;

C4: Other facilitators who decide to surrender;

C5: Victims and victim communities for reconciliation purposes.

Category 5 overflows into the second identified problem, namely that of the population which is disgruntled following the general imagination that ex-fighters (killers) are treated better with taxpayers' money. Such feelings make it very risky for DDR practitioners and stakeholders to proceed with sensitization efforts within the population without security for fear of reprisals or transferred aggression. The solution to this would be the regular use of any mass media communication channel by DDR practitioners and especially, they must engage in online question and answer sessions for clarification and succeeding reconciliation. That is another form of negotiation.

The third challenge is equally an overflow of the second and that is relative to disgruntled ex-fighters who are in contact with their former comrades in arms. DDR centers are inevitably infiltrated by representatives of armed groups. Many of them come in to evaluate the level of implementation of government policy and to judge if the DDR is better than the profits from plundering. In

most cases, the reports of infiltrated group members are negative and the DDR as part of the peace process comes across as a failure. This is the case with the first and second phases of the DDR process in Côte d'Ivoire between 2003 and 2010. No ex fighter out of the estimated 48.000 was reintegrated and the 40 million US Dollar budgeted could not be accounted for. This was a total failure. The proposed solution to this sort of difficulty is a periodic revision of policy and a thorough background check on the morality of national DDR practitioners before they are assigned to assume responsibility for other people's lives on behalf of a given nation.

The final challenge identified within the limits of this piece of writing is the game of interests at every level. 81% of DDR programs since 1990 have been in Africa. A juxtaposition of neo-colonialism, the new late 20th to 21st Century scramble for Africa, the arms industry and mass manipulation would make one wonder why these programs only emerge in Africa and the Arab block rich in natural resources. Lower down the scale from the supra-national level is the war economy. War or armed conflict is fruitful when plundering and looting become a profitable business. Nongovernmental organizations, both local and international need visibility and their "volunteers" need to keep their jobs. State institutions suffer from corruption and armed groups get a livelihood from the looting. Such factors as these account for a multiplicity of conflicts crowned with long DDR programs. The win-win mentality finds one of its worst manifestations in such situations. The only solution to this sort of hassle is for African Nations to take their destiny into their hands, understanding that larger countries with dense populations are those that rule the world. Secession only makes a people more vulnerable. The second part of this hassles as far as national policy is concerned is related to the solution of the fourth challenge above, that is, morality checks prior to assignment and sanction of defaulters.

CONCLUSION

The DDR programs are a laudable effort towards the return of peace to Africa and to crises ridden countries. However, like every human enterprise subject to the game of interests and the satisfaction of personal or national

greed, these programs have only met with a success rate estimated at 40% according to our research. It is imperative for states to tailor their DDR requirements to their internal needs and national interests, using the various tools of sensitization.

It has been observed that DDR programs can be state managed with the implementation of the right amount of confidence building mechanisms. Many have been launched successfully while hostilities are ongoing with remarkable positive effect towards the return of peace. These ones account for what this paper terms the third generation of DDR programs. Though widely criticized, such as the Cameroonian case, with the right officials at the right place, there would be no room for failure.

In any case, ex-combatants may not be integrated within regular armed forces. Other paramilitary organizations such as the fire service and road traffic assistants would be particularly beneficial to their civic rearmament. They would inevitably find themselves obliged to be of service to themselves, other persons and their communities as a whole.

Finally, for DDR programs to succeed in Africa in complementarity rather than opposition, it is noteworthy for a complete overhaul of the mindset of all practitioners, not paying lip service to the executive but actually working in line with the promulgator of the political intention towards development and Nation-building.

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HUMANITARIAN DIPLOMACY: BETWEEN HUMANITARIAN POLICY AND POLITICAL HUMANITARIANISM

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Abstract

A relatively new concept in the scientific literature of international studies, humanitarian diplomacy paradoxically reflects an old, historically well-known reality, which translates into the fact that the various forms of political societies provide assistance to those with whom they are in contact. Deployed in situations of extreme emergency and vulnerability of the population following the degradation of security due to anthropogenic or natural factors in the world and mainly in Africa, crossed by wars and conflicts of various kinds, humanitarian diplomacy which seems to be motivated by a solidarist vision, is strongly influenced by the strategic concerns of Realpolitik in its declension by the various powers which provide assistance to the various States of the Black Continent strongly affected by a deterioration of security and humanitarian risks and crises. This strategic dimension is observed not only in the mobilisation of the military apparatus of certain powers in a geostrategic logic, but also in the absence of neutrality and impartiality of the non-state actors who act in this form of diplomacy.

Keywords (4): Humanitarian diplomacy, political humanitarianism, linkage, glaxis.

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INTRODUCTION

A relatively new concept which emerged in the 2000s² in contemporary international relations, humanitarian diplomacy³, as a new concept⁴, is a vague concept whose semantic contours, actantial forces and the various foundations governing its essence need to be clarified. Elliptically and empirically, humanitarian diplomacy taken in its most laconic sense is not a new emanation in the varied typology of relationships that govern international phenomenology. By carrying out a sociogenesis of the facts relating to what can today be considered as humanitarian diplomacy, we can say that its essence is ancient. Indeed, this form of diplomacy, which finds its historical and material foundations in the humanist values governing the search for the preservation of humanity in a crisis situation, is as old as the desire for socio-political organisations set up in territorial communities to provide mutual assistance, when they are not explicitly in competition. Concretely, we can say that its diachrony refers to an immemorial reality, attested by the history and the practice of diplomatic relations, long before the advent of the State, posited as the most complete and refined form of society. Indeed, according to Michel Marietta, *treating the sick, the destitute and the victims in the broad sense and alleviating their suffering are gestures of solidarity as old as humanity*, a set of practices already observed in antiquity between various Greek cities⁵ and those of the Byzantine Empire⁶. In view of the phenomenology of humanitarian action which is characterised by a variety of facts and actors, it has become necessary to question the meaning of humanitarian action⁷, particularly in

² Antonio De Lauri, "Humanitarian diplomacy", Bergen: Chr. Michelsen Institute (CMI Brief no. 2020: 06) 4 p.

³ Rousseau Élise, Sommo Achille, "Chapter 17. Humanitarian diplomacy", in: Thierry Balzacq éd., *Manuel de diplomatie*. Paris, Presses de Sciences Po, "International Relations", 2018, p. 291-306.

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⁶ Mallet Michel, « Origine et évolution des ONG dans le système humanitaire international », *Revue internationale et stratégique*, 2015/2 (n° 98), p. 53-59.

⁷ GOEMAERE, Éric ; OST, François. *L'action humanitaire : questions et enjeux* In : *Humanité, humanitaire [en ligne]*. Bruxelles : Presses de l'Université Saint-Louis, 1998, in BEL, Olivier ; et al. *Humanité, humanitaire*. Nouvelle édition [en ligne]. Bruxelles : Presses de l'Université Saint-Louis, 1998.

relation to its essence, its logic and the possible consequences of this form of international and transnational commitment. From a semantic point of view, the concept of humanitarian diplomacy can have a classical meaning and a transnational meaning.

I - CLARIFYING THE CONCEPT OF HUMANITARIAN DIPLOMACY

Conceptually, humanitarian diplomacy differs depending on whether it is mobilised by State actors, or by non-state actors. It can be understood in two different ways depending on whether one is in the first approach or the second, it refers to two meanings, namely: a classic meaning (A) and a transnationalist meaning (B).

A - The classic understanding of humanitarian diplomacy

In the classic sense, the concept of humanitarian diplomacy refers to all the behavioural facts of one or more States, or international organisations, which, faced with the critical situations encountered⁸ by others that generate serious risks to the security of persons and goods, have (s) in the conduct of their foreign policy various political, economic and logistical resources in order to participate in efforts to curb humanitarian emergency situations resulting from these fragile situations. It is broken down into a bilateral and a multilateral perspectives.

From a bilateral perspective, humanitarian diplomacy is mainly carried out by the State, which, in its foreign policy, makes humanitarian assistance a priority in its relations with partners. It is mainly directed towards the States maintaining or not diplomatic relations with the State having its action in this direction. In a purely multilateral vision, humanitarian diplomacy emerged at the end of the Second World War with the creation of the UN and its specialised agencies. Following the ambition of building a pacifist cosmopolitanism, we note with its advent the «beginning of a period of unprecedented international concern for the protection of human rights»⁹. It also enjoys a transnationalist perception.

⁸ These situations mainly refer to crises, wars, conflicts and humanitarian emergencies.

⁹ Andrew Clapham, Human Rights. A Very Short Introduction, Oxford, Oxford University Press, 2007, p. 420.

B - The transnationalist understanding of humanitarian diplomacy:

From a transnationalist perspective, humanitarian diplomacy refers to all the philosophical (advocacy values, etc.), economic and logistical instruments that non-state actors in international relations deploy in order to preserve humanity in a situation of vulnerability in the contexts of great fragility and securoclasty¹⁰ progress due to various crises and conflicts (socio-political, environmental, economic, etc.). In a transnationalist approach, humanitarian diplomacy is mainly carried out by INGOs, in particular those acting in the direction of human security (ICRC, MSF, MM, HRW, RSF, WWF). In their related actions, the latter «ensure that government policy is not implemented on a non-active population»¹¹, without being the exclusive actors. This form of diplomacy is also carried by multinational firms, major international personalities (various celebrities from the world of sport, music, finance, etc.), and by certain essentially functional State forms (Vatican in advocacy, Sovereign Order of Malta in providing humanitarian action to countries in crisis). According to this meaning, humanitarian diplomacy is manifested by the presence and action of humanitarian organisations in the constant formulation of advocacy with belligerent parties or States, or even social actors for greater access for humanitarian professionals to populations in vulnerable situations (civilian or not) in order to benefit from all the measures aimed at protecting and preserving humanity. Beyond these two perceptions, humanitarian diplomacy refers to all the discourse and actions taken by all international actors at all times with the aim of preventing, managing and resolving situations of vulnerability linked to the deterioration of security and putting large masses of people at risk. In its deployment and implementation, humanitarian diplomacy applies in well-known contexts.

¹⁰ Degradation of security.

¹¹ Gemma Edgar, "Agreeing to Disagree: Maintaining dissent in the NGO sector," Discussion Paper, No. 100, The Australia Institute, August 2008.

II - THE SCOPE OF HUMANITARIAN DIPLOMACY

In general, humanitarian diplomacy is a form of international action that is deployed in absolute terms without any spatio-temporal break, i.e. it can be done at any time and in any place. This position of principle is justified by the fact that the places, and / or the moments where it can be activated are likely to be manifested as much in the countries of the North as those of the South, without distinction of the continents, and of course in any context. However, to determine the spatiotemporal continuum of its material fields to which it relates, it is important to elucidate the contexts that favor the emergence of situations of greater vulnerability and risk of degradation of human security for the population. As such, we can distinguish:

A - Sociopolitical crises and conflicts

The main anthropogenic factors that generate situations of instability are crises and conflicts linked to the use and distribution of scarce resources. These strong situations, which weaken human security, constitute one of the essential moments in the expression of the preservation of civilians in a logic of prevention of humanitarian risks and disasters, and require several technical expertise that can be mobilised¹² for this purpose. As such, we can differentiate between:

Sociopolitical crises and conflicts (secession war, rebellions such as the Syrian war¹³, the Biafra war¹⁴ which was a «formative experience in modern humanitarianism»¹⁵ through the logic of the humanitarian actors who were involved¹⁶,

- Economic crises;

¹²Mancini-Griffoli, T, Picot, A, 2004, Humanitarian Negotiation: A Handbook for Securing Access, Assistance and Protection for Civilians in Armed Conflicts, Center for Humanitarian Dialogue.

¹³Idem.

¹⁴Pierre Mertens, The modalities of the intervention of the International Committee of the Red Cross in the conflict in Nigeria., French yearbook of international law, volume 15, 1969, pp. 183-209. p.

¹⁵Eleanor Danvey, John Borton and Matthew Foley, A History of the Humanitarian System, London, ODI, 2013.

¹⁶Marie-Luce Desgrandchamps, Humanitarian aid in civil war. The Biafra crisis (1967-1970), Presses Universitaires de Rennes, coll. "History", 2018, 376 pages.

- Security crises.
- To anthropogenic factors, we can also add natural disasters.

B - Natural or non-natural and environmental disasters

The occurrence of natural disasters are prime moments in the deployment of humanitarian diplomacy. They mobilise the diplomatic apparatus and the logistical resources of non-state actors in order to preserve human security and prevent humanitarian disasters and manage them with varying degrees of success. Among these natural critical contexts characterised by the fragility of security, we can mention:

- Environmental crises (droughts, floods, etc.);
- Natural disasters (earthquakes, tsunamis, etc.);
- Anthropogenic catastrophes (various accidents, nuclear power plants, fires, etc).

From the foregoing, it can be seen that the scope of humanitarian diplomacy is essentially oriented towards the need to alleviate suffering, to prevent the occurrence of disasters and to preserve lives in emergencies. It is mainly aimed at «Improving access to humanitarian aid in conflicts and in complex emergencies (which) has always been the greatest concern for humanitarian actors»¹⁷. This humanitarian diplomacy finds its source in specific foundations.

III - THE FOUNDATIONS OF HUMANITARIAN DIPLOMACY

The foundations of humanitarian diplomacy refer to all the principles, values, motivations and instruments, which support the bases of the action of stakeholders in this form of relationship with foreign elements. Beyond the easily identifiable legal foundations through bilateral international instruments (various treaties, constitutive acts and IO resolutions), and / or the statutes and authorisations to act and operate in States for INGOs, which describe to

¹⁷Antonio De Lauri, op. cit.

sufficiency the stated objectives, The teleological dimension that structures the phenomenology of humanitarian diplomacy can also be observed through the solidarist foundations on the one hand (A), and the strategic foundations on the other (B).

A - The solidarist foundations of humanitarian diplomacy

Generally contained in the stated goals of legal instruments defining either inter-state relations, through which the lexical predominance of solidarity can be seen as one of its most important foundations, humanitarian diplomacy appears as a humanist relational modality. Its solidarity-based foundations, of which the preservation of human rights¹⁸ in a vulnerable situation is an essential matrix, are structured around certain values such as:

- Preserving humanity in crisis situation;
- Humanitarian assistance;
- The search for peace;
- Supporting people in dire need;
- Preservation of human rights;
- Preservation of the safety of vulnerable people (children, women, the elderly, people with reduced mobility and those suffering from various disabilities).

Beyond these solidarist values, humanitarian diplomacy, like any diplomatic action, also has strategic foundations, which in certain respects reveal its antinomic character to the international reality strongly influenced by the search for interest and power.

B - The strategic and geostrategic foundations of humanitarian diplomacy

At the outset, it is important to recall the ambiguous nature of the concept of humanitarian diplomacy, which is forged around two antithetical notions.

¹⁸Pease, K, 2016, Human Rights and Humanitarian Diplomacy (Manchester University Press).

The conduct of States' foreign policy including diplomacy is a modality, or even a synonymous notion, is not fundamentally free from the lucrative and strategic demands of realpolitik. Traditionally, diplomacy, seen from a State perspective, which is also one of the modalities of foreign policy with which it is integral, aims to fulfill four main fundamental functions, namely: “(...) *observe, negotiate, represent and sell*”¹⁹, as attested François Bujon De l’Estang. These four functions lead to strategic choices by States in the conduct of their foreign policy and are the basis for satisfying the quest for ways and means to achieve various interests. Among these structuring motivations of humanitarian diplomatic action, we can distinguish:

- The quest for economic interests (exploitation of mining resources and other raw materials, financial, commercial...);
- The quest for political interests (influence in the processes of transition, unification or partition of political entities);
- The quest for diplomatic interests (hope for diplomatic support, constitution of Allies in IOs);
- The quest for cultural interests (linguistics, cultural and philosophical influences...);

Geopolitical and geostrategic issues are at the heart of humanitarian diplomacy, and they significantly structure and orientate its dynamics. This humanitarian diplomacy is even in the provision of solutions to security problems and induces tensions and rivalries between States at the global level in different theaters such as:

- Management of emergency situations resulting from security crises (Bosnia and Herzegovina, Mali²⁰...)
- Management of emergency situations resulting from health crises (management of the Ebola crisis in Guinea²¹, the management of the

¹⁹De L’Estang, François Bujon, and Michel Crépu. “The Four Functions of Diplomacy.” *Revue Des Deux Mondes, Revue des Deux Mondes*, 2004, pp. 79–90.

²⁰Pierre Salignon, «Mali: France at war, humanitarian aid galley», *Humanitaire* [Online], 34 | 2013, posted on April 22, 2013, consulted on October 03, 2021.

²¹Pierre Salignon and Adrien Absolu, “The action of the French State in Guinea: towards and beyond Ebola”, *Humanitaire*, 40 | 2015, 52-63.

covid19 pandemic with Beijing mask diplomacy²², the vaccine war²³ against the Covid, which does not hide the lucrative logic that governs the search for solutions to the pandemic ...

- The management of emergencies resulting from man-made disasters (sinking of the Russian submarine Kursk²⁴, Chernobyl²⁵...).
- These strategic foundations of humanitarian diplomacy reveal its various characteristics as a form of humanitarian policy.

IV - HUMANITARIAN DIPLOMACY AS A MODALITY OF HUMANITARIAN POLICY

Humanitarian diplomacy appears, from the facts, as a sub-component of humanitarian policy, which itself is a component of the foreign policy of a State with which it has various material and functional links. Foreign policy is already well defined, but in James Rosenau's view it refers to the line of action that the official leaders of a national society follow to present or modify a situation in the international system so that it is compatible with the objectives defined by themselves or their predecessors²⁶. These links, already clarified by Dario Battistella, lead us to think with certainty that <foreign policy and diplomacy are two sides of the same coin, the action of states in the international arena and the way in which it is developed and carried out: while foreign policy concerns the objectives and ends of this action, diplomacy refers to the way in which the agents of these states conduct themselves in the implementation of their foreign policy. In a way, <both terms connect to each other in the same way as a medium to a message>²⁷. With this in mind, it is

²² Guillaume Tawil, COVID-19 - China: mask diplomacy, a failure, <https://www.open-diplomacy.eu/blog/covid-chine-diplomatique-masque>. Video and written article published on June 4, 2020.

²³ Patrick Zylberman, The vaccine war, Paris, Odile Jacob, 2020, 349 p.

²⁴ Peter Davidson, Huw Jones, John H. Large, "The Recovery of the Russian Federation Nuclear Powered Submarine Kursk", World Maritime Technology Conference, San Francisco, Society of Naval Architects and Marine Engineers, October 2003.

²⁵ Exclusion zone set up by the Red Army.

²⁶ James Rosenau, "Moral Fervor, Systematic Analysis and Scientific Consciousness in Foreign Policy Research", in Austin Ranney (ed.), *Political Science and Public Policy* (Chicago: Markham, 1968), 197-236.

important to clarify the semantics of the concept of humanitarian policy as an instrument of the state's general foreign policy (A) and to show the place of humanitarian diplomacy in the implementation of humanitarian policy (B).

A - The concept of humanitarian policy

Humanitarian policy refers to all measures taken by States and non-State humanitarian actors in defining their objectives and methods of conducting humanitarian action aimed at assisting the population in emergency situations in various States. Not exclusive to external action, humanitarian policy encompasses the various civil protection actions, with the difference that these are carried out within the borders of the State on its territory, and are mainly conceived and carried out with a view to providing assistance. Concretely, the humanitarian policy of a State has a national aspect directed towards emergencies within the national territory; and an external component turned, in the same philosophy, towards foreign States experiencing vulnerable situations. Humanitarian policy, which is one of the modalities of a State's foreign policy, is intrinsically linked to diplomacy, which offers it one of its modes of expression. In fact, humanitarian diplomacy is presented as one of the means of expression of humanitarian policy, the links of which it is important to elucidate.

B - Humanitarian diplomacy as a modality of humanitarian policy

Humanitarian diplomacy is above all diplomacy, meaning an expression of foreign policy which constitutes a medium for achieving the foreign policy objectives of States including the search for the interests of national definition in terms of power is a corollary. Even though a certain neutrality is required from humanitarian workers, it is clear that the field provides other indications on the behaviour of humanitarian actors in the conduct of their operations. In this regard, it should be noted that: *“The humanitarian actor” (...)* *must learn to take off his white coat to put on his citizen costume, that is to say, learn to distinguish between orders. He must rediscover the sense of politics, question*

²⁷Battistella Dario, Cornut Jérémie, Baranets Élie, “Chapter 12. Diplomacy”, in: Theories of international relations. Under the direction of Battistella Dario, Cornut Jérémie, Baranets Élie. Paris, Presses de Sciences Po, “References”, 2019, p. 419-451.

*the overall meaning of his action*²⁸, said R. Brauman, reflects a strictly idealistic approach not shared by other authors based on more empirical observation.

In an empirical analysis of the issue, Hab. Victor JUC and Carolina DODU-SAVCA note that, the formulation of national interest is a dynamic and complex process, as this category reflects social realities that include the totality of needs and aspirations common to all members of a socio-cultural entity²⁹, These authors demonstrate that the quest for national interest in the foreign policy choices of States is not limited to State actors exclusively, but also mobilises various social actors who place themselves at the service of the influence and interests of their nations. Humanitarian actors are hardly an exception to this logic. These humanitarian diplomats, who are also external actors in the humanitarian policy of States, also work to promote the interests of their respective governments. Such humanitarian diplomacy, which is essentially outward-looking, is rooted in domestic political concerns, whose interests are a common matrix for humanitarian actors with a nationality; the public funding of their home states reflects and reinforces this interpretation. In addition, non-state humanitarian actors benefit from special support and monitoring by the diplomatic missions of their home countries.

In relation to humanitarian policy, of which it appears to be one of the elements, humanitarian diplomacy is therefore a soft approach to projecting and exercising State power, particularly in the search for soft power, and by mobilising its resources to win the support of the States and peoples towards whom it is directed. It appears as a real modality for the conduct of the foreign policy of the states that support and deploy it. On this basis, it is presented as:

- A humanitarian policy modality (China's Covid19 mask diplomacy, donation of vaccines and various logistical materials to fight the pandemic. Antoine Bondaz believes that this activism and dynamism of «health diplomacy» is mainly aimed at creating a real health silk road in Africa)

²⁸R. BRAUMAN. *Humanitaire. Le dilemme*, entretien avec Ph. Petit, Paris, 1996, p. 39. Cf. aussi p. 91 : "L'humanitaire n'est pas seulement une forme de destruction du politique, mais aussi un moyen de sa redécouverte par d'autres voies"

²⁹Juc, V., & Dodu-Savca, C. (2014). National interest - determining factor of strategic priorities of the Republic of Moldova. *Studii Europene*, 2, 105-121

- A reality with a teleology common to foreign policy actions (influencing, coercing, obtaining economic benefits...)
- A soft and less constraining modality through precise recipes with precise actors (solidarity values, actions by operators, development agencies, associations and NGOs through public funding...).

This political essence of humanitarian action encourages the emergence of political humanitarianism, the meaning and methods of which need to be defined.

V - HUMANITARIAN DIPLOMACY AND POLITICAL HUMANITARIANISM

Humanitarian diplomacy is not only carried out by State actors, but also by a variety of non-state actors such as various INGOs, whose sources of funding range from public to private sources, mainly from large donors such as multinational companies, celebrities and wealthy individuals. Although they claim to act essentially for solidarity reasons, a closer look at their behaviour shows that humanitarian diplomacy is not without its own self-interest. The analytical category of political humanitarianism has a precise meaning which oscillates between concept and reality which can be classified into analytical grids to be clarified on the one hand (A), while declining the various modalities of its translation into reality on the other hand (B),

A - Theoretical and conceptual frameworks for political humanitarian analysis

At the outset, it is important to make one thing clear: unlike a persistent opinion, humanitarian action is essentially political, as it is part of the issues relating to the governance of the city and relations within international society. In this respect, Jean Hervé Bradol considers that, opposed to power but not seeking to conquer it - since it refuses to be associated with the logic that divides humanity into those who can live and those who must die - humanitarian action is subversive by necessity, since the advocates of the

established order rarely accept solidarity with those whose elimination they decree or tolerate³⁰. An analysis of this opinion, with reference to the political logic of humanitarian action, shows that it is neither apolitical nor politically neutral. Rather, it has its own logic, by opposing the power that generally does not exclude any field of regulation of social affairs. Humanitarian policy is fully integrated into the political field and incorporates strategy as a means of its definition, particularly at the international level. As such, it is subject to all the foundations which motivate international politics. From this point of view, humanitarian policy implies that humanitarians and humanitarian contractors are also subject to the political logic of the international system, which to some extent, allows for an understanding of their behaviour and motivations. Indeed, if we apply strategic reasoning to all the facts relating to humanitarian action, we can classify political humanitarianism into three categories:

- The strategic political humanitarian (which is the competence of the politician who in his foreign policy objectives, selects humanitarian action and assistance as modalities of foreign policy);
- Humanitarian operational policy (which relates to the translation into humanitarian missions of the foreign policy objectives of States acting through their services, and / or by humanitarian organisations generally headquartered in the State in question);
- Tactical political humanitarian action, which is the responsibility of actors acting on the ground by carrying out actions in the direction desired by States or donors.

There are three dimensions of political humanitarianism that are based on a precise logic of interdependence.

B - The modalities of political humanitarian action

In order to understand the ways in which political humanitarianism is expressed, it is important to grasp the notion of interdependence between actors, which are the units and entities that structure it and shape its dynamics. **Irnerio Seminatore** rightly reminds us that where everything depends on the whole,

³⁰Jean-Hervé Bradol (see “In the shadow of just wars”, published in 2003).

the analysis of the behaviour of the different units requires a systematic approach³¹. This systemic logic, and interdependence between actors with asymmetric relationships³² brings out motivations of interests which structure their various behaviors. As such, in an international political logic, three main geostrategic paradigms make it possible to understand the political humanitarian instruments of humanitarian actions, namely the linkage and financing paradigm on the one hand, and the geostrategic technology of the glacies on the other hand.

Diplomatic linkage paradigm :

Linkage in contemporary international relations is the strongest mark of interdependence³³ that characterises them. Indeed, the diplomatic technique of linkage refers to the strategic linking of issues that are not at first sight related, in order to tip the balance in the direction of the expected short-, medium- and long-term objectives during negotiations on the conduct of foreign policy. Thus, by linking political, economic, humanitarian and cultural issues to the pursuit of a specific interest or interests, the powers of the world's Directory put pressure on States in need or in demand to make diplomatic gains on other issues. As an illustration, we can mention the recent threats by Paris and the European Union to cut off humanitarian and security aid to the Republic of Mali, should the latter engage in military-security cooperation with the private military company Wagner, which is close to the Kremlin.

Financing humanitarian policies :

Humanitarian policies are essentially funded by public resources, i.e. the State. As such, in order to benefit from them, humanitarian policies must be in agreement or in conformity with the guidelines of these public donors.

³¹ Seminatore, I. (1987). Interdependence, Linkage and the International System: From Conceptual Analysis to Foreign Policy Problems. *International Studies*, 18 (2), 329–352.

³² RO KEOHANE and JS NYE. *Transnational Relations and World Politics*, Cambridge (Mass.), Harvard University Press, 1972.

³³ The Department of State, *Toward Strategy of Interdependence*, Special Report n° 17, Washington, July 1975. This study uses the theses of LR ALKER, LP BLOOMFIELD and N. CHOVERI. *Analyzing Global Interdependence*, MIT Press, Cambridge (Mass), 1975.

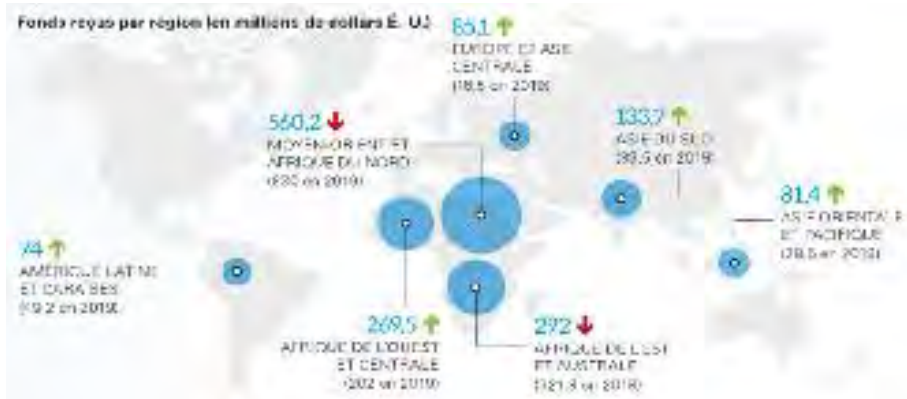
Consequently, in the context of humanitarian diplomacy, these policies aim to contribute to the achievement of foreign policy objectives which have little to do with the values of free or disinterested assistance. This approach, which reinforces the absence of a fundamental antinomy between the pursuit of power interests and international solidarity, is quite rightly obvious. An analysis of the behaviour of public donors reveals a general trend towards the State becoming the main actor in the financing of humanitarian action. Indeed, in the Gulf countries, between 2014 and 2016, the main donors operated through a number of international organisations to finance humanitarian action. These include the Organisation of Islamic Cooperation (OIC), which has its own regional mechanisms oriented towards a security community. In this respect, it can be observed that the Arab League, through its cooperation, finances the activities of the ICRC, or the Gulf Cooperation Council, or even the States themselves, which finance the programmes and policies of the main humanitarian actors such as the specialised UN agencies (WFP, UNHCR, UNRWA, OCHA, etc.), the INGOs and the NGOs active in humanitarian action (IFRC, etc.). Kuwait stands out as one of the main sponsors of humanitarian action in this area, particularly in North Africa following the Arab Spring. This Gulf State has contributed more than \$633 million, of which more than 41% was provided by the United Nations (source: FTS)³⁴. In fact, humanitarian aid in this area is mainly funded by member countries Governments and institutions within the Development Assistance Committee (DAC) of the OECD (Organisation for Economic Co-operation and Development), which currently includes the European Union and 28 countries, most of which are Western. These donors have funded 94% of humanitarian aid over the past decade and 90% (\$16.8 million) in 2014³⁵.

At the global level, humanitarian aid is also largely driven by states. According to UNICEF, «nearly one third of the total 2020 appeal was devoted to humanitarian needs in education and WASH, followed by nutrition (13 per cent) and child protection (7 per cent).

³⁴ Céline Billat has worked for UNHCR operations in Senegal, Chad, Democratic Republic of Congo and Yemen. This article is the result of research carried out as part of a Master in Humanitarian Action carried out at CERAH in Geneva, the full version of which is available online in English: http://www.cerahgeneve.ch/files/1714/5268/0956/BILLAT_Celine_-_MAS_Dissertation_CERAH_2015_-_20.11.2015.pdf.

³⁵ Global Humanitarian Assistance Report 2015. Development Initiative.

By November, UNICEF had received US\$1.69 billion in humanitarian donor contributions for the 2020 appeal»³⁶.



Geopolitical map of humanitarian aid funding in 2020³⁷

Besides direct transfers, this public funding can take the form of tax reductions. In Africa, the financing of State humanitarian action is particularly important and affects several countries. In this respect, the figures for Central and West Africa are particularly significant. The needs in these parts of the continent have been exorbitant and supported by the States. In this respect. As such, for the UNICEF Regional Office³⁸, for West and Central Africa the figures vary between: 70,528,330 Burkina Faso, 154,968,652 Cameroon, 83,074,000 Ghana, 26,948,402 Guinea, 11,800,000 Mali, 108,295,507 Mauritania, 17,711,799 Niger, 74,858,228 Nigeria 187,778,750 Central African Republic 75,700,000 Democratic Republic of Congo 384,412,089 Republic of Congo 11,922,435 Senegal 16,160,000 Sierra Leone³⁹.

In the context of the fight against the pandemic in 2019, notably Sarscov 2, State funding for humanitarian action increased with significant involvement of mainly Western donors, the main beneficiaries being African states in crisis (Congo, CAR, Mali, Nigeria, Libya, Niger...).

³⁶ UNICEF Humanitarian Action for Children 2021.

³⁷ UNICEF, op.cit.

³⁸ Idem.

³⁹ Amounts are in millions of dollars.

Table of Unicef's main donors to humanitarian action in 2019⁴⁰.



Humanitarian Action Fund for Children in the fight against Covid 19 worldwide⁴¹

⁴⁰ UNICEF, op.cit.

⁴¹ UNICEF, op. cit.



The world's top donors to humanitarian action in the world 2019⁴²

Mobilising the geostrategic glaxis technique through the involvement of state and non-state actors

Taken from geology and geography, where it first refers to a slope, and to a non-structural form of relief consisting of a flat and slightly sloping surface⁴³, the glaxis on the geostrategic level refers to a spatiotemporal reality which evokes a stage on which a power bases itself for projection. Considered most often as an ally or partner in a game where the main powers confront each other and put their various influences and their capacities to constrain to the test, the glaxis is at the heart of geostrategy. As an object and medium of power, the glaxis, according to Franck Débié and Henri Verdier, is a space/time of information rather than a simple field of manoeuvre. On the glaxis, the adversary's determination is tested, from outpost skirmishes to large-scale manoeuvres. The glaxis reinforces the advantage of time available to the defence: it delays, it allows to «see ahead»⁴⁴. A geostrategic glaxis is the opposite of a vacuum where one waits for the enemy to appear on the horizon: it is a staggered information system where the adversary's determination meets increasingly powerful obstacles.⁴⁵ In the conduct of humanitarian affairs, certain

⁴² Idem.

⁴³ Alain Foucault et Jean-François Raoult, Dictionnaire de Géologie, vol. 4^e édition, Masson,, 1995, 324 p p.

⁴⁴ Franck DEBIÉ - Raphaële ULRICH - Henri VERDIER, A quoi sert la géostratégie ? , http://www.institut-strategie.fr/strat_050_DEBIEAQUOI.html. Accessed October 03, 2021.

⁴⁵ Idem.

world powers mobilise allied States, generally of lesser power, in order to demonstrate the exercise of their power in areas they consider to be their zones of influence. The French presence in the Sahelian strip, supported by Europe, which fears the development of military-security cooperation with Russia, is part of this interpretation. For French President Emmanuel Macron: «Without France, Mali would be in the hands of terrorists»⁴⁶. This transformation into a glacis by France is mainly reflected in two theatres namely the Sahelian and Central African theatres. As an illustration, we can analyse in this perspective the important military and logistical positioning of the **Serval forces (more than 4000 men)**, which were replaced by the **Barkhane force (more than 5100 men)** in the Sahel⁴⁷, and that of the **G5 Sahel** as a concerted approach whose presence in the Sahel is not unanimous, including within the western camp⁴⁸. As for the Central African theater, the presence of the **Sangaris** force in the Central African Republic with more than 15,000 French soldiers⁴⁹; sufficiently and eloquently demonstrates that France is forming a glacis around its former colonies and administered territories, which it wishes to control, in the dynamics of providing security and humanitarian solutions, and wishes not to see in there competing powers, the friction over the presence of the Russian private military company Wagner.

CONCLUSION

From the above, it can be considered that humanitarian diplomacy, which is a sub-component of the State foreign policy, is structured as much by solidarity-based aims as by the strategic visions that influence its implementation in the world in general, and in Africa in particular. Africa is the most fertile ground for humanitarian action, as it is the object of covetousness from the powers that make up the glacis, since it is affected by multiple emergencies, where humanitarian initiatives are strongly motivated

⁴⁶ Speech delivered on September 30, 2021, during a dinner with the actors of the Africa2020 season.

⁴⁷National Defense and Armed Forces Commission of the National Assembly, Information report on Operation Barkhane of April 14, 2021.

⁴⁸Marie Bourreau, G5 Sahel force: France confronted with the reluctance of the United States at the UN

⁴⁹https://www.huffingtonpost.fr/2016/10/30/le-bilan-en-demi-teinte-de-loperation-sangaris-en-centrafrique_a_21594928/

by the geo-strategic rationales of the world's leading powers, and whose action is implemented by a myriad of international non-governmental organisations with the nationalities of the latter, and benefiting from funding that poorly conceals their neutrality. This situation leads «certain States (which) are increasingly open in expressing their distrust of NGOs, (by) putting in place restrictive administrative procedures»⁵⁰, and which call for caution towards these humanitarian actors by developing a system of vigilance aimed at guaranteeing the proclaimed and required neutrality of humanitarian actors, with the aim of preserving their sovereignty, and above all their security and that of their populations. These concerns are likely to be the subject of further reflection /-

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⁵⁰ CA HOFMANN , ◊ Relations between national authorities and humanitarian organisations: an aspect of quality which is too often forgotten N ° 15, April 2015, pp. 19-21.

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CIVIL REGISTRATION MANAGEMENT DURING SECURITY CRISES IN AFRICA

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Abstract

This paper addresses the issue of Civil Registration in the context of conflict, endemic poverty and weak State power. It focuses on the procedures for civil registration (specifically birth certificates) in Africa, which is the geographical framework for this study, and which faces the threat of Boko Haram terrorism, security instability in the Central African Republic, and terrorism in the Sahel and the East. It questions public social policy and strategies for continued registration of newborns in the face of security crises, both by the public authorities in this sub-region and by local populations. In this context, civil registration becomes an essential lever for bringing about the development necessary for the sustainable control of conflict and insecurity in the countries of the African continent. In addition, as part of the Decade for repositioning Civil Registration and Vital Statistics (CRVS) in Africa's continental, regional and national development agenda (2017-2026), it is imperative that African countries build on reliable population data and statistics. To respond to these security and social crises, they have opted to strengthen their presence through the upgrading of public services in general and civil registration in particular. This contribution aims at highlighting the obstacles to the issuance of birth certificates in the crisis context in these localities through empirical data as well as the resilience mechanisms put in place

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to guarantee a possible future for these vulnerable populations. Its purpose is to question and think about an effective and resilient civil registration policy in this sub-region.

Keywords: Civil status/civil registration - public policy - birth certificate - security crisis - Africa

INTRODUCTION

Due to its ever-growing and young population, the African continent accounts for more than a third of the world's population. It also has millions of displaced people²including refugees, asylum seekers, internally displaced persons and stateless people. In this context, their civil registration is not always under control. The issuance of a birth certificate is the foundation of the child's rights. Civil registration agency is an institution whose function is to record the various events that constitute or modify the status of an individual³. It consists of three main components such as: births, marriages and deaths.

As the gateway to legal identity and legal status and the very basis of the right to identity, birth registration is proclaimed by both the International Covenant on Human Rights (ICCPR) and the Convention on the Rights of the Child (CRC) as a Within the framework of the «personality attributes» of the child, the right to identity is one of the most important subjective rights to which the child is entitled⁴. This right to identity is often compromised in emergency situations, including conflicts and crises. These risk factors unfortunately contribute to the dysfunction of birth registration through the destruction of archives, civil registration centres and, worse, the collapse of the civil registration system.

Despite these contexts, civil registration and identity are vital for individuals⁵. Defined as «the continuous, permanent and universal recording

²CRMCS / 2019/10. Fifth Conference of African Ministers Responsible for Civil Registration, Civil Registration in Emergency Situations. Recommendations and guidelines for implementation, p.1.

³UNICEF. Chad, June-July 2009, Evaluation of the civil status system (birth registration in Chad. Recommendations to improve the system, p.11.

⁴ F. Dekeuwer-Défosseze, *The Rights of the Child*, Paris, PUF, 2011, 5th edition, p.14.

⁵Enter excellence on the CRVS system. Compendium of Good Practices: Mobilizing Civil Registration and Vital Statistics (CRVS) Systems in Conflict, Emergency and Fragile Contexts, Ottawa, International Development Research Center,

of births and their characteristics in a civil register, in accordance with existing national legal requirements»⁶, birth registration has the role of establishing the legal personality of an individual while laying the foundations for the protection of these fundamental rights. This procedure is of great importance in regions in conflict situations because during the “process of reunion and reintegration; when children are not registered, it is difficult to re-establish their identity and bring them back to their homes”⁷. In addition, its importance is manifested both in the prevention of recruitment and early registration⁸.

Despite their fragility, birth registration services in Africa’s security crisis regions must be maintained and restored in order to facilitate comprehensive reconstruction, build an effective State, consolidate peace, ensure good governance and fight against the crises that undermine the African continent. This contribution, which is based on the experiences of certain African countries, highlights the complexities that frame civil status registration systems in general and birth certificates in particular in security crises. It is based on the matrix of six essential functions of civil registration and vital statistics (CRVS) system which are governance and legal framework, human resources, activities, equity, financing, monitoring and evaluation as well as the three recommendations made by the African ministers in charge of civil registration in 2019. The study of marginalities⁹ which examines the legal existence of children without legal identity in emergency situations in general and in the context of security crises in particular. It addresses the issue of the mechanisms for making a possible future and the resilience of birth certificate systems in a society in crisis. The inductive method and the systemic approach allow to better structure this analysis.

20121, p.1 .

⁶ A / HRC / 27/2. Human Rights Council, 27th session. Agenda items 2 and 3. Annual report of the High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General. Birth registration and the right of everyone to recognition of their legal personality wherever they are, p.3.

⁷ Ibid.p.10.

⁸ Ibid.

⁹ J. Schmitt, “The history of marginalized people”, J. Le Goff (dir), La Nouvelle Histoire, Bruxelles, Editions Complexe, 2006, p.200.

I - DIAGNOSIS AND DYSFUNCTION OF CIVIL REGISTRATION IN CONFLICT AREAS: UNDERSTANDING THE BOTTLENECK

As a very vulnerable category, children without identity are part of childhood at risk because their health and safety appear to be threatened and their educational conditions seriously compromised¹⁰ in the absence of a legal existence. Non-registration of births is therefore a factor of vulnerability, and it is important to diagnose and identify irregularities in regions affected by security crises in Africa. The absence of the state and the weakening of the civil registry system are two factors that inhibit the establishment of birth certificates in these regions.

A - Absence of public authorities in the neighbourhoods

As noted above, articles 7 of the CRC which Cameroon is a party, require the registration of a child at birth, and gives the State the responsibility to ensure the respect of these rights in accordance with national and international legislation¹¹. Article 8 of this child rights instrument recognises the commitment of States Parties to respect the right of the child to preserve his or her identity, including nationality, name and family relations, as provided for by law, while Article 28 places the onus on States to recognise the right of the child to education and in particular to ensure its progressive development on the basis of equal opportunity¹². In the light of these provisions, it is clear that active political will is one of the keys to the fight against children without a home in Africa. This will also make it possible to consolidate the statistical file of these localities in crisis with a view to bringing about adequate development because, as Kelodjoué points out, civil status is the fundamental source of public statistics, the deficiency of which has been noted or has persisted for almost half a century in Cameroon¹³.

¹⁰ Dekeuwer-Défossez, *The rights of the child...*, p.96

¹¹ International Convention on the Rights of the Child of 20 November 1989, article 7.

¹² *Ibid.* articles 8 and 28.

In areas of security crisis, there is a dynamic of child vulnerability that can lead to risks related to their recognition¹⁴, health, but also to political measures¹⁵. Understanding the mechanisms and dysfunctions of non-registration of civil status allows us to effectively fight against this phenomenon which prevents Africa from achieving the 4th Sustainable Development Goal (SDG)¹⁶. It should be recalled that the latter focuses on quality education which aims to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. To achieve this, children to be educated must have their birth certificates, as in formal and conventional education, this is one of the documents required for access. However, in areas where there are security crises, civil registration systems quickly become dysfunctional. In Djibouti, the following determinants were identified as constituting the various constraints on the provision of birth registration services: the availability of inputs for the birth registration service, the availability of human resources and geographical accessibility. In most African countries, there are bottlenecks that are generally the same, with some exceptions however.

With regard to the absence of the state in these remote areas, which very often favours their capture by armed and terrorist gangs, a certain *de facto* marginality could be observed¹⁷. This construction of domestic fringe areas, which were excluded from the first development policies after independence, only fuelled this antagonism between the centre and the margins. In Cameroon, the Lake Chad area has long been part of these peripheries¹⁸. This situation has limited access to public services to urban areas only, creating non-state zones. The majority of these countries in crisis, some of whose regions are excluded from development, mean that the countries in which they are located occupy unenviable ranks in terms of the Human Development Index (HDI) at world

¹³ Kelodjoué, *Civil Status in Cameroon...*, p.12.

¹⁴ For more information, read A. Honneth, *The Theory of Recognition A COMPLETEER*

¹⁵ UNICEF Switzerland, *Study on child protection in the rule of law, active defender of children's rights*, Zürich, 2010, p.4.

¹⁶ Delegate Ministry in charge of decentralization and UNIEF, *Analysis of bottlenecks in the birth registration system in Djibouti*, Final report, November 2017, p.7.

¹⁷ MY. Pérouse de Montclo, G. Magrin, E. Chauvin et. Range, "Development and governance: a fragile space", in *A COMPLETEER*, pp. 75-125, p.77.

¹⁸ *Ibid.* p.78.

level. Thus, Chad, which has long been plagued by political and security crises and is a victim of Boko Haram incursions as well as attacks by armed gangs from the Central African Republic in the South, ranks 183rd, while Niger, which is suffering the full brunt of terrorism in the Sahel region, is second to last in the world ranking as 185th out of 186 countries ranked in 2014. Cameroon and Nigeria are content with 150th and 151st positions.

Given their low indicators of development and access to services, it is agreed that the countries of the Lake Chad Basin are among the poorest in the world. However, in Niger, the birth certificate remains the most important of all personal identification documents because it allows the legal existence of the person to be documented¹⁹. However, the relationship between failure to civil registration of people in crisis regions and the peripheral situation of the regions concerned must be put into perspective.

In the Central African Republic, which represents an extremely fragile context due to the deterioration of the security situation since May 2017²⁰ after a de-escalation, even the capital Bangui and Berberati were among the cities where this activity was not being carried out in a consistent manner. Here, «birth certificates are the exception rather than the rule for the majority of the minor/young adult population»²¹. The regulatory framework for civil status in this country is very limited because, according to article 134 of the 1997 Central African Family Code, birth declarations must be made within one month following the event²². However, since gaining independence and even after the adoption of this Code, the CAR has been the scene of chronic political and security instability, and the 2013 coup d'état only exacerbated the divide between Christians and Muslims, thereby politicising the discourse on civil status. The politicisation of the issue of civil status since the political and security crisis of 2013, which has given rise to a discriminatory discourse on

¹⁹United Nations High Commissioner for Refugees. Studies on the problem of documentation and the risk of statelessness among displaced populations from northern Nigeria to the Diffa region (Niger). Final report, June 2015, p.29.

²⁰Norwegian Refugee Council, Registration of Birth Certificates and Access to Education in the Central African Republic, January 2018, p.12.

²¹T. Vircoulan (Avocats sans frontières) Civil status in the Central African Republic: issues and practices. Effects on access to justice and the realization of fundamental rights, July 2017, p.4.

²²Ibid.p.8.

«Central Africanness», rejects Muslims and endangers their identification with the country²³ and their nationality. Based on Article 10 of Law No. 1961.212 of 20 April 1961 on the Central African Nationality Code, which states that «birth or filiation only has effect in terms of attribution of Central African nationality if it is established by a civil status document or by a judgement²⁴, supporters of the exclusion of Muslims in the Central African Republic systematically deny them the right to identity through birth registration.

The planning of African countries experiencing security issues is hampered by the absence of reliable civil registration and demographic statistics. Yet, as Samuel Kelodjoué points out, mastery of civil status is the basis for effective planning²⁵. This handicap was rightly noted once again by African Ministers responsible for Civil Registration during the Fifth Conference of (COM5) in the following terms:

Weak civil registration systems hinder progress towards the implementation of national sustainable development plans (...). It also hinders people's right to be recognised and taken into account by their governments in national planning, preventing their access to essential services and opportunities and limiting their ability to assert their rights to participate in governance processes.²⁶

In the Far North region of Cameroon, the non-issuing of birth certificates adds to the challenges of endemic poverty, underdevelopment, absence of the state and under-education²⁷. This set of elements, which prevent the establishment of birth certificates in regions in crisis in Africa results in the absence of reliable statistics that guarantee consistent planning and economic development. In Cameroon, for example, the absence of good demographic statistics which can help the public authorities to control its population and especially to measure the level and structure of fertility and mortality annually²⁸

²³Ibid. p.7.

²⁴ Law No. 1961.212 of April 20, 1961 establishing the Central African nationality code, article 10.

²⁵ Kelodjoué, Civil status in Cameroon... p

²⁶ 5th conference of African ministers... p.2.

²⁷ Yaoundé Citizen and Political School, Report of the survey on the capacity building of newly elected officials in relation to the issue of establishing civil status records in the context of decentralization «my civil status, my security, my citizenship», Far North Region, Kolofata, Mayo Moskota, Guidiguiguis, unpublished, p.2.

is a serious problem in the context of the measures to be taken to address the regions in crisis.

While the legal framework for birth registration in Chad is Ordinance 3/INT/ADG/1961 regulating civil status in the country, the lack of access to civil status information, remoteness and distance are the main constraints in the north of the country²⁹. In addition to the resignation of the state in peripheral regions, the non-registration of births has a congenital origin in African countries in crisis due to the weakening of the civil status system.

B - Weakening an already fragile system

One of the strategies for socio-demographic data collection and planning in Cameroon has been the rehabilitation of civil registration³⁰. Having noted that the current Cameroonian civil registration system was not incentive-based, BUNEC opted for a strategic reorientation. In addition, the Cameroonian Civil Registration and Vital Statistics (CRVS) system, in its service offer, was incomplete and incapable, as it stood, of providing the statistics required for the design, implementation and monitoring of public policies and development programmes in this country³¹. As the African ministers responsible for civil registration have noted, the malfunctioning of even the systems for registering these documents are the immediate consequence of emergency situations³². In the context of security crises, the civil registration system is generally weakened or even destroyed. Indeed, basic public systems, and civil registration systems in particular, are dysfunctional. In some parts of Africa, the civil registration system has collapsed during this period of unrest³³. Because of its dependence on the administrative system, the birth registration rate in crisis areas often drops drastically as public services do not always withstand the violence and

²⁸ Gabana, "Civil status in Cameroon..." p.382.

²⁹ UNICEF Chad, Evaluation of the civil status system (birth registration in Chad) and Recommendations to improve the system, pp. 4 and 17.

³⁰ Kelodjoué, Civil status in Cameroon... p. 13

³¹ BUNEC, Strategic plan for the rehabilitation of civil status in Cameroon... p.27.

³² AUC / CRMC4 / 2017/10. Fourth conference of ministers responsible for the registration of civil status events, Registration of events... p.2.

³³ CRMC572019 / 10, Fifth conference of African ministers, Civil registration... p.1.

duration of these events in these regions³⁴. Underfunding and lack of resources are pointed out as the Achilles heel of these civil registry services in conflict situations, which are no longer able to carry out their missions and further expose vulnerable populations³⁵ who are children, indigenous people, people with disabilities and women. The situation of children is particularly worrying here because it is very difficult to respect, in this context, the legal deadlines for registering their births. This is what justifies, among other things, the very high number of constantly homeless children who are in fact «statistical black holes»³⁶ difficult to fill.

The civil registration system is also weakening in Africa because in times of crisis, there is a risk of documents being destroyed. Some civil registration centres in the districts of Kolofata and Mozogo in Cameroon have experienced this painful situation, for which Boko Haram is directly responsible, and which hinders the statistical function of this system³⁷. These losses of important statistical data put the digitalisation of civil registration back on the agenda. It should also be noted that the socio-cultural constraints that make men the only family leaders able to establish the birth certificate of their offspring have contributed to making this system more fragile. According to figures from the Support Programme for the Modernisation of the Civil Registration (PAMEC), men and women do not have the same access to civil registration, as 54% of births to boys are registered, compared to 46% for girls. This sexist discrimination, which excludes women from this process³⁸ of this process as a result of the separation of families has contributed to the further weakening of this system due to the separation of families and above all the death of men. During the Ivorian crisis, the identification archives were destroyed on a massive scale³⁹ mortgaging their reconstitution, which requires the active political will of the country's public authorities.

³⁴ UNICEF Chad, Evaluation of the civil status system (birth registration in Chad) and Recommendations to improve the system, p.13.

³⁵ CRMC572019 / 10, Fifth conference of African ministers, Civil registration... p.2.

³⁶ Kelodjoué...

³⁷ Civil Status Modernization Support Program, (PAMEC) "For the implementation of an inclusive and reliable civil registration and statistics system", p.1.

³⁸ Gabana, "Civil status in Cameroon...", p.385.

³⁹ The center of excellence on CRVS systems... p.1

While the National Institute of Statistics of Cameroon recorded a rate of 42% of birth registration of children under 5 years of age in 2014, this situation has worsened in the border districts that were victims of the Boko Haram terrorist attacks. One of the tentacles of this context is the destruction of various documents, including the civil register in some secondary registration centres in Kolofata and Mozogo⁴⁰. In the Mozogo municipality, whose population is estimated at 105,000 inhabitants, and which had 14 civil registration centres (1 main centre and 13 secondary centers, some centres have been closed. Three centres (Dzamadzaf, Douval and Djibrili) are not operational due to the absence of sworn civil registrars, nine of them have been moved and reopened by the current mayor⁴¹. The NGO Norwegian Refugee Council (NRC) makes the same observation in CAR, where years of armed conflict and instability are devastating education and the civil registration systems⁴². With 61% of children under the age of 5 before the crisis began in 2013, CAR has seen this rate fall due to the destruction of civil registration centres and the lack of civil servants responsible for these sectors who have deserted their duty stations⁴³. The dysfunction and weakening of the birth registration system in the crisis regions of Africa are a major impact that needs to be analysed.

II - IMPACT OF SECURITY CRISES IN BIRTH REGISTRATION

Security crises have a significant impact on civil registration services. In order to remap this new situation, an impact study of these risks is necessary. Awareness of the usefulness of civil registration by the administrative authorities and the inclusion of vulnerable categories in official statistics are the two axes on which this impact is assessed.

⁴⁰ Yaoundé Citizen and Political School, Investigation report... p.2.

⁴¹ See *infra*.

⁴² Norwegian Refugee Council, Birth registrations and certificates and access to education in the Central African Republic, January, 2018, p.5.

⁴³ *Ibid*.

A - Awareness of the importance of civil status as a means of resolving crises and combating marginality by public authorities

To combat the disintegration of the civil registration system in crisis areas in Africa, active political will is the trigger for all actions. Indeed, states must be aware of and measure the impact of these crisis situations on the functioning of civil status. If the latter is well organised, it could contribute to the resolution of these crises through the integration of the marginalised into the planning and development circuits of the Central African region. It is therefore important for decision-makers to place emphasis on birth registration and to make it an indicator of legal identity in order to comply with Article 16.9 of the MDGs, which aims to guarantee legal identity for all, particularly through birth registration⁴⁴. As a result of armed conflict in the civil registration system, birth registration rates have dropped as society is disorganised and focused on survival.

Under these conditions, civil registrars desert their workplaces, thus preventing the continuity of public service. Furthermore, due to the precariousness of people's and goods' movement and economic activity, there is a shortage of human, logistical and financial resources that allow birth certificates to be established normally. The displacement of populations within or outside the borders of countries in crisis leads to the emergence of refugees and displaced persons, who generally face difficulties not only in registering but also in consulting documents⁴⁵. The immediate risk of non-registration of the births of these vulnerable categories is statelessness. It should also be noted that the dislocation of the family structure, a common phenomenon during crises, can only be resolved through a functional civil registration system. The failure to register births during this period therefore hinders the process of family re-constitution⁴⁶.

The situation of refugees deserves particular attention, as they are often on the margins of the legal procedures of their host country's civil registration

⁴⁴ Sustainable Development Goals, article 16.9.

⁴⁵ Ibid.

⁴⁶ Ibid. p. 10.

system. Indeed, refugee registration systems are not systematically linked to the civil registration system as a basis for a legal identification system⁴⁷. This is the alarming observation made by the African ministers in charge of civil registration in the following terms:

*Refugees, internally displaced persons and returnees risk being left without any recognised identification to prove their identity and the administration may fail to record civil status events. This results in a backlog of women and children being registered and a lack of reliable information*⁴⁸.

Central African states that have become aware of the importance of civil registration in all circumstances for planning and decision-making are increasingly developing ways of collecting population statistics, which very often become unreliable in the absence of an efficient civil registration system. After noting the various shortcomings observed, the Chadian government, in partnership with UNICEF, identified five reliability and sustainability indicators for civil registration:

- 1 Enabling legislation;
- 2 Sufficient number of civil registrars and agents
- 3 Qualified staff;
- 4 Adequate material resources;
- 5 An informed population aware of their rights and duties⁴⁹.

One of the terrorist's weapons of war is the destruction of official buildings. This has been one of Boko Haram's favourite acts on the ground, targeting all symbols of the Western civilisation they are fighting. Thus, civil registration centres and registries were targeted and destroyed, as were schools. According to data collected from the Mayo Moskota and Kolofata primary education sub-divisional inspectorates, 60% and 72% of pupils without birth certificates for the 2020/2021 school year have been recorded respectively⁵⁰. This situation

⁴⁷ CRMC572019 / 10, Fifth Conference of African Ministers, Civil Registration, p.1.

⁴⁸ Ibid. p.1.

⁴⁹ UNICEF Chad, Evaluation of the civil status system... p.16.

⁵⁰ Yaoundé Citizen and Political School, Investigation report... p.27.

can be explained, among other things, by the destruction of public services to Boko Haram terrorists repeated attacks. The high percentage of children without birth certificates in Kolofata can also be explained by the situation of this municipality located in the so-called war «red» zone⁵¹.

In the Central African Republic and given the ever-increasing number of children without parents during the years of the crisis that began in 2013, the transitional President, Catherine Samba-Panza, took an exceptional decision to integrate these unfortunate children into the legal system. In signing the decree of 10 July 2014 on free registration for children born during the conflict, she motivated this salutary act by the impact of political and security crises that had affected the functioning of the local authorities⁵². Although official figures on the number of individuals who have lost their birth certificates during this crisis in CAR are not available, NGOs estimate that a quarter of the population is displaced or refugees due to the destruction of homes, which in turn is well documented⁵³. Awareness of this problem by public authorities has also made it possible to identify another aspect of the crisis impact that needs to be addressed in terms of mainstreaming vulnerable groups into official statistics.

B - Mainstreaming vulnerable groups in official statistics

In general, vulnerable groups are the first victims of an emergency. That is why those poor children, people with disabilities, indigenous people, women and the elderly suffer most. During and after crises, there is a high demand for civil registration. Given the marginal nature of the populations living in conflict areas, care is provided to the entire population, including population groups living in areas of difficult access. In the Kolofata and Mayo Moskota subdivisions in Cameroon, 66.7% of women do not have birth certificates. This finding made them priority targets in order to limit discrimination that had been taking place in the past. In addition, campaigns and initiatives to establish birth certificates for children in these localities aimed at introducing them into the official statistics and respecting the international commitments of these countries.

⁵¹ Ibid.p.11.

⁵² Vircoulan, (Avocats sans frontières), Civil status in the Central African Republic..., p.8

⁵³ Norwegian Refugee Council, Birth registrations and certificates... p.5

With the distressing evidence of armed groups engaging children in conflict, the States Parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict have reaffirmed that «the rights of children require special protection, and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security»⁵⁴. The very census of children without legal existence aims to remedy this situation through the judicial ruling procedure. In the Central African Republic, for example, according to UNICEF, 61% of children under the age of 5 had birth certificates⁵⁵. These statistics enabled transitional president Samba-Panza's decision to reduce the number of children without parents, which had peaked during the 2013 crisis, and to prevent them from becoming stateless. The inclusion of vulnerable categories in the statistics is intended not only to enable the government to carry out proper planning, but above all to guarantee the right to nationality of the former.

It should be recalled that due to systematic controls and the arrest of people without a national identity card in order to stem the movement of Boko Haram terrorists or sympathisers in the Far North region of Cameroon, there has been a surge of interest among the populations concerned to formalise their legal identity through Judicial ruling. The issuance of birth certificates in times of crisis is one of the measures taken to mitigate their impact. For it to be effective and continuous, it must be adapted to the realities of the crisis region.

III - (RE) INVENTING A RESILIENT AND EFFICIENT BIRTH REGISTRATION MANAGEMENT SYSTEM

The awakening of African leaders to the need for securing and modernising civil registration is a reality. This is why, in partnership with their development

⁵⁴Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

⁵⁵Norwegian Refugee Council, Birth registrations and certificates... p.5.

partners, toolkits have been developed to build resilient civil registration systems, whatever the context.

A - The public authorities' response

In general, the issue of civil status in Africa and in crisis areas in particular requires a collective and global response. In this perspective, African officials in charge of civil registration have launched since 2011, regional conferences in order to take stock of the situation and think a common action synergy. During the third Conference of African Ministers in charge of Civil Registration held in Yamoussoukro from 12 to 13 February 2015, a Declaration was issued in which the Ministers asked their partners to support the guidelines and recommendations adopted for the maintenance of civil registration and the compilation of civil status statistics in conflict and emergency situations, as well as in special circumstances, drawing on the experiences of countries that had experienced such situations⁵⁶. This was the beginning of a common regional civil registration policy, whose three main recommendations as well as the following three guidelines were intended to enable the effective organisation of civil registration in emergency or humanitarian crisis situations:

- improving preparedness and resilience of civil registration systems and services in vulnerable States and countries in emergency situations to ensure the registration of all civil events;
- ensuring the protection and safeguarding of registers and archives;
- improving the coordination of actions to restore and maintain civil registration in emergency situations through collaborative arrangements between key actors.

The guidelines that were formulated to support the implementation of these recommendations in emergency situations focused on three specific aspects:

- How to improve the recording of all civil registration events in emergencies;
- how to ensure the protection, security and recovery of registers and archives-

⁵⁶ The Fifth Conference of African Ministers responsible for Civil Registration (COM5)

- how to ensure effective coordination between public actors and partners, including humanitarian response mechanisms⁵⁷.

These recommendations and guidelines formed the main framework of the African civil registration policy. Given the strategic, political and security implications of civil registration, the African Union adopted a Decade for Repositioning Civil Registration and Vital Statistics in Africa from 2017 to 2026.

Local ownership of this new philosophy has been achieved in several ways. In Mali, the government developed a Citizen's Guide to Birth Registration⁵⁸. This tool, which was intended for the Malian population, was published in five languages (French, Bambara, Peul, Sonrai and Tamashes) in order to maximise its appropriation by both urban and rural areas. The variety of languages is explained by the multilingual nature of Malian society. This experience was extended to the distribution of 100 audio copies and 600 video copies to illiterate people⁵⁹ in order to integrate them into the awareness raising. This example of good practice in Mali has been successful and deserves to be expanded to reach a maximum number of people.

Cameroon did not need to wait for these high-level ministerial meetings or a Special Decade to rethink its civil registration policy, which it launched in 2009. This policy really took shape in 2011 within the framework of the Cameroon Civil Status Rehabilitation Programme (PRE2C)⁶⁰ which led to the amendment of Ordinance No. 81 – 2 of 29 June 1981 to organize Civil Status Registration and various provisions relating to the status of natural persons, and to the creation in 2013 of the National Civil Status Registration Office (BUNEC) adopted a strategic plan that reflects the government's desire to provide appropriate responses to the main issues encountered in this sector and which affect the fundamental rights of the population, especially the right to an identity.⁶¹

⁵⁷ Ibid.

⁵⁸ A / HRC / 27/2, Human Rights Council, Birth registration... p.18.

⁵⁹ Ibid. 18.

⁶⁰ Support Programme for the Modernisation of Civil Registration (PAME),

The effective implementation of the right to development which is integrated into regional and global planning programmes such as the 2030 Agenda for Sustainable Development, the SDGs and the Addis Ababa Action Agenda will be one of the major indicators of effectiveness of the strategy to combat the phenomenon of children without legal existence. This would be a mark of the willingness of the local authorities of the Southern Region to help Cameroon meet its international commitments⁶². Through the Priority Intervention Programme (PIP), which is the planning tool of the Civil Registration Rehabilitation Program of Cameroon (PRE2C), of which the creation of the National Civil Status Registration Office (BUNEC) is a major achievement, Cameroon has shown its will to clean up and improve its civil status.

The various security crises experienced by the country since 2014 have resulted in an embryonic civil registration resilience mechanism. As part of this new orientation, the digitisation of data has been identified as a key element in modernising and securing the civil registration system. For lack of financial and logistical resources, civil status digitisation is slow to take shape. At Kolofata hospital, where a pilot experiment to create a special civil status office within this health institution is underway, and whose results, according to its director, are rather encouraging, the BUNEC regional office has donated a printer to facilitate the work of those responsible for this special civil status centre. Unfortunately, in the absence of a computer and, above all, of permanent electricity, its uselessness can only be regretted⁶³.

Based on Article 55 (2) of the Constitution of Cameroon, which provides as follows: Regional and local authorities (...) shall be freely administered by councils elected under conditions laid down by law. The duty of the councils of regional and local authorities shall be to promote the economic, social, health, educational, cultural and sports development of the said authorities⁶⁴.

⁶¹ BUNEC, Strategic Plan for Rehabilitation...

⁶² United Nations High Commissioner for Human Rights, *The Right to Development*,... pp.15-16

⁶³ Interview conducted by ECPY investigators on July 23, 2021 in Kolofata.

⁶⁴ Article 55 (2) of the constitution Law No. 96-06 of January 18, 1996 revising the Constitution of June 2, 1972.

Law No.2019/024 of 24 December 2019 bill to institute the general code of regional and local authorities, which provides that the DLAs are administered freely⁶⁵. In the light of these two legal bases, it can be left to the municipal executive to decide whether certain decisions or initiatives are appropriate in times of crisis. However, these initiatives and actions must be legally regulated. Based on these legal provisions, the Mozogo municipality in Cameroon distinguished itself by a singular experience. Since the election of the new municipal executive in 2020, birth registration in areas affected by Boko Haram, where the population has moved en masse to the centres of Mozogo and Moskota townships, which are relatively unaffected by the terrorists, has been a priority.

Indeed, the mayor of this council, who is also the lamido of Moskota, has taken the initiative to move the secondary civil registration centres from the villages that have been deserted and destroyed since the arrival of Boko Haram in this council to the chief town of the two cantons of Moskota and Mozogo. This explains the quasi-permanent functioning, since 2020, of the 9 secondary civil registration centres of Moskota, Zeveled, Talla, Gazelle, Mouldougoua, Mozogo centre, Nguetchewé, Cheri moussari, Assighassia which are, for the time based on the plain of this municipality. Without waiting for the BUNEC's endowment, the fiery mayor of Mozogo took the initiative to provide the secondary civil registration centres of Moskota with working materials such as «initialled registers, pens, and even incentives for the staff to further sensitise the population on the importance of birth, death and marriage certificates»⁶⁶. Although the legality of this approach can be questioned as it is a personal initiative, its encouraging results can still be appreciated. According to the mayor of Mozogo and the head of BUNEC's regional office in the Far North, since the beginning of this experiment, there has been an increase in the awareness of the population and, paradoxically, an increase in the rate of registration of birth certificates by the people of this municipality. This experience could make the Cameroonian legislator pass laws on the exceptional competence of the local executive in conflict zones. The mayor of Mozogo, who welcomes BUNEC's support in his municipality, plans to include in the

⁶⁵ Article 6 of Law No. 2019/024 of 24 December on the general code of decentralized territorial communities.

⁶⁶ Interview with the mayor of Mozogo on September 29, 2021.

2021-2022 budget the maintenance and operation of the civil registration office, especially in order to « gain the confidence of civil registrars in secondary civil registration centres and to avoid forging birth certificates for children »⁶⁷.

In the Central African Republic, the issue of restoring civil registry has been placed on the agenda of donors and the government. Thus, in the organisational chart of the Ministry of Internal Affairs, a department exclusively responsible for civil registration and demography has been created in order to provide adequate responses to the complex problem of civil registration in this country. The government's efforts to secure civil status in conflict situations are increasingly bearing fruit. However, as part of the synergy of actions, non-state actors have also invested in this field in order to support the public authorities, in accordance with the Yamoussoukro Declaration and UN Guidelines.

B - Contribution of non-state actors

Non-state partners are the privileged actors of the civil registration system. At the UN level, related standards and recommendations have been developed since the early 1950s and are updated regularly⁶⁸. These international arrangements place civil registration « at the centre and forefront of the comprehensive approach to civil registration, vital statistics and identity management »⁶⁹. Thus, its specialised agencies and programmes such as OHCHR, UNICEF, UNHCR, the UN Legal Identity Programme, UNFPA, PNDP, OCHA contribute each at its level to the maintenance and functioning of civil registration.

Development partners such as GIZ (for Cameroon in the PR2C and PAMEC) really assist African states in modernising their civil registration systems. As far as NGOs are concerned, it is possible to appreciate, for example, the action of NRC in the Far North, the North West and the South West of Cameroon, which are in crisis, as well as in the Central African Republic. This multi-faceted support starts with ensuring the continuity of

⁶⁷ Idem.

⁶⁸ S. Mrkic, "Civil status: maintenance of international standards in emergency situations in... pp.47-69, p.47.

⁶⁹ Ibid.

registration, which also implies the permanence of the process. The Centre of Excellence on CRVS Systems, having identified the multiple barriers to civil registration, developed the CRVS system for policymakers, which includes six core functions: governance and legal framework, human resources, operations, equity, financing, and monitoring and evaluation⁷⁰. The objective of CRVS systems is to contribute to the restoration of weakened relations between public authorities and society on the one hand; and on the other hand, they have the task of fostering the integration of marginalised social groups by supporting the (re)establishment of their official legal identity⁷¹. These objectives are aimed at respecting the fundamental rights of these populations. The CRVS system, according to some analyses, is quite robust and functional. It has proven effective in the COVID-19 health crisis. It can therefore be adapted to other crisis situations by reducing fraud and optimising the monitoring and verification processes for civil registration. Despite this evidence, ownership of CVRS systems is often not a priority for policymakers, who thus compromise the information and fundamental rights of the population⁷².

In Cameroon, humanitarian organisations working in the field of the Boko Haram crisis have been, in terms of their interest in acquiring birth certificates in these victimised localities⁷³. The Citizen and Political School of Yaoundé (ECPY), which has been accompanying the Cameroonian government in the modernisation and rehabilitation of civil registration since 2016, conducted a survey and a 52-minute video in the municipalities of Kolofata, Guidiguis and Mozogo in July 2021. The report of this survey was sent to BUNEC and the relevant municipalities for processing. With the awareness campaigns carried out in recent years and the creation of civil registration centres in pilot hospitals such as Kolofata, a positive change has been observed in terms of the increase in the number of records. Despite this progress, a part of the population living in the mountains and remote areas of the hospitals do not benefit from the fallout of the Boko Haram crisis.

⁷⁰ The Center of Excellence on CRVS systems, *Compendium of good practices...* pp. 34 to 38.

⁷¹ *Ibid.* 39.

⁷² *Ibid.* 1

⁷³ Yaoundé Citizen and Political School, *Investigation report...* p.24.

CONCLUSION

Civil registration management in security crises in Africa is a concern. However, given the importance of civil registration in planning, development, security and conflict resolution in Africa, a resilience mechanism is taking shape at national and regional levels. Long relegated to the sidelines of African public policy, civil registration is gaining in importance, pointing to a possible future as one of the levers for managing security crises in Africa.

UN COORDINATION OF HUMANITARIAN ACTION IN CENTRAL AFRICA

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Abstract

The Central African region is affected by several humanitarian crises. Through its presence at the regional level in Dakar and in various country offices, the United Nations Office for the Coordination of Humanitarian Affairs, OCHA, plays a crucial role in the coordination of the humanitarian response. This article aims to provide an overview of its mandate and the functions he performs within the humanitarian system in the region. Through its functions of coordination, advocacy, information management, humanitarian funding and humanitarian policy design, OCHA plays a crucial role in humanitarian crises, from the global to the local level.

HUMANITARIAN ACTION

A **humanitarian crisis** is a situation in which **the lives of large numbers of people are threatened** and extraordinary means are required to avert a disaster or limit its consequences. A humanitarian crisis can occur as a result of a natural disaster, large-scale conflict and/or armed violence, an epidemic (cholera, measles, Ebola, COVID-19) or a massive influx of refugees.

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In the event of a humanitarian crisis, the State is primarily responsible for triggering an emergency response through existing government mechanisms, with the aim of ensuring the protection of the civilian population, and of mitigating and / or limiting the impact of the crisis on local communities. The emergency response can be led by local authorities and national associations. In the event of limited capacities at the national level, the State can request the support of the international community.

Humanitarian aid is aid aimed at alleviating human suffering in emergency situations. In these situations, humanitarian aid usually benefits people directly, such as emergency supply kits distributed to earthquake survivors, or health workers who screen and treat children displaced for malnutrition in temporary shelters. It can also take the form of cash payments to help people survive shocks.

Development assistance, on the other hand, is often envisaged to improve structural systems which, in turn, benefit entire communities (such as strengthening the health system or providing a social security system for the poorest).

The objective of humanitarian action is to protect the life and health of populations affected by a crisis and to guarantee respect for the fundamental rights of everyone. Humanitarian aid is subject to the following humanitarian principles enshrined in two United Nations resolutions: humanity, neutrality, impartiality and independence. The first three principles are enshrined in General Assembly resolution 46/182 adopted in 1991. This resolution also established the function of the Emergency Relief Coordinator (ERC).² The fourth principle, independence, was added to the text of resolution 58/114, adopted in 2004.

Humanity means that human suffering must be addressed wherever it is found, with particular attention to the most vulnerable.

Neutrality means that humanitarian aid must not favour any side in an armed conflict or other dispute.

² The function of Emergency Relief Coordinator is better known by its acronym, ERC (Emergency Relief Coordinator).

Impartiality means that humanitarian aid must be provided solely on the basis of need, without discrimination.

Independence means the autonomy of humanitarian objectives from political, economic, military or other objectives..

Humanitarian principles are pivotal in establishing and maintaining access to affected populations, whether in the context of a natural disaster, armed conflict or a complex emergency. Promoting respect for humanitarian principles during the response is an essential element of effective humanitarian coordination, and is at the heart of OCHA's role.

This central place that these principles occupy in the humanitarian work of the United Nations is.

II - THE UNITED NATIONS OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS, OCHA

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) is the branch of the United Nations Secretariat responsible for bringing together humanitarian actors to ensure a coherent response to emergencies. OCHA also ensures that there is a framework within which each actor can contribute to the overall response effort.

OCHA's mandate stems from General Assembly resolution 46/182, which states: "The leadership role of the Secretary-General is critical and must be strengthened to ensure better preparation for, as well as rapid and coherent response to, natural disasters and other emergencies". To this end, it also provides for the role of the Emergency Relief Coordinator (ERC), who works with the UN Secretary General and the Inter-Agency Standing Committee (IASC) to lead, coordinate and facilitate humanitarian assistance. OCHA is the office that provides support to the ERC and the Secretary-General in carrying out the leadership and coordination responsibilities outlined in General

Assembly resolution 46/182³

General Assembly resolution 46/182 gives the ERC a leadership and coordination role in international humanitarian assistance to meet the needs of affected people. This mandate extends to internally displaced persons (IDPs) and has been reinforced by related General Assembly resolutions (including General Assembly resolution 70/165). This was also formally recognised in the Secretary-General's 1997 reform programme, which gave the ERC responsibility for the overall coordination of assistance to IDPs.

The ERC is the global champion of people affected by emergencies and the main advisor to the Secretary General on all humanitarian issues. Through the ERC, OCHA amplifies the voice of affected people, advocates for humanitarian principles and action and promotes solutions to reduce humanitarian needs, risks and vulnerability. At the global, regional and country levels, OCHA brings together humanitarian partners for the coordinated, strategic and accountable delivery of humanitarian action. At the country level, the ERC maintains close contact with and provides leadership to Humanitarian Coordinators on issues related to humanitarian assistance.

III - THE HUMANITARIAN COORDINATION SYSTEM

The humanitarian system comprises the various actors at national and international levels and a number of mechanisms and processes that contribute to a collective effort to support and protect all people affected by a humanitarian emergency. This includes a wide range of organisations, agencies and inter-agency processes, which come together to enable international humanitarian assistance to be delivered to places and people in need. The humanitarian community includes, but is not limited to, national governments, United Nations agencies, national and international non-governmental organisations (NGOs), and the Red Cross and Red Crescent Movement.

³ Similarly, the Inter-Agency Standing Committee (IASC) is better known by its acronym IASC, Inter-Agency Standing Committee.

The actions of these organisations are guided by the humanitarian principles of humanity, impartiality, neutrality and independence, all of which derive from International Humanitarian Law (IHL).

In a humanitarian emergency, coordination is essential. Good coordination means fewer gaps and overlaps in the assistance provided by humanitarian organisations. Coordination is a means of creating an enabling environment where independent organisations can work together to maximise the collective quality, reach and impact of their actions. Coordination of humanitarian actors is not the responsibility of any one agency. While national governments and the UN must lead coordination efforts, each actor has a responsibility to collaborate with others in sharing information and contributing to priorities for the overall response. This is particularly important as rapid response is a major priority in humanitarian disasters. There is no single model or process for coordinating humanitarian action, as it depends very much on the nature of the crisis, the number of actors present and the capacities of the countries and agencies involved.

The ultimate responsibility for the delivery and coordination of aid always lies with the authority that controls the affected territory. Local institutions remain primarily responsible for the welfare of their people. This needs to be recognised at all times, even in situations where this responsibility has been delegated, or taken over by other actors. Where the government is unable or unwilling to assume this responsibility, the UN has a duty to intervene. A Humanitarian Coordinator is then appointed to lead and coordinate humanitarian efforts. All major humanitarian organisations are committed to working with established coordinating bodies

The foundations of the current international humanitarian coordination system were established by General Assembly resolution 46/182 in December 1991. Almost 15 years later, in 2005, a major reform of humanitarian coordination, known as the Humanitarian Reform Agenda, introduced a number of new elements to improve predictability, accountability and partnership. The cluster approach was one of these new elements. In 2016, at the World Humanitarian Summit in Istanbul, further reforms were proposed to make the humanitarian system more effective. Consequently, all major humanitarian

organisations are committed to working with established coordinating bodies.

- **The Emergency Relief Coordinator (ERC)** is the Under-Secretary-General for Humanitarian Affairs and heads the IASC. The ERC is responsible for monitoring all emergencies requiring UN humanitarian assistance. In a country affected by disaster or conflict, the ERC may appoint a Humanitarian Coordinator.
- **The Inter-Agency Standing Committee (IASC)** is a unique inter-agency forum for coordination, policy development and decision-making involving the main humanitarian partners of the UN and non-member countries.
- **The Humanitarian Coordinator (HC)** is responsible for assessing whether or not an international response to the crisis is warranted and for ensuring that humanitarian response efforts, if required, are well organised. The HC is accountable to the Emergency Relief Coordinator. HCs lead the Humanitarian Country Team (HCT) in deciding the most appropriate coordination solutions for their country, taking into account the local situation.
- **The Humanitarian Country Team (HCT)** is a strategic and operational decision-making and monitoring forum established and led by the HC. Membership includes representatives of the UN, international NGOs, the Red Cross and Red Crescent Movement. National NGOs and donors may be invited as observers. The HCT is responsible for agreeing on common strategic issues related to humanitarian action.
- **The UN Office for the Coordination of Humanitarian Affairs (OCHA)** works closely with cluster lead agencies and NGOs to develop policies, coordinate inter-agency issues, disseminate operational guidance and organize field support. OCHA helps to ensure that the humanitarian system functions effectively and in support of the Humanitarian Coordinator's leadership. OCHA provides advice and support to the HCT and facilitates coordination between clusters. OCHA also helps to ensure coordination between clusters in all phases of the response, including needs assessment, joint planning, monitoring

and evaluation.

- Under UN General Assembly resolution 46/182 of 19 December 1991, **the affected State**, i.e. the government and national actors, retains the lead role in initiating, organizing, coordinating and implementing humanitarian assistance on its territory.
- **Global cluster/sector** lead agencies provide support to strengthen the response on the ground. The designated lead agency leads and manages the group or cluster. Where possible, it does so in co-leadership with government agencies and NGOs.
- **Sector or cluster coordinators** are responsible for ensuring that cluster-specific concerns and challenges that cannot be resolved within the cluster are raised and discussed appropriately at the HCT, and that the resulting strategic decisions are shared and owned at the operational level.
- **Humanitarian organisations**, as cluster members, should respect the minimum commitments that define what all local, national or international organisations commit to contribute in the implementation of humanitarian programmes.

IV - OCHA'S ROLE IN THE HUMANITARIAN PROGRAMMING CYCLE

Together with its partners, OCHA contributes to an effective and principled humanitarian response through coordination, advocacy, policy, information management and humanitarian funding tools and services. OCHA's mandate is structured around five main pillars:

a. Coordination

OCHA's mission is to coordinate the global emergency response to save lives and protect people in the event of a humanitarian crisis. OCHA advocates for effective humanitarian action based on principles of all, for all.

OCHA coordinates the humanitarian response to broaden the scope of humanitarian action, improve prioritisation and reduce duplication, ensuring that assistance and protection reach those most in need. Through critical analysis of the situation, OCHA provides a comprehensive picture of overall needs and helps a range of actors to reach a common understanding of the humanitarian context and a collective plan for the response. In this way, OCHA influences timely decision-making to support more effective humanitarian response and emergency preparedness. OCHA's key role in other functional areas, such as humanitarian financing, helps to strengthen its coordination role.

Humanitarian coordination aims at improving the effectiveness of the humanitarian response by ensuring greater predictability, accountability and partnership. OCHA leads the international community's efforts to develop a better architecture for the humanitarian system, including strong in-country humanitarian coordinators, representative and inclusive HCTs, an effective and well-coordinated framework in which all humanitarian organisations can contribute systematically, as well as predictable funding tools.

OCHA's role in operational coordination in a crisis situation includes assessing needs, agreeing joint priorities, developing joint strategies to address issues such as negotiating access, mobilising funds and other resources, clarifying consistent public messages, and monitoring progress.

OCHA's role also includes responsibility for supporting the Humanitarian Coordinator's leadership and ensuring effective coordination, including strengthening the cluster approach, information management and reporting.

OCHA serves as the secretariat for key inter-agency coordination mechanisms, such as the IASC, and rapid response tools. OCHA also promotes effective interaction between civilian and military actors in humanitarian operations, fills gaps in the management of environmental emergencies and maps global emergency stocks on behalf of the entire humanitarian community.

The key to effective response is preparedness before a crisis. OCHA promotes the value of preparedness in reducing the impact of disasters on vulnerable communities, particularly in disaster-prone countries. OCHA works with national governments, regional bodies and other agencies on

implementation and screening measures that help save lives in emergencies. OCHA also provides tools such as contingency planning, hazard mapping and early warning reports.

Through its regional and country offices, OCHA deploys staff on short notice in emergencies. It also supports several state-of-the-art capacity mechanisms and networks that enable the humanitarian community as a whole to respond rapidly to disasters and conflicts.

b. Advocacy

OCHA's public and private advocacy raises awareness of forgotten crises, promotes respect for International Humanitarian Law (IHL), highlights the voices of those affected by crisis and helps people access humanitarian assistance. OCHA uses its unique role and responsibilities to draw attention to measures to uphold IHL, facilitate humanitarian access and promote the protection of civilians.

As the organisation responsible for coordinating the international humanitarian response, its ultimate goal is to save more lives and reduce the impact of conflict and natural disasters.

For OCHA, advocacy means getting the right messages to the right people at the right time. These people include humanitarian agencies, non-governmental organisations (NGOs), community-based organisations, national governments, local and international media, parties to conflict, businesses, donors, regional bodies, communities affected by emergencies and the general public. The aim is to get them to increase funding or urgent support, change their policies or fulfil their commitments.

The most visible methods include media interviews with the Emergency Relief Coordinator, public speeches, press briefings, digital campaigns.

Private advocacy - through quiet diplomacy with governments or negotiations with armed groups - is also a crucial element in bringing about change, ensuring access or building support. Whatever approach is adopted, OCHA always promotes humanitarian principles, as well as respect for international law.

c. Information management

OCHA provides information management services to the humanitarian community to inform a rapid, effective and principled response. It collects, shares and uses data and information, supporting coordination, decision-making and advocacy.

Information management in a humanitarian emergency is a crucial element of any operation. The humanitarian community recognises the importance of collecting reliable data on where people are affected, what they urgently need, who is in the best position to help them, and the value of this information for effective and timely humanitarian assistance.

A strong information management network that supports emergency coordination requires processes for collecting, analysing and sharing information on the situation between the various organisations involved, and for ensuring the smooth functioning of the coordination system. OCHA coordinates this network on behalf of the humanitarian community. It includes focal points from different sectors of the response and may involve governments, donors and the media, as well as representatives of people affected by the emergency.

Information products are then tailored to different audiences, often presented in user-friendly formats, such as maps or tables, to facilitate rapid decision-making at all levels.

OCHA collects and analyses information to provide an overview of protracted and acute emergencies. Information products include maps, graphics, situation reports, humanitarian bulletins and websites. OCHA is also the steward of several humanitarian tools and services that help humanitarian partners make more informed decisions and ensure a more predictable approach to preparedness, early recovery and response.

These include ReliefWeb, a website providing continuous coverage of disasters, conflicts and crises for the international aid community, as well as an operational platform and resource repository for humanitarian actors, humanitarianresponse.info and HDX, a data sharing platform.

OCHA's role in information management is unique, unlike that of other UN agencies or humanitarian actors, as it is responsible for consolidating and publishing information across the humanitarian response spectrum so that local and international actors can use the information to make vital policy and operational decisions.

d. Humanitarian response funding

OCHA supports the mobilization of the full range of funding instruments, mechanisms and partners to ensure that growing humanitarian needs are met, that humanitarian leadership and coordination mechanisms are promoted at the country level, and that the wide range of global humanitarian funding mechanisms are complementary to each other and coherent with development funding.

OCHA works with humanitarian partners around the world to identify the most critical humanitarian needs, plan responses and determine the budgets needed to meet them. At the country level, the organisation helps partners to develop common strategies and implementation plans and to raise funds as a group. This ensures that resource mobilisation and funding are managed collectively and based on a thorough needs assessment, making aid more effective, efficient and predictable. At the global level, this work culminates in the Global Humanitarian Overview.

e. Humanitarian policy

Through its leadership in humanitarian policy development, OCHA helps set the agenda for reform and effectiveness of the humanitarian sector in response to the changing global landscape, new global frameworks and the increased capacities of national governments and local actors. The organisation promotes and advances the normative framework for international humanitarian action while developing, strengthening and advancing this framework.

The Policy development aims to support effective and principled humanitarian action, save lives and reduce suffering. It also underpins the role of the ERC as the principal adviser to the Secretary General on

humanitarian issues.

OCHA sets an evidence-based and forward-looking humanitarian policy agenda to identify emerging trends and develop common or harmonised policy and advocacy positions among relief organisations. This is based on humanitarian principles, human rights and public international law.

OCHA identifies best practices and lessons learned from the evaluation of humanitarian action to increase effectiveness and accountability. OCHA provides policy guidance and clarification on urgent issues to humanitarian practitioners and decision-makers to help strengthen an effective and timely response.

V - ABOUT THE OCHA OFFICE FOR WEST AND CENTRAL AFRICA

OCHA's Regional Office for West and Central Africa (ROWCA) has been based in Dakar, Senegal, since November 2003 and covers 24 countries: the 15 member states of the Economic Community of West African States (ECOWAS), Mauritania, Cameroon, Central African Republic, Chad, Republic of Congo, Democratic Republic of Congo, Gabon, Equatorial Guinea and Sao Tome and Principe.

In the region, OCHA is strengthening humanitarian coordination and response preparedness through its regional office and eight country offices: in Burkina Faso, Mali, Niger, Nigeria, Chad, Cameroon, Central African Republic and Democratic Republic of Congo.

OCHA ROWCA provides coordination services to strengthen the strategic response to the humanitarian crisis in the region. It supports countries and humanitarian country teams in crisis preparedness and response activities, and increases the capacity of country offices. ROWCA also engages with governments, external partners and regional organisations, such as the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS), to develop and foster regional coordination networks.

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PANEL 3 :

DYNAMICS, CHALLENGES AND PATHWAYS OF HUMANITARIAN ACTORS

COMMUNICATION, MEDIA AND HUMANITARIANISM: A COMPREHENSIVE FRAMWORK FOR AFRICAN JOURNALISTS

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Abstract

This paper explores the theoretical and empirical aspects of communication and the media in humanitarian action by considering the issues at stake for African and Cameroonian journalists. The reading grid proposed, based on the work of Foucault and Lagroye, is linked to what can be referred to as discursive interactionism, in an approach that lies at the interface of political sociology and the analysis of the humanitarian discursive system as a social and singular framework, one of the constitutive dimensions of which is the marketing of emotion. Beyond the diversity of categories of words used to describe humanitarian action, the particularity of which is the production of a large number of statements by the very actors who intervene in theatres of operation, the hypothesis which supports the text reveals a crossroads of interests from which emerge in a very precise way the inequalities of the world in the face of climatic, sanitary or environmental fragility and social vulnerability.

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INTRODUCTION

I will start with the somewhat forced aphorism that, when it comes to media coverage, not all crises are the same and that the principle of scales or the metaphor of justice are purely theoretical. There is no reason why one crisis should receive more media coverage than another, and many humanitarian crises suffer from such a dearth of media exposure, to the point that the NGO Care expressed concern in a report entitled *Suffering in silence*. After an analysis of 2.4 million newspaper articles published in 2019 in five languages (German, English, French, Arabic and Spanish), it comes to some extremely suggestive conclusions: firstly, that of the ten crises studied, nine are located in Africa and six have already been included in previous rankings. Furthermore, while the humanitarian crisis in Madagascar was the subject of 612 articles in 2019, the conflict in Syria received 425,000 articles. The NGO identifies three causes for these crises: climate (drought and floods), lack of food and conflict issues. For the NGO, two factors explain this media neglect: their length in time and their low geopolitical impact. In total,» she concludes, «about 51 million people are flying under the media radar. This study corroborates other observations made here and there pointing to the connivance of the media with NGOs or their divergence or even their mutual hostility in the face of certain crises, attitudes to which we will return.

Beyond the assertions of humanitarian leaders that they have used communication as a weapon to raise awareness and convince public opinion and states to intervene in extreme emergencies (armed conflicts, natural disasters, refugee influxes), there are many questions and doubts about the presence of the media and humanitarian activists in a common field of operation: What efficiency gains can this co-presence claim in terms of reliability of information, completeness of the elements collected and, above all, beyond the intelligence of crises, the capacities of societies to circumvent them by alleviating both the suffering that results from them and the probability of such occurrences?

The hypothesis underlying this text is that if, in terms of media coverage, not all crises are equal in law, it is because there is a principle of media selection

that corresponds to the imagination of political entrepreneurs whose media agenda imposes certain crises on knowledge and hides others in a perspective of international division of emotion, described in its time as a negro property. In other words, a crisis has a high probability of being covered by the media if it meets the rules of the marketing of emotion, i.e. if it is located in the geography of conflict, in Africa, the Caribbean or the Pacific; if it is the result of a war or conflict event; and if it mobilises a strong presence of humanitarian actors. In the absence of these characteristics, it will be considered as a non-problem, regardless of the number of deaths or the environmental consequences it entails.

Therefore, in order to highlight the different dimensions of the interaction between the media, communication and humanitarian crises, I will first discuss the guidelines and possible fault lines; the conditions under which a humanitarian crisis is communicated by the media are of particular interest to us here (I); Then I shall focus on the construction of the critical humanitarian event, which is presented as a multi-actor event but which conceals a relatively selective intervention in which the technical properties of coverage are unevenly distributed, both in terms of the nature of the event and the rival actors involved in it, moreover, I will then discuss the conditions for maximising the communicative utility function of African journalists and communicators involved in humanitarian action, who are not content to be mere slavish relays of information provided by Western press agencies, thus transformed into centres of gravity of humanitarian operations (II)

I - A MEDIA THEORY OF HUMANITARIAN AFFAIRS

Thinking about a theory of media in humanitarianism requires clarifying what is envisaged from such a perspective. Firstly, it is necessary to understand what is generally expected of this relationship between media and humanitarianism, particularly by differentiating it from what is more common in communication studies, namely humanitarian communication (A); and the distinction between different communication activities which are not limited

to the use of the media to permeate all sectors of what may appear as a form of marketing of humanitarian solidarity (B).

A - Debating humanitarian communication

Although the objectives of humanitarian communication have been more or less mainstreamed, their extreme integration into the practices of humanitarian NGOs continues to blur the good intentions behind them. Thus, if one accepts the legitimacy and nobility of the objectives, which consist mainly of giving testimony in the public arena about conflict situations and mobilising those who participate in humanitarian work, employees, volunteers, donors, etc., the suspicion that these NGOs are seeking to finance their programmes and structural costs and to gain recognition in a context of professionalisation and competition for a ‹brand›, remains very present in people’s minds. However, communication investment in humanitarian aid is first and foremost a managerial and professional issue. It is a question of using a whole range of media (posters, mailings, product sharing, viral marketing, cyber mobilisation, street marketing), expertise and organisation, the professionalisation of which helps to ensure its existence by creating a need for open days, press releases, conferences, newsletters and annual reports. From a managerial point of view, humanitarian communication is in fact a field of activity, an institution with a division of labour and a distribution of tasks (Dauvin et al., 2010), or even a ‹market› in which, alongside NGOs, there are advertising agencies specialising in the production of humanitarian ‹communication› statements and campaigns, and others offering services at reduced prices and claiming a monopoly competence in the field of humanitarian discourse.

B - Humanitarian rhetoric or the depoliticisation of conflict

Humanitarian Humanitarian communication is built on discursive politicisation in the sense that the context in which it takes effect is not constituted as political. It seems self-evident that the global discursive environment of humanitarianism is explicitly non-political, i.e. based on an associative fabric whose main function is to alleviate human suffering resulting

mainly from crises and wars. In fact, each humanitarian statement is part of a strategy of depoliticisation, the aim of which is to erase and obliterate the founding referent by euphemising doltish dissensus and, in any case, the function of social utility on which its legitimacy is built. However, the processes of politicisation at work are developed in an enunciative field that goes beyond this single humanitarian reference to bring this activity back into the field of politics. The first effect of this depoliticisation is linked to the restrictions imposed on humanitarian statements in terms of both the collection and processing of information. This information comes mainly from three types of source: humanitarian NGOs, more or less institutional humanitarian communicators (the army, human rights activists, the International Red Cross, permanent staff of various organisations ranging from hunger relief to the Happiness Chain, including more or less volunteer observers and international programme managers, and of course representatives of public authorities) and journalists specialising in humanitarian issues. The plurality of the logics of action, the multiplicity of institutions and the legitimacy of this interventionism construct a field of activities that is properly politicised in the sense that our Master, Jacques Lagroye, defined politicisation as «a requalification of the most diverse social activities, which results from a practical agreement of social agents inclined, for multiple reasons, to transgress or to question the differentiation of activity spaces.» (Lagroye, 2003: 360). In contrast to the usual meaning of the term, we would speak here of a work of political de-qualification, i.e. the mobilisation of a set of statements and values mainly oriented not towards the cleavages and issues of civil society (Lefévre, 2009; Aït-Aoudia et al., 2011) but the addition of a universal value as a symbolic supplement to the fieldwork. This value is thus constructed as a <good cause> in order to ensure general consensus around the intervention action and to remove its political dimension. The legitimisation of humanitarian action is based on this good cause and diverts attention towards the moral constraint imposed by the distress and emotion caused by natural and man-made disasters.

Field involvement is one of the main resources on which communicative convergence is built. The plurality of actors here suggests a more or less explicit competition between the different humanitarian actors. The rhetoric of donation on which humanitarian aid is based has a counterpart which is the counter-

giving of donors, because in order to give one must receive. Hence the double legitimisation operations aimed at public opinion to legitimise and justify interventions, on the one hand, and symmetrically at donors to reassure them of the good use of donations received and to justify future requests. The communication resources available here lie in the way that communicators make humanitarian intervention an event, using the codes of conflictuality. This process aims above all at asking the question of the geography of the humanitarian event we are talking about. A topological approach aimed at identifying the various statuses, locations and positions occupied by the authors of humanitarian discourses is thus necessary in that it reveals, through this descriptive level of event archaeology, the multiplicity of modalities of the enunciative function, to speak as Foucault (1969; 106) under the <surface fulgurance> (Deleuze, 1977) of the humanitarian event. The humanitarian event is therefore first and foremost a form of discursive event associated with a field insofar as the enunciation produces multi-scalar groups and collectives (local, national and international) with whom it must produce effects and whose value is not measured by the truth of its expression but by its capacity to exemplify the effects in the diversity of forms of the effectiveness of humanitarian intervention.

II - WHAT OF THE MEDIA?

It is useful to consider functionalism in order to understand the relationship between humanitarian aid and the media, if we use this term to include all the activities that range from traditional media to internet networks. Media coverage does not simply relay the event, on the contrary, it contributes to its formulation and social resonance. It is important to distinguish between these levels of complexity, of which the media coverage of humanitarian aid is one of the most explicit forms; and, beyond the definitional conflicts and what is specific to the humanitarian event, a necessary classification of work on humanitarian aid makes it possible to understand the media issues involved in this activity.

The paradigm of role conflicts developed by Robert K. Merton allows us to

understand that the media have to face different expectations, namely to act as a communicative relay for the various institutions involved in humanitarianism (A) and to bring to the public's attention the information necessary for them to understand the event which makes up humanitarianism (B).

A - War of words, war of meanings or the humanitarian socialisation of media communication

In a critical context of war and conflict, where humanitarian intervention is subject to many interpretations, how do the media manage to capture a space of meaningful activity? This question, with its strong functionalist connotations, helps us to understand the many approaches which attempt to explain the place of the media in multi-actor humanitarian intervention. Between institutional marketing and public service and general interest, it is a question of thinking about the way in which the media are invested with a symbolic charge and <affordances> (Gibson, 1979), i.e. the capacity to create a humanitarian identity, and beyond their extreme variety, what we would call the humanitarian socialisation of the media, i.e. the capacity of the media to create a humanitarian identity.

We will call media communication a form of mediated human and social interaction (Fourquet-Courbet, 2011). It includes interactions between three types of elements: interactions between producers and different media devices: design of communication devices to fight forest fires (environmental communication), creation of e-advertising, use of the Internet to influence legal and political contexts (via discourse and <rhetorical strategies> in particular); the social subject in reception of media devices; and finally, social subjects endowed with intentionality who generate or activate, explicitly or implicitly, representations linked to other actors involved. As each of these actors has explicit or implicit aims of influence, the analysis of humanitarian media communication requires different angles and scales of observation and the questioning of the effectiveness of this co-presence in the field. The media communication paradigm focuses on what happens underneath the humanitarian event, before, during and after the media coverage itself.

First First of all, how can we assess their impact on the humanitarian event coverage? It can be assumed that social networks have served significantly to

bring disasters and wars to the attention of the public. It can also be assumed that the media have at the same time <forgotten> certain humanitarian crises that do not correspond to their agenda, particularly in that the succession of crises creates a crowding out of previous crises and the disappearance of the latter from programmes, radio and television channels, and even social networks. However, it would be insufficient to approach the media's relationship with humanitarian events from the point of view of their dissemination, because humanitarianism begins with the very formulation of this concept in the space of symbolic social exchanges. The visibility of the humanitarian issue is part of an institutionalisation process which goes from the theorisation of the gift and counter-gift to the organisation of humanitarian action, via intervention and the legitimisation of the latter. Thus, at the axiological level, there is a before, during and after the disaster-event that justifies humanitarian action, a temporal sequencing in front of which there is an inequality of media action. But the notion of mediatisation allows us to think about the criteria that govern the media coverage of humanitarian disasters. To show this inequality of access to the media, a certain number of studies have been carried out by NGOs. We know that the 2,000 dead and 20 million people affected by the torrential rains in Pakistan in July 2010 did not receive the same coverage as the 250,000 dead and 300,000 injured in the earthquake that occurred on 12 January 2010 in Port au Prince, Haiti (more than 7 on the Richter scale). The reason for this is the exceptional character and suddenness of the latter disaster, compared to the «routine», natural character and evolving duration of the former. But some activists also point to the «innocence» (Brauman and Backman) that makes the disaster victim socially acceptable, to the notion of just suffering, among the criteria for media coverage: «For there to be empathy,» the authors point out, «the public must be connected to the victim while being distant enough to feel safe from the disaster. Françoise Jeanson of Médecins du Monde calls this proximity between the public and the disaster «the Western link», thus underlining the media rupture between the mainstream approach of humanitarian communication and the Third World periphery. Furthermore, humanitarian actors add to the voyeurism of pain and the spectacle of suffering propagated by media common sense the paradigm of humanitarian story-telling,

corresponding to the search for the <right story> by journalists. The media, and in particular television, have an exceptional emotional power that allows mobilisation through the power of live action, the shock of images and the dramaturgy of the television set-up, with the consequence of overkill in media coverage. «NGOs have got into the habit of announcing big numbers, too big... (It's) a bit like the unions and the police. It is in their interest to dramatise the situation in order to generate more donations», stresses Pascal Dauvin, who suggests that journalists should be trained in the techniques of evaluating humanitarians and carrying out fact checking.

Pierre Nora believes that,

Press, radio, images act not only as means whose events are relatively independent, but as the very condition of their existence. Advertising shapes their own production. Capital events can take place without being talked about, he says. But the fact that they took place only makes them historical. For an event to take place, it must be known.

Thus, according to Nora, the event exists only in the relationship with time that accompanies media coverage - the relationship of modernity. Even if Nora seems to deny the existence of events in historical contexts prior to modernity, it seems to us that sociological reflection on the event-based media coverage of humanitarianism comes up against these main obstacles: firstly, that of its formulation. The first refers to the traditional conflict between war and peace among states and, more precisely, to those wars that are traditionally called <just wars>. What is the difference between an exclusively military intervention, in which a war contingent is «surgically» used as a means and recourse to force, with the intention of either defending the victims of serious and massive violations of human rights, on the one hand, or humanitarian assistance, which comes into play after armed engagement, or even in peacetime, in the case of ecological disasters? This can be summed up in these words from David Sanchez Rubio (. 2021) :

the international order operates on a structurally unequal economic, political and cultural system with clear, endemic and normalised tendencies of social exclusion, which amounts to not valuing the lives of two thirds of humanity, it is difficult to understand how intervention activities that are

supposed to attempt to remedy an abnormal situation of serious and massive violation of human rights and to save the lives of the victims can be legitimised without discussion.

However, this obstacle is compounded by another problem relating to the symbolic properties of the media, whose composite nature and geopolitical cleavages underline their unequal capacity, particularly in Africa, to make a significant mark on the production of humanitarian events. Unequal access to the international media, but also unequal treatment in the identity of the humanitarian crisis.

B - What about African logics of humanitarian communication?

Africa is considered as a region most affected by humanitarian crises, due in particular to numerous armed conflicts, with nearly 130 million people in need of assistance and protection, according to the United Nations Office for Humanitarian Affairs, which estimates that more than 50% of the aid is destined for Africa. The continent is also the largest pool of refugee response plans, with large numbers of refugees in South Sudan, Burundi and the Central African Republic. Cameroon, for its part, has experienced several humanitarian crises resulting from natural disasters and wars, the best known of which are those linked to the explosion of Lake Monoun on 15 August 1984 and that of Lake Nyos on 21 August 1986, the most deadly with almost 2,000 dead and more than 4,000 refugees. The lesser known violent ethnic clashes, and the repercussions of the war against Boko Haram and the secession war in the English-speaking regions make this country a dominant focus of humanitarian tensions. The narration of these different humanitarian crises has been closely associated with the key actors in these different crises who have relied on communication technologies to make their points. The analysis of public controversies resulting from these different crises would be a privileged entry point to understand how the depoliticisation of humanitarianism takes place in the context of a communicative event, notably through forms of competing media qualifications and the disqualification of rational explanation and researchers' positions. With particular reference to Lake Nyos,.

The Nyos explosion had continued to fuel rumours, notably of neutron bomb

tests, before scientists discovered unusual deposits of toxic gas at the bottom of these two lakes,» said Professor Gregory Tanyileke, a researcher at the Institute of Geological and Mining Research (IRGM) in Yaoundé. While the entire national press favoured the thesis of an Israeli plot, Jeune Afrique reported in December 2015 that for Frank Wasterman, author of **La Vallée Tueuse** (Ed. Christian Bourgeois) on the Nyos volcanic eruption, myths have impeded the emergence of the truth:

Rushing in from the four corners of the world in the aftermath of the disaster, they formed rival camps, more concerned with asserting their point of view than with bringing about a scientific truth based on facts. First, the journalist highlighted the violent quarrels between the French and American teams. The French team, led by Haroun Tazieff, was the first to arrive on the scene and claimed that «the volcano under Lake Nyos had expelled a cloud of hot steam with a high concentration of CO2 during a phreatic eruption... What about the Cameroonian scientists? In theory, they are allied with the Americans, who don't take them seriously, because they favour the conspiracy theory. « One day they believe that Israel is behind it all, they would have «rented» the Grassfields to test a «Jewish bomb». The next day they suspect the French. Unless it's the Americans again,» scoffs an American quoted by Wasterman.

The Monoun disaster was less well publicised, however. Just as the humanitarian consequences of the Anglophone crisis and the war against Boko Haram are barely mentioned, even though the latter are a testing ground for the politicisation/de-politicisation of humanitarianism, the political characteristics of these crises being repudiated by the main actors in favour of the exemplification of the violence that surrounds them and which the media make their regular fare .

In fact, in addition to being a land of humanitarian disasters and conflicts, Africa is not immune to what Foucault calls the <wild event>, which is irruptive, unassignable and not integrated into the logic of a transformation, and which, according to the philosopher, encloses the space of knowledge by disqualifying the positive constraint of any empirical manifestation. In terms of comparative communicational advantages, Africa is lagging behind in the pragmatic or realistic use of social networks. Firstly, because humanitarian NGOs, whose

field of action is mainly the periphery, originate from the West, and secondly, they have proven expertise in both intervention and marketing of humanitarian aid. In Geneva, where some 100 leading international organisations have their headquarters, the communications departments all have their own dedicated social media teams. Like the International Organization for Migration (IOM), the UN High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) use these «gifts for communication». The ICRC has as many social networking accounts as it has working languages, 33, organised according to the geographical areas and people it wants to reach. The ICRC has 30 Facebook pages, 33 Twitter accounts, 5 Instagram accounts, its own YouTube channel, as well as an account on **Vkonkitk, the Russian Facebook**, and 5 accounts on an equivalent Chinese platform. Digital content is not just translated from one region to another. IOM also uses social networks for fundraising and an Instagram story, the link to the full story on medium.com, but Facebook only offers the «donate» button to donate directly to companies registered in the US. Without being exhaustive, the examples we have taken from Cameroon and elsewhere serve to show how, in a localised space, particular configurations shape the structure of the dynamics of relations between social agents engaged in various capacities in the production of a specific category of social action. In short, humanitarianism is a space where power relations are exercised between these agents whose activities, although thought to be congruent, are far from harmonious. Not only do local, national and international actors with unequal material resources come together, but the centre is confronted with the periphery, the North with the South, the East with the West in relationships of inequality and domination which are constructed far from the theatre of operations. And despite the euphoric developments and the more or less successful synergies, a large number of problems and conflicts of interest arise from these encounters. «Annie Collovald (2002) argues that «the situation of multiple competition in the humanitarian field leads to rivalries and cross-criticism that call into question the relevance and validity of the actions undertaken». (2002). To such an extent that, in the field of communication, which is the most eloquent symbolic terrain, the need to seek partial agreements between the agents of the system involved in the field of operations was quickly felt. Between intercultural communication and the

convergence of interests, the concept of mediation has been shaped to designate the logics of action based on a thoughtful and positive approach to both neutrality in the face of the humanitarian event and in relation to the victims of the disaster, but also a mode of negotiated dialogue (Kolb; 1994) between the different humanitarian actors. Sometimes referred to as multilingual mediation, sometimes more broadly as humanitarian mediation, it combines the tools of intercultural communication, crisis communication, strategic communication, and even territorial consultation and discussion ethics (Djadeu, 2013), depending on whether one is focusing on the subjectivist, interactionist or cultural characteristics of humanitarian intervention. In fact, the militant commitment to humanitarian action takes place within the logic of the world of work and in a world dominated by the demands of quality and rationalisation of solidarity, to which the world of the media and communication cannot remain indifferent.

But should we demand equal media treatment of humanitarian events? On the basis of what ethical, professional or political argument should we be concerned with a form of communicational justice in general in the face of humanitarian disasters without falling into a kind of social miserabilism aimed at mobilising international charity to the rescue of an Africa stricken by destiny and of which countries such as Somalia, Sudan and South Sudan are emblematic examples with decades of experience of humanitarian crises? How can disasters be avoided without playing into the hands of a mercantile humanitarianism whose limits in terms of manipulation and fake news through social networks and in a crowdfunding logic are not guaranteed?

CONCLUSION

What skills do journalists, media and communication in Africa gain from humanitarian work? We know from systems theory that only two developments are possible in a situation where different populations in an area experience unequal conditions: either a positive feedback loop reinforces inequalities and fragilities increase where they are already high; or a negative feedback loop corrects inequalities through compensation and redistribution mechanisms.

Beyond theoretical formalisation and the contingencies of nature, the relationship between communication and humanitarianism should serve as a fundamental corpus for the culture of natural and human disasters. As for journalists, the ethical issues which structure their work in collecting and making available humanitarian information to the public must be debated within editorial offices in order to find the right balance between these noble objectives and the risks of humanitarian activities which are concerned with giving a good image of the humanitarian sector.

This orientation of the humanitarian sector, which is organised both within and beyond the theatre of dramatic operations and the emotions they arouse, should remind us that the human drama is actually played out in the humanitarian sector and, in this perspective, the media should encourage the development of humanitarian editions for teaching and research in information and communication sciences and techniques? In a context where so many actors are involved, «tact and tactics of care, reciprocal recognition of the beneficiaries in their need for help and of the humanitarians in their need to help, acceptance of a responsibility towards this vulnerability» (Evans Fisher, 2020), A positive critical approach to humanitarian communication action can only be constructed by taking into account the pluralities and incompatibilities of the benefits it generates, but also its shortcomings and inadequacies, which are necessary for the evaluation of both humanitarian action and what the world of media and communication is capable of providing,

STRATEGIES AND ACTIONS OF PUBLIC AND LOCAL AUTHORITIES IN THE MANAGEMENT OF HUMANITARIAN CRISES IN CAMEROON

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INTRODUCTION

Humanity is plagued by many crises today. This alarming situation requires enormous needs, as the United Nations reminds us (one in thirty-three people requires urgent humanitarian aid today). This very high percentage can be justified, among other things, by the persistence and emergence of several areas of conflict, climate change, including the current Covid-19 pandemic.

Cameroon is not spared from this. Indeed, the current security situation is increasingly worrying. Populations in the conflict zones of NOSO, the Far North and even in the East of the country are living under the yoke of untold suffering, which is a real humanitarian drama.

In relation to this, the public authorities, aided by the local authorities, have taken measures to provide an optimal response to the concerns of the populations affected by the crisis.

For a reasoned understanding of these measures taken by the public authorities, it is important to clarify some key concepts: humanitarian crisis, public power and local authorities.

Firstly, a humanitarian crisis can be understood as a situation in which the lives of a large number of people are threatened and the implementation of extraordinary means beyond those of ordinary aid or assistance is necessary to avoid a disaster or limit its consequences. Armed conflict, food insecurity, natural disasters and weak health systems are all interconnected factors that fuel this crisis. The humanitarian crises that Cameroon has faced to date can be classified into three main categories: natural crises (the Lake Nyos disaster in 1986, the volcanic eruption in 1999, floods and drought in the far north), health crises (Covid-19) and human crises (displacement, the security crisis in the NOSO and the Far North, traffic accidents and the Nsam Efoulan blaze).

Secondly, public authorities refer to the authorities that determine and conduct public or State action. This notion includes the Government and all the services responsible for the administration of a State or a local authority. It therefore only takes on its meaning within the framework of a State or within a delimited territory governed by institutions in the political, legal, economic and social fields.

Finally, we can define the Local Authorities as legal persons of public law, enjoying administrative and financial autonomy for the management of regional and local interests. In Cameroon, the Local Authorities are Regions and Municipalities.

Putting these concepts together raises the following question: how are the strategies and actions for dealing with humanitarian crises in Cameroon implemented by the different actors? In other words, what assessment can be made of the measures adopted by the public authorities in Cameroon with a view to eradicating the humanitarian crisis? In this respect, it is clear that the necessary measures have been taken, and that strong actions have been carried out on these occasions, although they need to be strengthened or even improved.

It would therefore be appropriate to analyse the synergies that have arisen in this area on the one hand (I), before mentioning the constraints faced by the various actors on the other hand (II).

I - SYNERGY OF ACTION IN THE FACE OF HUMANITARIAN CRISES

Humanitarian crises in Cameroon have always involved the participation of several actors, including the state, which plays a major role in crisis management (A), and the local authorities, whose action is equally important (B), all of whom are assisted by other actors such as donors and NGOs (C).

A - The role of the state as the main actor

The primary responsibility for managing humanitarian crises lies with the State. This responsibility is based on common sense and the duty of humanity. To this end, when a natural disaster occurs, the state first undertakes strategic planning of the humanitarian response (1) and operational intervention on the ground (2).

1 - Strategic planning of the humanitarian response

When a humanitarian crisis occurs, the role of the state is primarily at the strategic level. It carries out strategic planning of the intervention. This planning enables it to prepare the response to the needs of the victims by focusing on the activities to be carried out (1) and the resources required to manage the crisis (2).

a) Activity planning

This refers to the tasks and actions that the State undertakes as soon as a humanitarian crisis occurs. In order to effectively plan for the activities to be carried out during a disaster, the State first of all carries out a situation analysis. It draws up an overview of priority measures and an action plan, while identifying the risks associated with the context.

The analysis of some disasters Cameroon has faced shows that when a disaster occurs, the State through the President of the Republic issues a Decree to order an investigation. .

The Eséka disaster: as soon as the disaster occurred, the Head of State

created a commission of enquiry by Decree No. 2016/92 of 25 October 2016 to set up a commission of enquiry into the railway accident of 21 October 2016 in Eséka. Placed under the authority of the Prime Minister, the activities to be carried out by this commission were as follows: to determine the causes of the accident, to establish the various responsibilities, to evaluate the management of this disaster as well as the assistance to the victims.

The Lake Nyos disaster: Here, the State had initiated a national programme to rehabilitate and secure the Lake Nyos. This programme had four components: one on securing the site; another on the reintegration of the population; a third on the implementation of sustainable development; and a last one on the improvement of structuring infrastructures. These were the activities planned upstream that were to be implemented.

The Nsam Efulan disaster: in the aftermath of this disaster, which resulted in the death of more than 250 people, the President of the Republic instructed an enquiry by Decree in order to establish responsibility.

The Eseka railway accident: On 21 October 2016, the Yaoundé-Douala train derailed, killing more than 70 people. Four days later, a commission of enquiry was created by the President of the Republic.

b) Planning of essential resources

In general terms, these are the financial, material and human resources that must be used to carry out actions on the ground. These resources must be well planned beforehand. As soon as a disaster occurs, the state checks whether it has sufficient resources to deal with the crisis. If it is not sufficient or does not exist, it will have to develop strategies to obtain it. This is done on the basis of need after a brief analysis of the disaster.

Thus, with regard to the security crisis in the North West, South West and Far North Regions, the State of Cameroon has adopted several texts aimed at providing human and even institutional resources to manage the crisis. To this end, the following bodies were created:

- **The National Committee for Disarmament, Demobilisation and Reintegration (NCDDR)**

This committee was created by Decree n°2018/719 of 30 November 2018 to set up a political, military, security, humanitarian and socio-economic process, which aims at addressing the post-conflict security challenges posed by ex-combatants lacking livelihoods and support networks during the critical transition from war to peace. It also aims at ensuring the social and economic reintegration of those who have given up arms, so that they become real actors in the peace process. Its mandate is to provide multidimensional assistance to ex-combatants in their preparation for a return to civilian life.

- The Coordination Centre for Emergency Humanitarian Assistance in the North West and South West Regions.

Placed under the authority of the Minister in charge of Territorial Administration, this Centre's mission is to coordinate all actions relating to assistance to the victims of the crisis in the North-West and South-West Regions, to ensure the synergy of the interventions of the different actors and to ensure the coordination of the interventions of national and international actors involved in the implementation of the humanitarian assistance plan.

2 - Operationalisation of the humanitarian response

Speaking of the operationalization of humanitarian intervention is tantamount to speaking of the concrete deployment of the State at the scene of the disaster. Thus, whenever a disaster has occurred in Cameroon, there has always been an effective presence of State through the pre-existing bodies and those created for the circumstance. In this regard, it should be stressed that emergency situations generate issues related to humanitarian crises and that in such situations interventions by different actors must be operationalised..

a) Operationalisation of humanitarian intervention through pre-existing standing bodies.

These bodies are permanent and are on the ground whatever the situation. Their mission is to ensure the security of goods and people. They are mainly the Civil Protection Division and the Defence and Security Forces (DSF).

Civil protection was reviewed by Law No. 86/016 of 6 December 1986 to

lay down the general reorganisation of civil protection. This Law specifies the missions of civil defence in Cameroon. According to its first article, «Civil defence consists in ensuring the permanent protection of persons, property and the environment against the risks of serious accidents, calamities or disasters, as well as the effects of these disasters». The said Law highlights the organisational modalities, including the participation of the different actors involved in civil protection. Based on this tool, the Directorate of Civil Protection has often deployed its resources during crisis situations such as the one we are currently experiencing in the NOSO crisis, and has regularly carried out awareness campaigns for the population against disasters of all kinds. When a disaster occurs, the CPD deploys its teams on the ground to provide first aid to victims.

It should also be noted that the National Council for Civil Protection (CNPC) intervenes to implement humanitarian action whenever necessary. Its mission is to implement the general strategy of civil protection, as previously defined by the President of the Republic in times of crisis.

As for the Defence and Security Forces, they always carry out a protective action at all times. They are always on the field of operations to rescue the affected population. During disasters in Cameroon, the active role of the Defence and Security Forces are noteworthy.

b) Operationalisation of humanitarian intervention through the bodies set up

When a disaster occurs, new bodies can be created depending on the nature of the disaster and the needs that arise.

With regard to the NCDDR, action on the ground is such that several ex-combatants whose fundamental rights have been affected enjoy the care and supervision of NCDDR members. During the visit of the Cameroonian Minister in charge of Territorial Administration to the CNDDR Centre in Bamenda in April 2019, an ex-combatant had this to say: «We thank our supervisors for the living conditions they have provided for us. We ask others to leave the forests and join us in this ideal setting.»

As for the Coordination Centre for Emergency Humanitarian Assistance in the NOSO regions, many people, namely IDPs, are regularly invited by officials to register in order to receive assistance. The deployment on the ground is also done with Cameroonian refugees in Nigeria. All this is operationalised through the contribution of the DSF.

The various commissions of enquiry created by the President of the Republic are also working in the field to find the necessary elements for the elaboration of their investigation report.

B - Local Authorities action

In Cameroon, local and regional authorities play a key role in the management of humanitarian crises, both in terms of prevention (1) and in terms of strengthening the state's capacities and means of action (2).

1) Prevention of humanitarian crises

In practice, crises are always localised within a territory, the physical area of competence of a local authority. In principle, when a disaster occurs in a locality, the local Mayor is the first authority to intervene, as he is the closest and very often the most exposed. His intervention is therefore based on the principle of subsidiarity, which postulates the effectiveness of the action. As he has police powers, he is very often called upon to implement them in order to prevent disaster risks. Experience shows that several disasters have been avoided thanks to the preventive action of mayors. It has been observed that the mayors of cities exposed to disasters and other crises work daily on the basis of anticipation to avoid their occurrence. The legislator integrated this fact by transferring certain competences of the State in this field to the Local Authorities.

The legislator has done this by distinguishing between the two levels of decentralisation enshrined in the law, namely the Region and the Municipality. Thus, while Article 268 of the general code of regional and local authorities transfers to the Regions «the preparation, implementation and monitoring of specific regional risk prevention and emergency response plans», Article 157

transfers to the municipality «the preparation and implementation of specific municipal risk prevention and emergency response plans in the event of disasters»¹.

2) Strengthening the capacities and means of action of Local and Regional Authorities in the management of humanitarian crises

While the main role in managing humanitarian crises lies with the central State Administration, the role of Local Authorities in this area is not negligible. These Authorities provide either spontaneous or regulated support.

Spontaneous support refers to actions taken by the Local Authorities as soon as a disaster occurs, without the need for any instruction from State. The disaster almost always happens on the spot. The tragedy almost always takes place on the territory of a municipality and the mayor is therefore the first authority concerned. Going back to the Gouache landslide in Bafoussam, Dr. Jules Hilaire Focka Focka, then Mayor of the Bafoussam I Council, supported the State in assisting the victims by organising a concert in honour of the victims and by offering a 30-hectare plot of land in the Latsit and Loumpouou districts for the resettlement of the victims who had been evicted from the disaster area.

The same problem arose with the local authorities, which received a very large flow of refugees and displaced people on their territory. Some municipalities in the Adamaoua (Meinganga, Ngaoui, Djohong), East (Ngoura, Garoua Boulai) and Far North (Mora, Fotokol, Tokombéré) regions were heavily exposed to this situation, which was a real humanitarian crisis, and which significantly strained the resources and budgets of these municipalities. In this respect, we can mention the Minawao camp in the Mayo-Tsanaga Division or the Gbado Gadjéré camp in the East. It should be noted that the support provided by State to the latter has not always made it possible to effectively meet the needs of this category of people who were not included in the council's plans. The ingenuity of the mayors in office has led to the mobilisation of certain technical and financial partners to build reception

¹ See article 157 of the aforementioned law.

centres and provide for the basic needs of the families thus affected (schools, boreholes, water points, electricity, health care, etc.).

II - THE CONSTRAINTS OF THE ACTORS INVOLVED

It is not always easy for the State and the Local Authorities to work during disasters. There are constraints that do not always allow them to achieve their objective. These constraints are related to coordination deficiencies (A) and resource limitations (B).

A - Shortcomings in implementing synergies

This observation can be made based on the facts. It is obvious that the implementation of the legal framework applicable to civil protection in Cameroon has, on the basis of the facts, presented some shortcomings in terms of both the substantive rules and the competent institutions in the field. This is also true for so-called humanitarian crises. Indeed, the application of law n° 86/016 of 6 December 1986 on the general reorganisation of civil protection, which constitutes the general framework in this area, has not always enabled the actors concerned to react effectively to the multiple demands arising from our environment, which is particularly exposed to a varied nomenclature of risks and a high prevalence of disasters.

As we have just seen, the implementation of humanitarian action requires the support of several actors, including state, local, non-governmental and international actors. Each actor has a specific role to play and the question arises as to how to coordinate their actions.

Humanitarian action in Cameroon is like an institutional cocktail, involving a number of national (central and local) and international organisations, whose aim is to provide care for disaster victims. It is in this spiral that the United Nations Development Programme (UNDP) and the Japanese Embassy in Cameroon, at the beginning of August 2019, offered a 240 million CFA francs funding to Civil Society Organisations based in NOSO, with a view to carrying

out projects aimed at improving the living conditions of the populations victims of the conflict. To this can be added the sum of 8.5 billion granted by the UN to Cameroon within the framework of the Peacebuilding Fund.

However, there are a number of constraints to effective coordination. The major constraint that could be identified in the Cameroon context is the lack of an effective institutional link between the interventions of the different actors. This institutional link could have enabled coordination of the different interventions. In the absence of this link, there is a risk of duplication of interventions (which would be counterproductive) or even a diversion of the aid's destination.

Reforms are therefore necessary. One such reform has been envisaged by Cameroon. Indeed, a reform envisaged in the field of civil protection has capitalised on a particular context marked by natural disasters which cause many victims. Recent practice has been made up of painful episodes such as the emanation of toxic gases in Lake Nyos in August 1986, the blaze of hydrocarbon wagons in Nsam in February 1998, the crash of the Kenyan Airways aircraft in Mbanga Pongo in May 2007 and more recently the railway accident in Eséka in 2016. All of these, together with recurrent epidemics, spectacular fires and collapsing buildings, are expressions of the inadequacy of our current civil protection system, which the Growth and Employment Strategy Paper (GESP) sees as an essential link in strengthening the rule of law and security for people and property.

This reform could have the objective, beyond the search for better coherence in the action of all those involved, but also:

- to preserve human lives ;
- to safeguard property and to protect the installations necessary for the defence and safeguarding of the lives of the population, their property and the environment;
- maintain and strengthen national solidarity in the face of risks and disasters;
- to develop resilience and reduce the vulnerability of populations;
- ensure the information and involvement of the population.

In order to bring the Cameroonian legal framework into line with international standards, it would also be appropriate to broaden its scope to include not only natural and man-made disaster risks, but also humanitarian crises, which have become a major concern, particularly with the influx of refugees and internally displaced persons due to the various crises (Far North, East, NOSO).

Furthermore, the specific procedures activated in the event of disasters or emergencies should also be explicitly clarified. These include the triggering and pattern of the alert, the requisitioning regime and the declaration of a state of disaster.

B - Resource limitations

The implementation of a humanitarian assistance plan requires the mobilization of enormous material resources, something that the state does not have sufficiently. In reality, a disaster is an unpredictable event, and when it occurs, the state is not always prepared for its arrival, hence the material gaps. Infrastructure is non-existent and when it does exist, it is not always adequate to deal with disaster victims.

Recourse to non-state and international actors is therefore often essential to fill this gap. These include NGOs, technical and financial partners and international humanitarian organisations.

Furthermore, the establishment of an effective early warning system with a monitoring unit in all areas could be another solution. Indeed, the early warning system, when well organised, makes it possible to prevent the occurrence of certain disasters or to minimise the damage, all of which would reduce costs.

In order to overcome some of these limitations, at the structural level, a better networking of the national territory could be envisaged, with a more coherent architecture based on operational units in charge of civil protection.

Furthermore, civil protection could be provided with the human, logistical and financial resources to enable appropriate responses in each case. Thus, a more operational framework for collaboration between institutional actors, sub-

state entities, and all other actors in the reaction or response chain would be absolutely necessary.

CONCLUSION

Despite the efforts made by the public authorities in this area and the eloquent results obtained so far, the strategies and actions developed and implemented still need to be perfected. Several directions can be envisaged for these improvements:

- Promoting a better synergy between the relevant actors by taking into account the evolution brought by the General Code of Regional and Local Authorities which transfers competences in this field to the Regional and Local Authorities. This synergy must also be envisaged in good faith with neighbouring and friendly States, as well as with the international community.
- Providing a more effective and lucid framework for the coordination of strategies and actions likely to be developed by the various actors.
- Strengthening the means necessary for the various actors, particularly the Regional and Local Authorities, which are now entering the field under the 2019 General Code.
- Resizing the institutional architecture of civil protection.

All of this necessarily requires legislative and regulatory changes, as the 1986 law on the reorganisation of civil protection deserves to be dusted off and updated.

THE CHALLENGES OF SECURING NATIONALITY AND ISSUANCE OF IDENTITY DOCUMENTS FOR DISPLACED PERSONS AND REFUGEES IN CAMEROON

Commissioner, Dominique BAYA
Secretary General / DGSN

INTRODUCTION

Nationality is generally established by the issuance of identity documents that reveal the legal link, the attachment of the individual to the State, in this case the birth certificate, the nationality certificate, the national identity card or even the passport.

These identity documents, which must be issued in accordance with the procedures determined by the regulatory instruments, rely on a validation mechanism based on the reliability of the identification documents.

With this in mind, the Government has embarked on a process of securing Cameroonian nationality by creating structures specifically responsible for implementing the policy of issuing identity documents, and strengthening procedures for the collection, transmission and production of probationary documents and identification documents.

In an environment where there are identical peoples on both sides of the borders, who do not have a culture of naturalisation, and where thousands of refugees live, the securing of nationality is a permanent concern.

Dealing with the challenges of securing Cameroonian nationality when issuing identity papers to refugees, calls for the question of how the DGSN ensures the protection of Cameroonian nationality in the context of refugee processing.

In other words, is the security identification system put in place at the DGSN sufficiently locked to prevent foreigners living in Cameroon as refugees from unduly obtaining Cameroonian nationality, without going through the legal channels offered by naturalisation.

I - THE PROCESS FOR ISSUING IDENTITY DOCUMENTS TO REFUGEES

The Dissuance of identity documents to refugees results from their eligibility for this status, in accordance with law n ° 2005/006 of July 27, 2005 on the status of refugee in Cameroon. This text, which determines the conditions of eligibility for refugee status, is supplemented by implementing decree no.2011 / 389 of November 28, 2011 on the organisation and functioning of the Refugee Status management bodies.

A) - Conditions for issuing identity documents to refugees

The issuance of identity documents to refugees results from their eligibility for this status, in accordance with Law No. 2005/006 of 27 July 2005 relating to the Status of Refugees in Cameroon. This instrument, which determines the conditions for eligibility to refugee status, is supplemented by the implementing decree No. 2011/389 of 28 November 2011 that sets out the organization and operations of refugee management bodies in Cameroon.

B) - Conditions for issuing identity documents to refugees

Obtaining an identity document is subject to a process during which the refugee's application is processed and submitted for validation. This stage generally involves the registration of the applicant. In reality, it is an identification stage. The applicant is asked to produce identification documents

(National Identity Card, birth certificate, passport and others) which confirm his or her citizenship as a national of the country from which he or she was forced to leave.

In most cases, due to the circumstances of their departure from the country of origin, applicants do not always have these. In this case, they are subjected to an oral identification, which consists of the collection of a testimony during which the registration officer assesses the consistency of the testimony, with a view to establishing the person's biography, knowledge of the country and even the circumstances that explain their flight.

Generally speaking, it is a question of the applicant providing proof of his or her nationality, which will be assessed by the validation body.

C) - The competence of the bodies responsible for issuing identity documents

The validation of the application for refugee status is the responsibility of the dedicated bodies, namely the Eligibility Commission and the Appeals Commission.

The Eligibility Commission is headed by the Minister of External Relations assisted by representatives of the Ministry of Social Affairs, the Territorial Administration, the General Delegation for National Security, the National Gendarmerie, the DGRE, the NCHR and the UNHCR. This Commission is responsible for examining all applications for eligibility and decides in the first instance. In case of dispute, the applicant must refer to the Appeals Commission.

Chaired by a PRC representative, assisted by the representatives of the Prime Minister's Office, MINREX, MINJUSTICE, MINAT and UNHCR as observers, the Appeals Commission deals with any dispute in the last resort. Applications validated in the first or last instance are forwarded to the production bodies.

In accordance with Decree No. 2016/374 of 04 August 2016, on the creation, organisation and functioning of the National Identity Document

Production Centre (CNPTI), the production of refugee cards is the responsibility of this CNPTI, which is also in charge of the policy for the issuance of identity documents, the production of residence permits, residency permits and even professional cards for police officers.

In its organisation, the CNPTI has identification posts in each Subdivision which receive applications for national identity cards, residence permits and resident permits. A mobile identification procedure is envisaged for refugees, given the confinement to which this category of foreigners is subjected.

In the same vein, the CNPTI has not yet started producing biometric cards for refugees. This is a process that is gradually being put in place. During this transitional period, refugees are issued a provisional identification document by the UNHCR.

As described, the procedure for issuing identity documents to refugees can pose problems at two levels:

At the level of their identification and the reliability of the identity document, i.e. the production. This problem may be caused by the credibility of the testimony. There are a significant number of applicants for refugee status who arrive in the country without any form of identification.

Despite the investigative methods used by the Eligibility Commission, which includes representatives of the security services (police, gendarmerie, DGRE), there is a plausible percentage of identity fraud.

In the same vein, the authenticity of the identification documents presented by some applicants may be questionable, given the progress that needs to be made in some countries of origin in terms of securing their civil status systems.

The other level of concern relates to the production of the refugee card, or rather the provisional identification document presented by the refugee during controls.

These two levels of concern raise the central question of the DGSN's control mechanism to prevent refugees from unduly obtaining Cameroonian nationality through the issuance of a National Identity Card or passport.

II - EFFECTIVENESS OF THE IDENTITY DOCUMENT ISSUANCE PROCESS

A) - Mechanisms to control the issuance of identity documents

Since 2016, the DGSN has embarked on the computerisation of the process of issuing identity papers and travel documents.

Launched on 09 August 2016, the Cameroon security identification system ensures the issuance of identity documents through a computerised, digitalised and biometric process.

This mechanism is implemented from the identification post where the identification documents presented by the applicant are examined before being transmitted to the CNPTI.

At the CNPTI level, there is a validation body that verifies the documents produced, using an inventory and appropriate techniques. This is a method that proves its effectiveness on a daily basis.

In five years of activity, nearly two million applications have been referred to the Centre's Litigation Committee. The production of identity documents is, in itself, a level of control, due to the quality of the forgery-proof identification document.

This security process has been extended to the travel document of the State of Cameroon, with the launch on 1 July 2021, of the new production system of biometric passports of Cameroon.

The two mechanisms for issuing identity and travel documents are based on a sufficiently enriched identity database, which allows for control through the comparison of fingerprints.

The effectiveness of these mechanisms is hampered by two pitfalls: the manual processing of the basic identification document, the birth certificate, and the limitations of biometric technology, which has the advantage of detecting multiple registrations, without authenticating a registration at first request.

B) - Increasing the efficiency of the identity document issuance process

In view of the pitfalls noted, it seems appropriate to strengthen the security of Cameroonian nationality through administrative and technical measures.

At the administrative level, these measures may consist of the computerisation of the civil status system on the one hand, and the biometrisation of the refugee card on the other.

The computerisation of the civil status system is crucial in securing Cameroonian nationality. This is an emergency that could be based on the security identification system of the DGSN. This governmental option falls within the missions of the National Bureau of Civil Status (BUNEC).

Indeed, this body created by Decree No. 2013/03 of 13 February 2013, is responsible for ensuring the supervision, control, regulation and evaluation of the national system of civil status.

To achieve this, it has, among others, the following missions :
The collection, archiving and centralisation of data and documents relating to civil status, with a view to the constitution of a national civil status file;

The implementation of a master plan for the computerisation of the civil status system.

The BUNEC, which plans to digitise civil status records in the municipalities, started training workshops for trainers in the last quarter of 2021, particularly in the municipalities of the Mfoundi Division, in the Centre Region. This initiative deserves to be accelerated, given its importance for the credibility and reliability of civil status records, just like the biometrisation of the refugee card.

The biometrisation of the refugee card has been integrated into Cameroon's security identification system. This action falls under the CNPTI of the DGSN. However, this measure taken by the authorities at the launch of the new identity document production system in 2016 is not yet effective.

Technical measures to strengthen the process of issuing identity documents.

On a technical level, the process of issuing identity documents can be strengthened by interfacing and interoperating the various identification devices.

Indeed, there are several administrative structures that process identification data as part of their missions. This is the case of the Ministry of Public Service, the Ministry of External Relations, the National Social Security Fund, Elections Cameroon, and even the National Civil Status Registration Office.

It is necessary, within the framework of securing Cameroonian nationality, to put in place a mechanism to interconnect and cross-reference the various identity databases of these administrations to consolidate and mature the civil registration system.

In this regard, the Head of State has set up an inter-ministerial committee responsible for harmonising identity management practices.

The other measure to be recommended on a technical level concerns the extension of the border registration system.

There is a system for collecting identity data at Cameroon's international airports. This data registration system can be extended to land and sea borders, and would be an additional means of obtaining data from foreigners, and therefore refugees. This would be an additional means of verification.

In fact, securing Cameroonian nationality is a major concern of the public authorities. These authorities have put in place a security identification system that effectively fights identity fraud and makes an undeniable contribution to the issuance of identity documents in accordance with the status of the applicants.

The effectiveness of this action to secure Cameroonian nationality deserves to be reinforced by the effective implementation of the computerised civil status system on the one hand, and on the other hand, by the implementation of technical mechanisms for cross-referencing and harmonising the various identity data collection systems.

ARMY-NATION SYMBIOSIS IN PROMOTING HUMANITARIAN ACTION IN CAMEROON

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INTRODUCTION

«**Army-Nation symbiosis in promoting humanitarian action in Cameroon**». This is a statement which, a priori, evokes the sought-after final state in the relationship between two entities, the Army and the Nation, indissolubly linked by nature, reciprocally bound to each other by law, both logically and emotionally linked by circumstances.

Nature and mankind have indeed designed the Army and the Nation to be linked in a consubstantial manner, the former being only an emanation of the latter in its thousand and one phenotypic and sociological diversities. In fact, the Army is only conceived as an instrument to which the security of the Nation falls, which in turn provides for the existential and functional needs of the Army.

Within the framework of the Westphalian state, the immanent intimacy between the Army and its Nation is codified. As far as Cameroon is concerned, its fundamental law states in its preamble that **«all citizens contribute to the defence of the homeland»**.

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To the immutable decrees of nature and the legal imperative, it is however necessary to add the commonality of everyday life, which is both the most practical and therefore the most powerful foundation and the ferment of the state of symbiosis between the Army and its Nation, provided that the said commonality is perceived in a way that eliminates any inappropriate friction that could hinder the dynamics of the Army-Nation pairing, particularly in humanitarian action, a domain traditionally recognised only to civilian actors, namely International Organisations and Non-Governmental Organisations.

It should be noted that in its most literal sense, i.e. the vocation to improve the condition of mankind, the adjective **humanitarian** expresses kindness, altruism or philanthropy. In practice, humanitarianism refers to volunteering, a contraction of the Latin *bene volent*, or goodwill. It thus forms a set of elements in the register of the emotional that popular understanding, and not only popular understanding, seems to deny to the Army, as if men of war were incapable of compassion.

Through this undoubtedly distorting prism of an authority perceived as insensitive and castrating, which it is responsible for enforcing, the Army is often considered only from the point of view of the real or putative action of its potential for disaster. This perceptual imperfection often leads to a relational deficit that is reinforced by the attitude of certain humanitarian actors who want to make it an exclusive civil-centric activity. Not to mention the opposition forces, particularly the entrepreneurs of violence (armed criminal groups) and armed terrorist groups, who orchestrate campaigns to demonise the actions of the army, with the aim of creating disaffection towards the latter.

Caught up in this bitterly disputed and emotionally unstable environment that is humanitarian action, the Army-Nation symbiosis becomes a permanent construction that the Army strives to consolidate, as much for the imperatives of operational efficiency, as for the needs of popular legitimisation of its presence and its action.

Development

While the semantic field of humanitarianism is limited to the logic of feelings or to the determination of the actors involved in this logic, the

operational field of humanitarianism is expanding to include emergency missions requiring rapid intervention, as well as short, medium and long-term interventions, such as development aid and a wider range of actors, including states, local civil society, foreign and international organisations.

The real issue with the concept of humanitarianism, which is only as good as its manifestation, is the multitude of definitions and interpretations that can be attached to it.

Thus, whether explicitly mentioned or not, the humanitarian aspect occupies an ever-increasing place in the missions assigned to the army, under the cover of either Social Action or Civil-Military Action, depending on whether the activity is permanent or circumstantial, and whether it is of interest to a group of individuals, a community or national society as a whole.

Symbiosis factors

Furthermore, there are socialisation actions used by the Army, which are part of the plurality of definitions of humanitarian action, and which can be described as utilitarian.

Among the factors of the Army-Nation symbiosis, the sociological constitution of the Army and its ideological inclination are in the forefront. They are all factors that favour this symbiosis. In this register, we find Social Action, Civil Protection, Development Aid, Supplementary Social Actions and Communication.

I - SOCIOLOGICAL FACTORS

A - The composition of the army

At its creation in November 1959, the first concern of the Cameroonian Army was to integrate all the sociological origins of the national territory. And even pushing further the ideal of gathering under the flag of the Republic, contingents of nationals serving under foreign banners were encouraged to return to the fold. The same state of mind continues to this day, with men and women from all the more than 250 tribes of Cameroon's social and societal

kaleidoscope meeting indiscriminately and living harmoniously under the same colours, in the service of the same people, under the rule of the same institutions.

Wherever the Cameroonian Army is deployed in the national triangle, it is cordially welcomed by the people who, apart from the feeling of security provided by its presence, recognise themselves in their Army. On the other hand, and according to the transfers, Cameroonian soldiers are called to serve anywhere in the national territory. This situation favours a mixing of tribes that consolidates social cohesion, notably through mixed marriages, for example.

By thus aggregating local specificities and linguistic-cultural ones inherent to the foreign occupation, and as the first integrative institution that is national, the Cameroonian Army thus gained its status of <'Crucible of National Unity>>. The celebration of the National Day of the Unitary State is more than illustrative of the symbiotic relationship between the Army and its Nation.

B - Apolitical and secular nature of the army

At all times and in all circumstances, the Cameroonian Army has kept its distance from the political sphere, working in times of turmoil to maintain public order while respecting the law and the rights of the human person. This apolitical attitude, which allows citizens to freely express their opinions on the conduct of public affairs, coupled with the practice by each soldier of the religion of his or her choice, has earned the nation's approval and recognition.

However, the Cameroonian soldiers fulfil their civic duty, notably voting, but only in the secrecy of the polling booth, and without taking an ostentatious position.

II - UTILITARIAN FACTORS

A - Social Action

Social Action is a field of activity that benefits from a structure within the central administration of the Ministry of Defence. It goes back as far as the creation of the Cameroonian Army on the eve of Cameroon's accession to international sovereignty. The local context at the time was marked by an armed

rebellion in certain parts of the national territory that were difficult to access and had few social amenities, mainly schools and health facilities. The roads opened by the army to facilitate its mobility facilitated the movement of people and goods in these areas, which had previously been isolated. The same was true of schools, health facilities and supply shops opened within the barracks, which met many of the needs of the surrounding populations.

It was therefore from this period that the first humanitarian commitments of the Cameroonian Army were born, commitments that are now known as civil-military actions (CMA).

Today, this momentum is maintained with the presence of dozens of schools housed in the barracks. The medical and health aspect is not left out, extending over the whole national territory, with three quarters of the patients being civilians.

From time to time, military and civilian personnel manning the infirmaries and hospitals belonging to the army conduct free screening and treatment campaigns for endemic or seasonal diseases among the populations living near or far from the medical and health establishments.

Vaccination campaigns organised on the same model are so successful that some rural populations only accept to be inoculated with immunising products by army personnel, whose affability and unfailing health are praised by these populations.

The special attention given by the Army to the orphans of its members who have died in command is another factor in bringing the Army and the population closer together.

B - Civil protection

Also implicitly contained in the missions devolved to the Cameroonian Army, civil protection is essentially ensured by the National Fire Brigade, an inter-army formation that is very often made available for use by the Ministry in charge of Territorial Administration, when circumstances require it.

On a day-to-day basis, the firefighters work to ensure the safety of people

and their property, through the prevention of natural, man-made or industrial disasters and catastrophes, or the reduction of damage caused by such accidents.

Maintained at a constant increase by the ever-growing demography in our urban agglomerations, the interventions of the fire brigades are solicited everywhere, at all times and in all seasons, particularly during periods of drought during which many urban inhabitants depend on the fire brigades for their drinking water supply, which at the same time increases their visibility and the population's confidence in them.

The prompt reaction of the fire brigade during the occurrence of large-scale disasters (fatal gas spillage in Lake Nyos - fire in the Nsam district in Yaoundé - train derailment in Eseka, etc.), has enabled these soldiers in particular and the Army in general, to consolidate their reputation with the public.

C - Development aid

In a clear desire to optimise the duality of the Army's know-how, the political authority has engaged it in the construction of development precursors. For nearly sixty years, roads, engineering structures, infrastructure for various uses and many other social amenities, such as drinking water points, have been built throughout the country, even in regions considered inaccessible or even inhospitable. The upgrading and infrastructural empowerment of the Bakassi Peninsula is a master stroke in this regard.

Moreover, the Military Engineers, a key component of military development aid, is making a point of strengthening the purchasing power of the populations living near its construction sites, through the priority recruitment of local labour.

D - Humanitarian support

As they are in daily and permanent contact with the population, the military are in a good position to know their needs. They are therefore well placed to carry out supplementary humanitarian actions, in other words, those that aim to meet the needs of a situation that is often unexpected, in a prompt but essentially temporary manner.

A patrol providing first aid to a sick or injured person, a troop donating part of its own food rations to a community in need, soldiers teaching in schools deserted by their teachers because of the prevailing insecurity, soldiers acting as conciliators in neighbourhood conflicts of sufficiently low intensity to be settled with a handshake, without necessarily having recourse to the competent authorities, etc. These are some of the actions that can be carried out in the field. These are some of the actions that can be grouped under the heading of supplementary humanitarian aid.

E - Communication

A cross-cutting field implemented from the strategic to the operational level, communication is both an indispensable command function and the main vector for putting the Army's actions and intentions into a favourable perspective, particularly with populations whose support is vital for the success of missions.

Depending on the targets and for the same facts or perspectives, Communication adopts different angles of approach and levels of language. The aim is to present the best possible image of the Army, because it is quite often that the protagonists of a crisis manage to demonise the forces engaged in operations to return to normality. Hence the mistrust or worse, the rejection of the populations.

Among other objectives, the Communication also aims to persuade the administrative authorities, political figures, religious and traditional leaders and associations to understand, integrate and promote the objectives of humanitarian action by the military, with the aim of creating a feeling of security and serenity among the populations they represent or are responsible for. Indeed, populations that feel safe are less likely to engage in self-defence or survival acts that are generally violent. Therefore, the humanitarian operations carried out by the Army are carefully explained before, during and after their launch and conducted as much as possible in partnership with the beneficiaries.

Similarly, internal communication enables the personnel involved to maintain a global, objective and dynamic vision of the *raison d'être* and

activities of the mission for which they are responsible. Ultimately, it is a matter of creating support, maintaining the image of the Army, gaining influence with opinion-makers, and even changing the preconceived ideas of society. As is abundantly clear, the stakes are high in this terrain, which has been made treacherous by a volatile public opinion that is fed with dissonant and discordant sounds.

To reach these issues of *Adhesion, Image, Influence and Society*, which are all key objectives, Army Communication uses all or part of the panoply of available media. These include: written media (periodicals, leaflets, flyers, posters, gadgets, etc.); audiovisual media (radio programmes, photographs, television documentaries, sketches, etc.); the Internet and/or social networks (Facebook, twitter, WhatsApp, etc.); physical contact (awareness campaigns, promotion of sports events, open days, debates with school and university youth, etc.).

The ultimate goal of this communication deployment is to contribute to creating a feeling of confidence in the Army, countering contrary ideologies, giving credibility to existing state institutions or those under reconstruction, and rekindling the spirit of fraternity between the various components of the population.

So much detail and insistence on socialisation actions, understood in military jargon as operations other than war, is justified by the critical value of perceptions, for the gain of which the actors of both belligerence and civilian humanitarianism are engaged in a fierce battle known as the <war of hearts>. The logical or sentimental inclination of hearts is indeed one of the decisive factors in the success of any operation, be it humanitarian or, better still, security, especially in these times of noisy and violent contestation of regalain exclusivities.

HUMANITARIAN ISSUES: DYNAMICS AND CHALLENGES OF THE PROFESSIONALISATION AND TRANSNATIONALISATION OF ACTORS

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Abstract

The permanence of natural disasters, international, internationalised or non-international armed conflicts, internal unrest, serious human rights violations and health crises are all reasons for intervention in the humanitarian field. The main non-state actors, whose mission is characterised in principle by neutrality, encounter endogenous and exogenous difficulties in carrying out their activities. The emergence of humanitarian intervention was not preceded by the professionalisation of the humanitarian field. However, as humanitarian action becomes more and more prevalent in different parts of the world, there is a need for the transnationalisation of actors with varied and layered skills, who are involved in activities which were previously the sole prerogative of States. This question of competence and professionalisation unfortunately sets in motion international humanitarian officials and activists in a sphere of social entrepreneurship, which is slow to be accepted by certain States.

Indeed, we very often see a virtual resignation of the States in the accomplishment of their regalian missions for various reasons. Hence the

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existence of numerous challenges. In particular, security, professionalism, recognition of the work of local NGOs, the sovereignty issue and state humanitarianism. The humanitarian field cannot be interpreted as the consequence of a resignation of the state under the pretext of the intervention of other actors in its field of action. The state must not only strengthen the protection of local humanitarian actors by means of an appropriate statute, but also ensure that its relations with transnational actors are peaceful, which is the only way to justify the sincerity of its international commitments in terms of human rights and international humanitarian law.

INTRODUCTION

There is a need to focus on humanitarianism in the international system and international relations on the one hand (A) and humanitarianism between international human rights law and human rights on the other (B)).

A - Humanitarian aid in the international system and international relations

Humanitarianism in the international system will precede its relationship with international relations.

1 - Humanitarianism in the international system

The complexity of the international system raises the question of its definition. In doctrine, it refers to all clearly identified international concerns². Moreover, according to the so-called realist view of international relations, the only way to define the international system is to describe the inter-state system, considering states, as Raymond Aron did, on the basis of their political definition and their relations with other states³.

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² T. Montbrial, *The "international system": approaches and dynamics* », in *Foreign politic*2006/4 (Winter), p.739.

³ See <https://www.coalitionhumanitaire.ca/le-systeme-humanitaire>, consulted on 09/15/2021.

Moreover, according to the so-called realist view of international relations, the only way to define the international system is to describe the inter-state system, considering states, as Raymond Aron did, on the basis of their political definition and their relations with other states.

Thus, the international humanitarian system comprises a wide range of organisations, groupings of agencies and inter-agency processes, which come together to enable international humanitarian aid to be delivered to places and people in need. It refers to a wide range of organisations, including organisations of the United Nations (UN) system, international non-governmental organisations such as the ICRC (International Committee of the Red Cross and Red Crescent), Médecins Sans Frontières, Care International, etc., non-governmental organisations (NGOs), military institutions involved and donor agencies. The actions of these organisations are guided by certain humanitarian principles: humanity, impartiality, independence and neutrality, which derive from International Humanitarian Law (IHL). In addition, the humanitarian system comprises the various actors at national and international levels, as well as a number of mechanisms and processes that contribute to a collective effort to support and protect all people affected by either an emergency or a human rights or other event. It may be more useful to think of the humanitarian system as a complex network that is constantly adapting, evolving and impacting on international relations.

2 - Humanitarianism and international relations

Humanitarian affairs, especially emergency relief for populations affected by natural disasters or armed conflicts, and serious human rights violations, are playing an increasingly important role in international affairs. They have become a component of diplomacy⁴, and since 1979 have contributed to the evolution of international law, notably through the right to intervene and the Responsibility to Protect (R2P). Humanitarian actors have even become recognised players in the international system and sit on UN bodies in the same capacity as states⁵.

⁴ P. DE SENARCLENS, *L'humanitaire et la globalisation*, RICR, 2000 VOL.82 N° 838, p.311

⁵ At the Human Rights Council which is held three times a year in Geneva, Oings such as CIJ, Amnesty International,

B - Humanitarianism between IHL and HR

1 - Humanitarianism in the face of IHL and IHRL

Human rights and humanitarian law intersect around fundamental guarantees to ensure that minimum standards of human protection remain applicable in all circumstances. In situations of internal unrest and tension for example, it is useful to be able to use the complementarity between the two branches of international law, humanitarian law and human rights law⁶. In relation to international human rights law, there are areas of overlap in the protection of certain fundamental rights: the principles of inviolability, non-discrimination and security, the right to life, respect for dignity, and the right to physical and moral integrity are found in both the Geneva Conventions and the major Human Rights Conventions. It would be appropriate to assume that the humanitarian field is made up of actors working for Human Rights in the sense of IHL as well as those involved in the field of IHL. However, new actors have emerged in this field.

Humanitarianism and the new actors

The challenges of humanitarian action have led to the emergence of new actors. Non-governmental organisations are the main actors in this field, alongside states, both in the North and the South.

For NGOs, humanitarian action aims to evacuate any political response to world disorder by responding to the expectations of public opinion, which is moved by the media, but also by diplomatic, strategic and commercial considerations⁷. As a result, for some, the humanitarian field has been invaded by new actors called the «3Ms», i.e. the Merchants, the Military and the Missionaries. The latter have their own strategies which consist of conquering, selling and evangelising. However, with the loss of State control and authority

ICRC, have permanent seats

⁶ F. Bouchet-Saulnier, *Practical Dictionary of Humanitarian Law*, Paris, Discovery, 2006, p.204.

⁷ S. Brunel, *Humanitarianism, a new actor in international relations*, *International and strategic review*, 2001/1, n° 41, p.98.

in certain countries of the South, the «3Ms» have been supplemented by the «5Ms», in particular the Mafias and Mercenaries in weakened countries. We should also add the large companies which, through humanitarian aid, set up in territories whose resources interest them and whose charitable activities are never far from the oil wells⁸.

In addition to defining the contextual scope of the study, it is necessary to clarify certain terminology, without which the problematic and methodological approach would be biased.

C - Terminological clarifications, problematic and methodological approach

The field of humanitarian aid has been profoundly transformed and structured around an «aid chain» involving international donors, international NGOs and small NGOs in recipient countries. Research on monitoring has shown that the management of NGOs is strongly influenced by the relationship they have with international donors. Understanding the humanitarian field requires an understanding of the humanitarian concept.

Humanitarianism is basically a universalist ideology (and therefore a relocated one) which gives *raison d'être* to a multitude of organisations with a mandate to respond to urgent needs in countries where the target populations are particularly deprived⁹.

Humanitarian intervention, historically Western, appears to be a culturally and politically oriented response to the various problems experienced by societies when dealing with groups labelled as «vulnerable», «dependent» or «deficient». Groups such as war refugees, street children, certain aboriginal populations, the mentally disabled and the handicapped are particularly affected by humanitarian interventions¹⁰.

In this context, humanitarian aid becomes an external response to the

⁸ Sylvie Brunel, op.cit, p.98

⁹ Saillant, F., Richardson, M. & Paumier, M. (2005). Humanitarian aid and identities: an anthropological perspective. *Ethnologies*, 27 (2), p. 162.

¹⁰ Ibid, p.159.

«needs» of vulnerable groups that States, now weakened by neo-liberal policies, neglect for various reasons, or that States with weak democratic structures violate. Humanitarianism is defined in its principles and ideals by the philosophy of human rights, universalism, political neutrality and access to emergency or basic services for all (Ryfman, 1999).

As a result, the humanitarian field tends to be perceived, from the outside as well as the inside, as an autonomous (self-regulating) community of individuals brought together by acquired knowledge and adherence to an ethic¹¹. In a context of extension and internationalisation of redistribution, the emergence of a humanitarian field allows the construction of transnational social configurations.

Furthermore, the concept of transnational refers to the practice of international organisations to cross State borders, both politically and culturally. Humanitarian NGOs operating in several countries are international, but at the same time transnational when they take over the responsibilities of the state and civil society towards the populations they serve. In the field of aid, transnationalism blurs the boundaries of collective responsibilities towards vulnerable populations, in the name of an ethic of international solidarity and International Humanitarian Law¹².

For the purposes of this analysis, any internal or external obstacle to be overcome is a challenge¹³. Dynamics is the set of interacting and opposing forces¹⁴. Professionalisation is the fact of giving an activity the character of a profession¹⁵.

These terminological clarifications raise the following question: what are the power relations between actors in a humanitarian field with multiple issues and challenges? Several methods are used to answer this central question. In

¹¹Françoise Bourdarias, «NGO and development of the elites», *Journal des anthropologues* [Online], 94-95 | 2003, posted on February 22, 2009, consulted on May 03, 2019. URL: <http://journals.openedition.org/jda/1950>; DOI: 10.4000 / jda.1950

¹² Saillant, F., Richardson, M. & Paumier, M. (2005), *op.cit.*, p.161

¹³ Le Petit Robert, *Alphabetical and analogical dictionary of the French language*, New vintage edition, 2011, p.648.

¹⁴ *Ibid.*, p.796.

¹⁵ *Ibid.*, p.2035

particular, the method of strategic interaction, which enables us to analyse the games and issues at stake between the different actors. The dogmatic legal method, which reviews the legal framework of humanitarian intervention.

The use of these methods shows that the humanitarian field is a multi-actor field with a variety of competences (**Title 1**) which faces certain urgent challenges due to its transnational nature (Title 2).

I - A MULTI-ACTOR FIELD WITH A VARIETY OF SKILLS

The humanitarian field is made up of a wide range of actors whose interests do not always converge. These include national governments, United Nations agencies, national and international non-governmental organisations (NGOs), the Red Cross and Red Crescent Movement, the military and donors. This humanitarian field is characterised by a real contrast in terms of interventions (A) which requires the necessary collaboration between the different actors (B)

A - A contrast in the intervention of actors in the humanitarian field.

Humanitarian action involves a wide range of actors and often requires appropriate skills. This need for professionalism is regularly undermined by the limited number of training actors (1) despite the increase in operational actors (2).

1 - A limited number of training actors and the sovereignist hazard

a. Professionalisation hampered by the lack of specialised training in humanitarian action

Despite the importance of human rights issues and humanitarian needs in the world, the development of specialised training adapted to humanitarian

needs has been very slow. Indeed, it is only at the beginning of the 21st century that universities have begun to adapt their offerings to this need. It is worth noting that some NGOs have realised this gap and launched training programmes to certify that they have the necessary prerequisites to work in both traditional human rights and humanitarian fields. This is the case of the San Remo Institute in Italy, the René Cassin Institute in Strasbourg, France, and even the Bioforce Institute.

The Bioforce Institute¹⁶, among others, offers reference humanitarian training. Bioforce training courses provide the professional skills and know-how required to exercise responsibilities in traditional humanitarian and development work. The majority of the professionals who provide training throughout the year are members of the humanitarian community. Whether they are working at headquarters or in the field with NGOs, international organisations or public development actors, they have a thorough understanding of the different professions, issues and contexts in which they work¹⁷.

b. The State and humanitarian perceptions: the question of sovereignty

The humanitarian system thus defined is composed of organisational entities whose core business and *raison d'être* is humanitarian action, and also actors who may play an important role in the aid sector but who have other main functions and objectives such as the defence of human rights in a global manner. In addition, there are a wide range of organisations that can intervene in the humanitarian field in a State, thus putting its national sovereignty at stake. A State's sovereignty is dependent on its ability to ensure protection for its population, and if a State does not meet the standards of human protection, either because it cannot or does not wish to, then its prerogative of absolute

¹⁶ Bioforce is a humanitarian association which intervenes in preparation and in response to crises resulting from a conflict, a natural disaster or an epidemic. It provides training, support and structuring solutions to provide access to effective and quality aid to vulnerable populations. Logistics, finances, nutrition, WASH, human resources... The NGO offers more than 70 training courses in its catalog. Today, Bioforce offers a wide choice of training courses, short or long term, in physics or e-learning, in French or in English. Its training centers are located in Europe, Africa and the Middle East.

¹⁷ <https://www.bioforce.org/>

control over its territory would be forfeited¹⁸. Legitimate authority is thus linked, in moral and legal terms, to the preservation of human protection values and the fifty-one democratic standards.

It should therefore be noted that a State's membership of the international system implies acceptance of the principle of the concession of sovereignty for transnational causes. This openness also allows national operational actors to enter into humanitarian action for operations with transnational dimensions.

2 - An increase in the number of operational actors

a. Involvement of international specialised organisations

The United Nations system offers a host of specialised international organisations involved in humanitarian action. One of these is the Office of the United Nations High Commissioner for Refugees, whose aim is to ensure protection and assistance through guaranteeing the rights and welfare of refugees. This institution also provides humanitarian aid to other categories of uprooted people such as asylum seekers, returnees, as well as local populations severely affected by the influx of refugees¹⁹. Secondly, UNICEF works in the humanitarian field to protect the rights of the child and to help young people meet their needs and aspirations. The FAO works to improve nutrition levels to achieve food security for all, agricultural productivity and the quality of rural populations, contributing to the growth of the world economy. The World Food Programme and the World Health Organisation, within this system, are concerned with putting hunger at the centre of the international agenda and the latter defines health research programmes, sets standards, proposes guidelines for public health policies and provides technical support to countries in the field of health²⁰. Secondly, UNICEF works in the humanitarian field to protect the rights of the child and to help young people meet their needs and aspirations. The FAO works to improve nutrition levels to achieve food security for all,

¹⁸Commission for Intervention and State Sovereignty (CIISE). (2001). The responsibility to protect. Ottawa: International Development Research Center, p.9

¹⁹ Marie-Thérèse Neuilly, *Gestion et prévention de crise en situation post-catastrophe* (2008), pages 101 à 121

²⁰ Marie-Thérèse Neuilly, *Crisis management and prevention in post-disaster situations*(2008), pages 101 to 121

agricultural productivity and the quality of rural populations, contributing to the growth of the world economy. The World Food Programme and the World Health Organisation, within this system, are concerned with putting hunger at the centre of the international agenda and the latter defines health research programmes, sets standards, proposes guidelines for public health policies and provides technical support to countries in the field of health²¹.

b. Activity of humanitarian NGOs

NGOs are defined as private institutions that are founded and managed by a group of citizens whose aim is to provide aid or support to vulnerable populations in difficult situations. They are financed by public or private funds.

Their objective is not financial gain. Their intervention ensures the survival of populations in distress. They are associations whose purpose can be described as «public service» since it consists (for the most part) of assistance in the broad sense, provided free of charge to needy populations. Those known as «humanitarian» organisations are primarily dedicated to emergency action in a certain number of countries that are more or less regularly affected by natural or political «crises» that threaten the survival of entire populations in the very short term²². Historically, humanitarian associations are close to those called charitable organisations, most often of religious origin, «whose purpose is to give material or moral assistance to the most disadvantaged». They are also similar to philanthropic associations, which are motivated by the desire to improve the lot of their fellow human beings and which are non-profit-making.²³ The activities of humanitarian NGOs are varied, depending on the contexts in which they operate and their specialisation.

These activities consist of the following components: emergency aid and reconstruction aid. The aim is to provide assistance to people in distress, to

²¹ *ibid.*

²²E. Quéinnec Lavoisier, *The Growth of Humanitarian NGOs. An innovation that has become an institution*, "Revue française de gestion" 2007/8 n° 177, p. 84

²³ A. BARTHOLD, *Humanitarian action of NGOs with displaced persons living in the accommodation camp of the golf course in delmas 48 after the earthquake of January 12, 2010*, thesis, master's degree, University of Quebec in Montreal, 2014, p.7

enable them to take control of their lives and overcome their despair²⁴. It takes the form of emergency aid and reconstruction aid. The former allows the basic needs of populations affected by a crisis to be met, while the latter provides people with the opportunity to rebuild their economy. Humanitarian aid is there to provide immediate relief in an emergency situation.

In the same vein, mention should be made of human rights NGOs that work for human dignity. They are formed with the aim of protecting, promoting and defending human rights. In most African countries, this category of NGOs is not always appreciated by the powers that be, who very often accuse them of interfering in the political field which is not within their mandate.

B - The need for multi-actor collaboration in the humanitarian field

1 - Relations between States and humanitarian actors as Principles of coordination and cooperation

a.1. The principles of coordination

The presence of many humanitarian actors in the same area of operation poses coordination problems. Therefore, it is necessary to divide the tasks as best as possible according to the mandate, skills, experience and resources of each actor²⁵. Co-ordination can be facilitated if the agencies know each other well, share a common understanding of humanitarian assistance and have experienced staff on the ground. It is particularly important that humanitarian agencies act impartially and independently, with the needs of the victims, all victims, as their sole criterion.

These conditions are not always met, and the whole of humanitarian action can be jeopardised by the biased behaviour - or perceived bias - of a single agency. If humanitarian actors do not have the same requirements of the

²⁴ A. BARTHOLD, *Op.cit*, p.36

²⁵ J. Forster, *State and humanitarian reasons*, In: *Humanitarian abuses: States of emergency and the right to intervene* [online]. Geneva: Graduate Institute Publications, 1994, p.64

protagonists in terms of the conditions under which they fulfil their relief and/or protection mandate, there is a great risk of «humanitarian underbidding» leading to an incomplete application of international humanitarian law²⁶. To increase the effectiveness of humanitarian action, there must be good coordination between the various actors, respect for each other's mandates, a clear vision of each other's competences and of the conduct to be observed in emergency situations with a spirit of cooperation.

a.2. The principle of co-operation

Humanitarian action is assistance provided by a single actor or a group of actors at various levels within an international aid system. It is governed by a number of principles. It has been implemented (in the name of values considered universal), for the benefit of populations whose living conditions are disrupted to the point of physical integrity and even compromise it, either because of nature (disasters) or the action of other men²⁷(internal or international armed conflicts, and authoritarian regimes).

b - Protection of humanitarian actors by States

b.1. Legal framework for protection

Protection is governed by conventional norms derived from treaties, resolutions and other instruments adopted within the framework of the United Nations. These include The Geneva Conventions of 1949 and their Additional Protocols of 1977 on the protection of the Red Cross or Red Crescent emblem and the protection of humanitarian personnel taking part in relief actions. Similarly, the United Nations Convention on the Prohibition or Restriction of Certain Conventional Weapons of 1980 and the Convention on the Safety of United Nations and Associated Personnel of 1994. States are the primary actors responsible for the protection of civilians in wartime. They have the obligation to train and control the conduct of all armed forces present on their territory and

²⁶ Ibid.

²⁷ A. BARTHOLD, Op.cit, p.21

to prosecute all those who commit a breach of international humanitarian law. When attempts to protect people have failed and they are victims of atrocities or deprivation, States also have an obligation to respect their commitments by providing assistance to those to be protected.²⁸ It is also worth highlighting UN Resolution 53/144 on the protection of Human Rights Advocates²⁹.

b.2. Reluctance to adopt humanitarian actor status for NGOs

Humanitarian action is never free of neutrality. Like UN staff, NGO employees are not always seen by local actors as <good Samaritans>, but as either friends or enemies³⁰. This perception is what matters most, and there is no such thing as <objective> neutrality or impartiality. The delivery of aid implies negotiation, and therefore a form of recognition and even legitimisation of local interlocutors, whether they represent governments, armed movements or more localised groups. It can lead to compromises with individuals and groups guilty of serious human rights violations. As much as a government supposedly concerned with preserving the «sovereignty» of the state, NGOs are at the mercy of the many political, economic and military actors involved in conflicts and will seek either to force their departure or to dissuade them from intervening in a given area, or on the contrary to benefit from their presence³¹.

2. Understanding the challenges of the humanitarian field

The humanitarian field is more often characterised by emergency and development issues

a. Emergency and development

a.1. Urgency

Emergency is the first moment in humanitarian action. It also consists of

²⁸ H. Slim, Andrew Bonwick, Protection An ALNAP Guide for Humanitarian Organizations, 2005, p.37

²⁹ It is specifically the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

³⁰ B. Pouligny. Non-governmental humanitarian aid in the face of war. In: Foreign Policy, n ° 2 - 2003 - 68th year. P.374

³¹ B. Pouligny, op.cit, p.374

interventions that are carried out in the immediate here and now to meet the basic needs of the affected population³².

Emergency is the primary vocation of French humanitarian aid as it was invented by MSF. Because it is based on short missions, emergencies make it possible to preserve the volunteer component of the missions. It allows for the use of private funds if desired. It can do without the dubious funds of national cooperation. It makes it possible to obtain public funding (particularly European) easily and quickly. Of course, it corresponds to the vocation of medical NGOs, but it is of transversal application for all humanitarian and human rights NGOs. Emergencies at least make it possible to «save the bodies». Unlike development, emergency is not a practice imported from colonialism.

Emergencies give the direct satisfaction of saving lives and seeing the immediate, concrete results of aid. Emergencies are «exciting», they allow you to «give it your all». Emergencies allow true access to the other in his or her nakedness and weakness («you don't cheat in an emergency»)³³. The emergency is certainly a necessity. It conveys a sensitivity to the unacceptable, transformed into action. Finally, urgency justifies and legitimises the intervention of other actors in operations that are normally the preserve of states.

a.2. Development

The long term allows a real immersion in the populations. It allows the populations to be involved in the projects. Because it takes place over time, it is not aimed at the immediate satisfaction of those who help and corresponds to the real needs of the populations, as development is the only way to avoid misery and palliative solutions³⁴. Development is a comprehensive economic, social, cultural and political process, which aims at the continuous improvement of the welfare of the whole population and of all individuals, based on their

³² Ibid, p.34

³³ JF. Mattei, «the humanitarian emergency, and after? », Opinion, Revue Economie & Humanisme • number 375 • December 2005, p.84

³⁴ Ibid, p.41

active, free and meaningful participation and the equitable sharing of the benefits derived from it³⁵. In many African countries today, humanitarian INGOs and UN agencies are providing relief to populations in many regions/areas that have been virtually abandoned by the central government. This is the case in certain areas in the northern regions of Cameroon where the supply of drinking water is largely carried out by humanitarian organisations (Plan International, UNHCR, etc.). However, this humanitarian activism is not opposed to state humanitarianism.

II - THE URGENCY AND CHALLENGES OF PROFESSIONALISATION IN A TRANSNATIONALISED HUMANITARIAN FIELD

The recurrence of serious human rights violations and multi-faceted crises that put human lives at risk has led to a revitalisation of social entrepreneurship.

This new situation, which requires the professionalisation of actors and actions (A.), nevertheless poses numerous challenges for the humanitarian field in a context marked by the transnationalisation of actors (B.).

A - The urgent need for professionalisation

1. The revival of state humanitarianism and professionalism

a. The revival of state humanitarianism

State humanitarianism is the defence of the State's interests. It is a question of the State adopting a humanitarian policy that best protects its interests. There are several arguments for this politicisation of humanitarianism. The humanitarian alibi in which political leaders use humanitarianism to conceal their resignation

³⁵ J. BEMBA, Dictionary of international justice, peace and development, Paris, Harmattan, 2004, p.137.

and passivity in the face of criminal dynamics against civilian populations³⁶. In several cases, the humanitarian trigger that legitimizes the use of force³⁷. The sincerity of State humanitarianism is therefore questioned and puts into perspective the professionalism of non-governmental humanitarian actors.

b. Professionalism of humanitarian actors

The use of the professional register corresponds to an increasingly explicit expectation on the part of beneficiary countries. Professionalism is an explicit expectation of the political and administrative authorities of aid recipient countries. As a result of their training in large NGOs, international organisations or through degree courses at European or American universities, local partners are often in a position to claim <Western> requirements of professionalism for their country.³⁸.

This professionalism is based on clear standards and requirements. Indeed, humanitarian work has many standards which contribute to its effectiveness. 1-Analysis: relevant training needs are identified and prioritised³⁹; 2 - Design: training programmes are designed and prepared according to identified needs⁴⁰; 3 - Implementation: training programmes are implemented effectively; 4 - Evaluation: training is evaluated against training objectives; 5 - Resources: resources for training programmes are appropriate, sufficient and well managed; 6 - Communication: communication effectively supports training services; 7 - Administration: administration systems effectively support training services; 8 - Evaluation and accountability: evaluation and accountability mechanisms effectively support training services.

³⁶ F. Dubuet, The Myth of the State's humanitarian aid, *Revue de Médecins du Monde*, n ° 7, 2003, p.4

³⁷ *Ibid*, p.5.

³⁸ P. Dauvin, *Op.cit*, p.830.

³⁹This standard consists of 1.1 regularly identifying training needs in the humanitarian sector by providing evidence; 1.2 prioritize the training needs to be met; 1.3 identify the competencies that need to be developed, using relevant competency frameworks when available; 1.4 analyze the current skills of target learners to identify gaps; 1.5 analyze the characteristics, preferences and training requirements of target learners.

⁴⁰This standard consists of developing training objectives to fill skills gaps; choose appropriate modalities to offer training programs; ensure that content, documentation and activities are appropriate and up to date using existing resources when available; take into account the knowledge, skills, abilities and experience of target learners; ensure that training programs are adapted to the characteristics, culture and context of the target learners; 2.6 incorporate methods and tools to assess training; validate training programs and materials.

The aim of these standards is to contribute to more effective humanitarian action: they are therefore consistent with the humanitarian principles that guide humanitarian action⁴¹.

It should be noted here that these standards are understood as criteria to ensure that training for humanitarian workers is fit for purpose. They provide criteria for measuring the quality of training for people involved in humanitarian work and thus for practising the humanitarian profession.

2. The need to professionalise the work

Professionalisation is conceived and appreciated in different ways in the humanitarian field. It refers to different requirements: salarisation, quality of programmes, expatriate skills, etc.⁴². It is also the increased operationality and efficiency, the increasing use of public funds⁴³, and private sectors, and finally a consolidation of social entrepreneurship at the service of the population

a. The operational nature of professionalisation

The operational use of professionalisation by NGOs is based on the idea of a process of adapting structures to a model that has many points in common with that of other private service providers linked to public contracts and funding. In this perspective, the process refers to: efficient administrative management; financial strategies; increasing salaries and a high turnover of staff; a recruitment policy based on the definition of posts and profiles; rational management of working time; functioning in line with the market as a service provider for «clients»; a strategy of alliances and groupings in the face of competition; development of links with the media and marketing networks; high technicality; and expertise that is supposed to be efficient. The recognition of the status of NGOs by the major international bodies is a determining

⁴¹ See the principles guiding humanitarian action, in *Revue Int de la Croix Rouge, S Française*, Vol 97

⁴²P. Dauvin, « Être un professionnel de l'humanitaire ou comment composer avec le cadre imposé », in *Revue Tiers Monde*, 2004/4 n° 180 | p. 825 à 840

⁴³S. Johanna. Urgence et développement, professionnalisation et militantisme dans l'humanitaire. In: *Mots*, n°65, mars 2001. *L'Humanitaire en discours*. pp. 31-33;

moment in the process of professionalisation.⁴⁴ This recognition is attributed by major sectors of activity and is accompanied by the administrative and managerial standardisation already mentioned: it institutionalises the NGO in a functional role on the international scene. Thus, to obtain accreditation from the UN system, for example, NGOs must «be qualified to deal with problems falling within the competence of the Economic and Social Council; ... have objectives in line with the aims and principles of the United Nations Charter; ... have real representativeness in their own field of activity; present sufficient guarantees of responsibility and representativeness from the point of view of their structure and organisation; justify an international presence in at least three different countries; ... be in a position to provide effective assistance to the work of the Council⁴⁵».

b. The dilemma of professionalization and humanitarian activism

The question of the professionalisation of humanitarian actors is therefore posed differently for international NGOs in the northern hemisphere than for those in the southern hemisphere.

b.1. International NGOs in the humanitarian field and professionalisation

The development of social entrepreneurship, which has been very pronounced in developed countries for several decades as a result of the economic boom, has led to the emergence of highly structured and organised NGOs on the scale of private companies; the only difference between the two being the question of whether or not they seek financial profits. Thus, thanks to their capacity to mobilise public and private funding on an almost permanent basis, the INGOs have managed to satisfactorily resolve the issue of professionalisation at both institutional and human resource levels.

Also, according to Philippe Ryfman⁴⁶, As far as private humanitarian

⁴⁴ A3. Le Naëlou, Pour comprendre la professionnalisation dans les ONG : quelques apports d'une sociologie des professions, Armand Colin | « Revue Tiers Monde », pp.775-776

⁴⁵ Ibid, p.794

⁴⁶ P Ryfman, Non-governmental organizations: an essential player of humanitarian aid ", International Review of the Red Cross, Vol. 89, N ° 865, March 2007, pp. 21-45.

organisations› staff are concerned, professionalisation, long held in suspicion, is now an established fact. However, the main problem facing these INGOs in their quest for professionalisation is the dichotomy between qualified staff whom they can pay well and militant staff who are often not always technically qualified but who are voluntarily committed to a cause: the humanitarian cause. We can thus speak of a conflictual dynamic between the humanitarian civil servant and the humanitarian volunteer/activist. Thus, some NGO founders fear the emergence of a «salaried layer ‹living› the NGO», drawing its subsidies and risking to replace the militants of voluntary associations.

In most international organisations in the humanitarian field, normative issues are currently on the agenda: improving the level of remuneration; managing professional development and even careers; standardising salaried employment for expatriate and national staff, etc.⁴⁷

However, we cannot speak of total professionalisation in the humanitarian field for international NGOs. Indeed, if the question does not arise at the level of headquarters staff, it is not the same for field staff. Because of limited resources, the deployment of humanitarian missions in the field where the need arises, the conduct of missions to document human rights violations implies mobilising nationals and national associative partners whose level of professionalism is not always consistent.

b.2. National INGOs in the humanitarian field and professionalisation

National actors in the humanitarian field in the South are often faced with enormous problems which hinder their professionalisation process. In addition to the problem of funding and its various corollaries, notably qualified and well-paid staff and adequate and appropriate infrastructure, there is the problem of legitimacy and operational insecurity.

These NGOs have experienced permanent difficulties in recruiting experienced and competent staff, particularly for purely managerial functions, management or team supervision. As social entrepreneurship is not well rooted in the perceptions of leaders in the South, the work of national NGOs and their

⁴⁷Pe Ryfman; Op cit P 25

leaders is too often viewed with suspicion. Some government leaders do not hesitate to describe these NGOs, very often without proof, as instruments of destabilisation in the pay of foreign powers⁴⁸.

NGOs' actions are sometimes caught in a field of conflict and misunderstanding with the public authorities in the countries benefiting from the action of humanitarian NGOs. This is where the challenge of a potential conflict between the humanitarian and human rights requirements of international NGOs and the preservation of national sovereignty arises.

B - The challenges of humanitarian action in a context marked by the transnationalisation of actors.

1. - The potential conflict between the humanitarian intervention demands of international NGOs and the preservation of national sovereignty. The substitute action of NGOs

Transnationalisation and the multiplication of potential crisis areas and situations requiring humanitarian action lead NGOs to intervene directly in the Southern countries or indirectly through national NGOs in their partner networks. However, although this intervention is essential for the beneficiary populations, it is sometimes misinterpreted by governments who, very often wrongly, see it as a replacement for state action: a replacement which could imply incompetence or, better still, a resignation of the state in the face of its regalian responsibilities. However, NGOs generally intervene where the State

⁴⁸In Cameroon, for example, in a communication from the Minister of Territorial Administration in 2020 did not hesitate to state «In a statement made to the press on Monday March 9, 2020, the Minister of Territorial Administration, Paul Atanga Nji put warning these non-governmental organizations «at the orders of the enemies of Cameroon». «Many NGOs at the orders of the enemies of our country regularly convey completely false and erroneous information on the management of the crisis by the government», in the North-West and South-West regions, he indicated.

«They have become dispensaries for producing false reports, the aim of which is to tarnish the noble image of our defense and security forces», added the member of the government. ... These NGOs had received "more than 5 billion FCFA from occult networks inside and outside Cameroon to destabilize republican institutions, regularly disseminate in certain media in their pay and in social networks truncated information to discredit the management of the crisis in the North-West and South-West regions by the government, to demonstrate that Cameroon would not be able to manage internal displacements, to prove by all means that the crisis in the two regions get bogged down and show through false reports that the Cameroonian army would act against the civilian populations. This state of affairs is unacceptable", See <http://www.cameroon-info.net/article/cameroun-mise-en-garde-le-ministre-de-ladministration-territoriale-paul-atanga-nji-menace-dinterdire-365286.html>

alone is either unable to respond, or has not prioritised the issue during budgetary planning. Some States, jealous of their national sovereignty, maintain a hostile attitude towards certain INGOs which engage in actions to highlight State shortcomings in areas affecting human dignity or State actions likely to deprive their citizens of certain rights guaranteed by international treaties.

However, this reluctance on the part of States does not discourage NGOs in the humanitarian field which, based on the principle of the «duty of humanitarian intervention» which structures the new era of international humanitarian law as pioneered by Bernard Kouchner⁴⁹, do not hesitate to use all the means at their disposal to intervene on behalf of needy populations in the world. In this respect, the right of interference launched in 1979 by the philosopher Jean-François Revel and theorised by *Mario Bettati and Bernard Kouchner* can be understood as the recognition of the right of one or more nations to violate the national sovereignty of another state, within the framework of a mandate granted by a supranational authority⁵⁰.

This assertion opens up an interesting breach from the humanitarian perspective on the sealing of borders which the concept of sovereignty in the Westphalian sense implies. However, even though they are voluntary, humanitarian NGOs do not have sufficient coercive capacity to force States that are unwilling to accept emergency operations on their territory. Hence the relevance of the second challenge, which is security-related.

2. Resilience in the face of ethical, legal and technical requirements

a. Ethics and legislation in the humanitarian field

Ethics are consubstantial with the humanitarian objective. Humanitarian action involves individuals belonging to specific socio-cultural groups in a certain political, local and international context where norms and laws are applied. Humanitarian action is based on principles, strong values and ethics.

⁴⁹It should be noted that Dr Bernard Kouchner is a founding member of Médecins sans Frontières, and founder of Médecins du Monde. MSF, in the wake of the Biafra war (1967/1970) defended *the idea that certain exceptional health situations could justify, on an extraordinary basis, calling into question the sovereignty of States.*

⁵⁰ See *From the right of interference to the responsibility to protect (france-terre-asile.org)*

Decision-making processes in the humanitarian field offer a privileged object for ethical reflection - understood here as a process of discernment (of what is at stake and what is possible) and an attempt to define responsibilities (individual and collective). These decision-making processes involve presuppositions, knowledge and experience, as well as the status and links through which the people concerned are involved and even exposed. In view of the growing complexity of crises and the obstacles to ambitious and independent humanitarian action, in addition to a mastery of the international commitments made by the State, a knowledge of the domestic law of States in territories where a conflict, a disaster or a recurrence of serious violations of human rights and international, and therefore humanitarian, law are taking place is more than desirable. This is why the presence of lawyers, and especially specialised lawyers, in human rights and humanitarian organisations is increasingly becoming the rule.

b. The technical aspect in the humanitarian field

In a context of increasingly complex legal, ethical, financial, technical and security risks, there is no room for amateurism. The effectiveness of projects and missions depends above all on the professionalism of those involved. In addition to their own skills (doctors, nutritionists, agronomists, etc.), humanitarian workers are regularly, and from the moment they are recruited, required to follow specific training courses which include the resolution of concrete «real-life» cases.

This acceleration of professionalisation is also a result of the demands of donors who, in exchange for funding, require proof of the proper implementation of projects, increasingly precise financial and technical reports and a clearly respected code of ethics. Remuneration levels are increasingly similar to those in the business world, with the humanitarian sector attracting more and more young graduates in search of a career⁵¹.

⁵¹ML. Le Coconnier, B. Pommier, *Technical requirements in humanitarian action*, (2012), p. 50 to 62

3. Resilience to financial, media and political demands

a. Financial demands in the humanitarian field

Humanitarian action requires the availability of financial means, given the diversification of financial needs. It should be noted that the number and variety of specialised actors, funding sources and donors have increased. In this respect, we can mention National and international NGOs⁵² which cooperate with intergovernmental entities⁵³ as well as with the UN Peacekeeping Operations that provide protection to humanitarian operations when needed. Similarly, several funding mechanisms have been developed, both at UN Headquarters and in the field, to complement the traditional bilateral funding that agencies receive directly from governments or private donors⁵⁴. The UN Office for the Coordination of Humanitarian Affairs (OCHA) manages and administers several trust funds, including the Central Emergency Response Fund at Headquarters and, in the field, the Humanitarian Emergency Response Fund and the Enhanced Humanitarian Response Fund. OCHA also provides programme leadership for the common humanitarian funds in the different countries, with administrative support from the United Nations Development Programme (UNDP) as managing agent. In addition to these funds, in some countries there are multi-donor trust funds focused on recovery and reconstruction, which are administered by UNDP and the World Bank. Some entities, such as UNICEF, the United Nations Population Fund (UNFPA) and WFP, have established their own advance funding mechanisms and thematic funds open to donors that are used to fund specific humanitarian service lines corresponding to specific items in their respective strategic plans and programmes. These funds have often been used to finance crisis prevention and recovery activities, including national reconstruction activities, which border on humanitarian assistance when development funding is not available in the

⁵² The International Federation of Red Cross and Red Crescent Societies (IFRC), the International Committee of the Red Cross (ICRC), Oxfam, Médecins sans frontières (MSF), etc.)

⁵³ The UNDP, the United Nations Children's Fund (UNICEF), the World Food Program (WFP), the World Bank and the International Organization for Migration (IOM),

⁵⁴ T. Inomata, *Funding for Humanitarian Action in the United Nations System*, Geneva, United Nations, 2012, p.13

country concerned. In addition to the major contributor, the UN system, other equally important mechanisms for funding humanitarian action have been established at both the public and private levels.

At the private level, these include philanthropic foundations such as the American Ford, Bill Gates, Coca Cola, etc., which are alongside other foundations based on the mobilisation of individual donations.

With regard to international public funding, NGOs more often turn to the European Union, the government agencies of rich countries, in particular the British Department for International Development (DFID), the Japanese Agency (JICA), the Australian Cooperation (Australian Aid), USAID, etc.

b. Media and political demands in the humanitarian field

Media coverage of humanitarian aid is ensured by its actors⁵⁵. This refers specifically to the communication tools and strategies that these organisations use to draw the attention of the media, governments and public opinion to a humanitarian crisis, but also to their day-to-day field activities⁵⁶ and other serious human rights violations. In its relationship with politics, Rony Brauman points out that humanitarian action has two opposing tendencies which prolong its dual conservative and progressive origins. In one sense, because it only considers individual distress without taking an interest in its causes, it fulfils an «analgesic» function; but, in the other direction, «it brings back to the centre of the social landscape what society would like to ignore» (the housing problem, for example, with Abbé Pierre) and makes it a political issue⁵⁷. In short, even when it claims to be apolitical, humanitarian action, insofar as it demonstrates the shortcomings of political power, represents a form of contestation of the established order⁵⁸.

Many humanitarian organisations are becoming increasingly political. On

⁵⁵S. Keita. Communication, media and international solidarity: media coverage of humanitarian aid in the French press. Information and communication sciences. Paul Verlaine University - Metz, 2009, p.23.

⁵⁶Ibid, p.19

⁵⁷O. Rony Brauman, Humanitarian action, Flammarion dominos, 1995, pp. 112-115

⁵⁸F. Bouchet Saulnier, Practical Dictionary of Humanitarian Law, La Découverte, 2000, p.11

the international scene, NGOs that did not claim to be political have become political actors in their own right, such as Handicap International, which campaigned against anti-personnel mines⁵⁹. At the same time, they in turn are using human rights to support their mobilisations.

Better still, «humanitarians» intend to contribute to the production of new legal standards, particularly at the international level⁶⁰ (right of humanitarian intervention, international criminal courts, treaty on anti-personnel mines). This is also true for humanitarian actors at the national level, and in particular for NGOs working in the field of human rights. Unfortunately for them, their communications on human rights violations are generally interpreted in most African countries as hostility to the government in power. However, the issues at stake in the humanitarian field are many and noble in nature.

4. The security challenge in the humanitarian field

This is as much a question of relations with the authorities of the countries concerned as it is of the implementation of humanitarian actions. Humanitarian action cannot be deployed in a country without the security of humanitarian actors. And this security is mainly the responsibility of governments, which must in these cases conclude a very precise operational framework with humanitarian actors.

a. The relationship with the country's authorities

Although they are beneficiaries of humanitarian action, the countries in which the need for humanitarian action arises are not always very cooperative. This lack of cooperation is even more glaring when the emergency situation is the consequence of an ongoing armed conflict. Suspicion here seems to be the rule in many countries where humanitarians, who also have an obligation to analyse the situation without complacency and to report the facts without distorting them, are often assimilated to allies of the belligerents. This relationship between the humanitarian and the State is often atrocious and leads

⁵⁹D. Lochak. Humanitarian, human rights and politics. Materials for the history of our time, La Contemporaine, 2003, 72 (1), p.58.

⁶⁰D. Lochak, op.cit.

to regrettable decisions in relation to the humanitarian emergency. This is illustrated by the decision of the Cameroonian authorities, through the Cameroonian Minister of Territorial Administration (MINAT), to suspend the NGO Médecins Sans Frontières ⁶¹ which has been providing crucial medical support to the populations in the NOSO⁶² regions in conflict in Cameroon, is still being questioned.

b. Implementing humanitarian actions

There are therefore many constraints on implementing humanitarian action in recipient countries. However, the most common constraint is the issue of security, both for the NGOs and for the national and international staff of these INGOs and other humanitarian agencies. This security can be legal or physical. Physical security, which is the responsibility of States, is sometimes difficult to ensure when intervention takes place in conflict zones. Humanitarian aid, which must, for example, provide for the health needs of populations, must respect International humanitarian law and not discriminate between victims. The application of this principle of non-discrimination of victims in the provision of humanitarian aid obliges humanitarians not to disclose information about the victims they are assisting.

Unfortunately, this reservation is generally interpreted by governments as a refusal to collaborate and, ultimately, as complicity with the «enemy», and leads to a conflictual relationship between the government and the INGOs involved, which is not conducive to either security or efficiency. This conflictual relationship concerns both international and national INGOs, which are regularly threatened by local authorities in violation of the international commitments made by the states concerned. In Cameroon, for example, this issue of insecurity of associations led about thirty Civil Society Organisations

⁶¹ In December 2020, Msf had been suspended by the governor of the North West from all activities in the region. According to some sources, “The Cameroonian authorities accuse the NGO of collaborating with separatists and treat the wounded Ambazonians in the name of international humanitarian law (IHL)”. According to the authorities, weapons and ammunition had been discovered in ambulances of MSF. Many media close to power have also denounced the complicity of MSF with these separatists. The NGO was therefore suspended for collusion with separatists. According to officials MSF, the government wants the NGO to replace itself as «intelligence agent and indicate to him each place where these separatists injured». See www.Koaci.com - Tuesday 06 July 2021 - 09:06

⁶² The expression NOSO refers to the Cameroonian regions of the North West and South West.

to challenge the Government on 7 September 2021⁶³.

5. Migration and Humanitarian Resource Efficiency: The Urgent Need for Localising Humanitarian Aid

One of the major problems of humanitarian action in Africa today is the adequacy of resources mobilised and the disproportionate and unequal consideration of transnational and national actors. Indeed, the majority of resources mobilised for humanitarian action come from countries in the North, which act directly or through international institutions such as the United Nations, the European Union, etc. These financial resources migrate to the countries of the South, where they are used to fund humanitarian action. These financial resources migrate to the crisis areas at the same time as human resources from the North, and very often to the detriment of local actors, including national NGOs and religious denominations, which are the only ones on the front line before the international community is mobilised.

Even though transnationalisation requires international actors to collaborate or partner with local actors, the operationalisation of these partnerships is too often done in a spirit of condescension that is rooted both in erroneous clichés about the lack of competence of African actors and in the posture of donors holding the coffers. The result is a partnership approach based on extreme bureaucratisation which ultimately undermines the efficiency of humanitarian aid. Very often, local actors are reduced to the status of unpaid service providers in the implementation of humanitarian projects for which their Northern partners, in some cases, do not even recognise their right to use resources to pay operating costs.

This inadequacy must therefore be questioned and alternatives implemented in order to compensate for the current model, the result of which is a tendency to exclude a significant proportion of local actors. It is clear that new models of partnership are needed to respond to future crises. According to Christine Knudsen⁶⁴, focus should be placed on the frontline capacities of communities,

⁶³ See the declaration of this collective of human rights Oings, website WWW.ndhcam.org

⁶⁴ C. KNUDSEN, 2011, "Partnership in principle, partnership in practice", Humanitarian Exchange, 04/11, pp. 5-8, [URL: <http://odihipn.org/magazine/partnership-in-principle-partnership-inpractice>, accessed June 7, 2017].

authorities and civil society organisations (Knudsen, 2011).

In this respect, we believe it is important to pay particular attention to and work towards a genuine localisation of humanitarian aid, which would necessarily lead to a change in the relationship between actors in the North and the South in favour of the latter⁶⁵. The localisation of humanitarian aid, which consists of giving local actors their rightful place in the modelling of the humanitarian field, intends to act mainly on four points (Van Brabant, 2016): visibility, capacity, funds and partnerships.)

With regard to funds, for example, it should be noted that during the review of the humanitarian ecosystem in 2015, one of the **Grand Bargain** Commitments⁶⁶ was to increase direct aid to local actors from 2% to 25% by 2020, taking into account the needs of local actors for better quality funding (longer term, more flexible and covering operating costs).

In terms of capacity, the aim is to provide more effective support to strengthen local and national capacities and to compromise their capacities less (e.g. by hiring the most qualified local staff).

CONCLUSION : The state as facilitator in the humanitarian field?

At the end of the study, in response to the question of the type of relationship between actors in a transnationalised humanitarian field, it should be said that, given the sometimes conflicting interactions with the State, a humanitarian actor of circumstance, the responsibility of States in the humanitarian field is to promote, support and empower impartial and independent humanitarian institutions⁶⁷. The State is both upstream and downstream of humanitarian action. It must reduce the rigour of its sovereignty

⁶⁵ L. Gustin, *The localization of humanitarian aid: Approach to the challenges and potential effects for humanitarian NGOs*, Master thesis; 2016-2017: University of Liège, P 55-58

⁶⁶ The “Grand Bargain”, launched at the World Humanitarian Summit in May 2016, is a unique agreement between the largest donors and humanitarian agencies who are committed to improving the efficiency and effectiveness of humanitarian action. . The aim is to generate efficiency gains, which will be used to save more lives, and not to reduce aid budgets.

⁶⁷ J. Forster, *State and humanitarian reasons*, Cahier de IUED, p.75.

to allow humanitarian action to be carried out. Humanitarian action cannot be the continuation of political action by other means. It should neither replace nor be integrated with politics. However, states, in turn, and supranational institutions have seized upon the symbolic manna represented by the humanitarian rationale to found, justify or legitimise their actions, including military ones⁶⁸.

Humanitarian emergencies and serious violations of human rights in states increasingly induce a mobilisation of plural and diverse actors who are active in a dynamic of transnationalisation, by creating operational and functional solidarity between actors from the North and those from the South. Unfortunately, this necessary transnationalisation faces a double obstacle: that of the non-horizontality of the professionalisation of the actors on the one hand, and that of the questionable distribution of the resources mobilised for the humanitarian cause between the INGOs and IGOs of the North and the local actors who, however, are permanently at the front. Indeed, if social entrepreneurship is well developed in the countries of the North with the added bonus of well-trained actors based on high-level and well-paid standards, it is not the same for the actors of the countries of the South who evolve in contexts of devaluation of social work and lack of professionalisation. The commitment of the **Grand Bargain** on the increase from 02 to 25% of humanitarian resources intended for local actors still seems to remain at the slogan stage after the deadline, however set at 2020. To this are added the very often-conflicting relationships between the authorities of certain African countries and the heads of INGOs working in humanitarian and human rights. Ultimately, humanitarian actors should face the implacable evidence that they are obliged to accept and respect each other in a symbiosis with the sole aim of satisfying the victims and the affected population. A responsible state must do so to remain consistent with its international human rights commitments. May African States erect normative corridors not only to secure non-state humanitarian and human rights actors, but also to guarantee a more peaceful deployment of transnational actors engaged in the humanitarian field? May the international community and the main donors finally understand the challenges of a real “localisation” of humanitarian aid, implying a more visible respect for local actors in this transnational dynamic!

⁶⁸ D Fassin, humanitarian aid against the state, everything against, Association Vacarme, 2006, n° 34, p.17.

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THE INCREASING COMPLEXITY OF THE ACTION OF DEFENCE AND SECURITY FORCES IN A HUMANITARIAN CRISIS SITUATION

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Abstract

Faced with the vertiginous rise of armed conflicts and various crises, there is an increase in the population in need of humanitarian assistance. However, humanitarian access is no longer easy, mainly because of armed groups, which, in defiance of international provisions, endanger humanitarian actors. It also appears that the cohabitation between these civilian actors and the Defence and Security Forces (DSF) is still not marked by serenity, because of the objectives sought by each component. If the purpose of the DSF is to restore public order and the security of people and their property by neutralising the insurgents, humanitarian workers support all the protagonists, including the enemy.

INTRODUCTION

Since the end of the Cold War and with the advancement of democracy, civil unrest and ethnic and religious conflicts have continued in various parts of the world. These belligerent situations have claimed, and continue to claim, millions of victims. In some countries, refugees and internally displaced

persons bear incalculable financial costs to the international community. Here, the absence of basic social services and the shortage of food and shelter contribute to the creation of complex emergencies,¹ which require urgent humanitarian assistance. These last years, humanitarian access² to the population in need of relief in areas of conflict or disaster has often become more difficult and complicated. On the one hand, because many armed conflicts are today fragmented and complex because they oppose numerous and diverse groups³. The complexity also often results from the fact that most contemporary armed conflicts are not international in character and humanitarian action is met with refusal by the State, which sees it as a threat to national sovereignty. On the other hand, humanitarian organisations have multiplied considerably, so that humanitarian access requires more coordination and negotiation than in the past. In addition, the distinctions between military, political and humanitarian operations have gradually blurred. Humanitarian assistance today mobilises several actors, in particular the Defence and Security Forces (DSF)⁴ and humanitarian actors, including the specialised agencies of the United Nations (OCHA, UNDP, UNHCR, WHO, WFP, UNICEF, etc.), international and national Non-Governmental Organisations and civil society.

This civilianisation of peace operations, which goes hand in hand with the

¹ The United Nations Inter-Agency Standing Committee considers as a complex emergency: «a humanitarian crisis in a country, region or society in which internal conflict has considerably weakened or rendered powerless power and which calls for an international response that is beyond the mandate or capacity of a single agency or the United Nations country program». SecTenth meeting of the Inter-Agency Standing Committee, December 9, 1994, para. 4.

² The concept of “humanitarian access” is not defined in international law. Humanitarian access is understood here as a precondition for effective humanitarian assistance which requires the consent of the state or the entity exercising control over a territory (a non-state armed group). When the need for humanitarian assistance persists for a period of time, the term humanitarian access should be interpreted to mean not only that goods and services should reach their recipients quickly, but also that access should be maintained for as long as necessary. . See F. Schwendimann.»The legal framework for humanitarian access in armed conflicts», International Review of the Red Cross, volume 93 French selection, 2011/3, p. 122.

³ J. Kellenberger, President of the ICRC, Keynote address to the XXXI International Conference of the Red Cross and Red Crescent, Geneva, 28 November 2011, available at: www.icrc.org/eng/resources/documents/statement/31-internationalconference-opening-kellenberger-2011-11-28.htm, accessed October 2, 2021.

⁴ The notion of Defense and Security Forces which is more and more used in the speech is not formally enshrined in the texts. It is necessary to have recourse to Decree n° 2001/177 of July 25, 2001 on the organization of the Ministry of Defense to find the mention « Defense Forces». It is noted there, in particular in article 2 paragraph 1 that: The Defense Forces of the Ministry of Defense include: the Forces of the National Gendarmerie; the Forces of the Land Army; the Forces of the Army of the Air Force and the National Navy. However, customs in Cameroon fall within the concept of Defense and Security Forces as well the forces under the Ministry of Defense, the joint organizations (Presidential Guard, National Fire Brigade), as the National Security and the DGRÉ.

emergence of multidimensional operations, is recommended by the various doctrinal instruments in force at the United Nations, in particular the agenda for peace, the Brahimi Report and the Capstone doctrine. These recommendations resulted in the international development of a civilian capacity for peace operations. This movement has also been perceptible in regional organisations, like the African Union, which has developed a civilian dimension of the African Standby Force⁵. Despite these initiatives, however, there are points of tension between the actors in the field, arising from the purpose of the action of each component.

In the light of a state-led counterinsurgency operation, we will endeavour to show the difficulties inherent in the cohabitation between the DSF and civilian actors in the context of a humanitarian crisis. They revolve around two major axes: the DSF and the restoration of the authority of the State on its territory (I) on the one hand and the difficult cohabitation between the DSF and civilian actors in a crisis context (II) on the other hand

I - DEFENCE AND SECURITY FORCES AND THE RESTORATION OF STATE AUTHORITY IN ITS TERRITORY

In the event of a threat to the security of the State and its population, the DSFs, which are entrusted with the mission of preserving the integrity territory of the said State must, by mobilising the logistics made available to them, ensure the normal functioning of republican institutions. Thus, in a situation of counterinsurgency engagement, they seek the neutralisation of the enemy's sources of vitality (A) and mobilise humanitarian actions in order to secure the support of the population (B).

A - Neutralising the enemy's sources of vitality

The neutralisation of the enemy's sources of vitality has for purpose the

⁵ See C. de Coning and Y. Kasumba (dir), *The civilian dimension of the African Standby Force*, African Union and Accord, 2010, 117p.

protection of the population against its exactions and the return to a normal situation of life. In this context, several modes of action have been recommended.

Among the principles developed by the British strategist Robert Thompson⁶, the stage concerning supervision operations is undoubtedly the most crucial and the most complex, because it involves the creation of a solid framework enveloping the entire population of villages and small towns in a given region. The hamlet forms the basis of this safety framework. Its creation aims to isolate the insurgents from the population, both physically and politically. The success of operations against the insurgents can only be sustainable if this isolation is achieved, because it will then be impossible for them to replace their losses with new recruits and their units, in order to survive, will have to disperse.

The creation of strategic hamlets then fulfills three different goals: to ensure the protection of the population, to bring them to support the Government and to ensure their socio-political and economic development.⁷

- *Ensure the protection of the population*

It is not simply a question of grouping together a few isolated houses in the centre of the hamlet, then of building around a thick rampart of barbed wire, stakes, moats and traps, it is also, preferably simultaneously, to create a good radio network between hamlets, villages and the district capital; on the other hand, it is necessary to arm and train the men of the hamlet and unite them into a local militia, which will ensure the narrow defence of the village itself. While these various arrangements are put in place during the mentoring phase, the paramilitary force must ensure the defence of the hamlet while the army forms a circle of protection all around to prevent insurgent units from attacking. At this stage, the army and paramilitary force have to be sufficiently deployed to be able to bring relief to the victims who would have been attacked by more important units than the guerilla troops of the village – than the militia of the victims should be able to contain.

The essential aim of these protective measures, however, is to eliminate the

⁶ R. Thompson, «The fundamental principles of the counter-insurrection», G. CHALLIAND, *Strategies of the guerilla*, Historical Anthology of the Long March to our days, Paris, Payot, 1994, pp 556-557.

⁷ E. Tenenbaum, “The displacement of populations as a tool of counter-insurgency: the example of the program of strategic hamlets in South Vietnam”, *World wars and contemporary conflicts*, n° 239, volume 3, 2010, p 121.

clandestine organisation of the insurgents from the hamlet.

- *Unite people and get them to actively support the Government*

The creation of a strategic hamlet and an initial defence organisation should give birth to a spirit of community based on the interest of all.

- *Ensure development in social, economic and political matters*

It is at this stage that the grouping of houses, which at first glance could have seemed a hard test, shows its advantages. If the family man has to go further afield to work his fields, his family, on the other hand, has easier access to many of the comforts of life: the school is close for the children and the market and shops are close for the women. Water supply and electrification become easy to achieve in a compact community, while it remains financially impossible in scattered communities, even in most modern societies.

B - Humanitarian actions for operational purposes

Contemporary conflicts, marked by the use of non-regular tactics by non-state belligerents, have serious consequences for civilian actors. The success of the military operation requires taking into account the opinion that emanates from the civilian environment of operations⁸. The civilian environment can strongly influence the conduct of military operations, as the latter can impact, positively or negatively, this environment. The interactions are potentially numerous and cannot be ignored by military actors.

The management of the Human Operating Environment (EHO) is not limited to security actions. It also, if not mainly, comes from the field of indirect maneuver and is based on non-coercive means of action (influence, communication). Aware of this essential collaboration between civilians and soldiers in the theater of operations, the High Command has, since 2001, instituted the positions of Advisor for civil-military actions to the Chiefs of Staff of the various armies⁹. Civil-military actions (ACM) carried out by the

⁸The civilian environment of operations is part of the Human Environment of Operations (HOC). This is made up of all the interactions between actors, individual or collective, made up of systems that can have an impact on the use of forces in a given area or on which the use of forces can have an effect.

⁹ See articles 79, 110 and 142 of Decree n ° 2001/177 of 25 July 2001 on the organization of the Ministry of Defense.

armed forces facilitate the integration of forces into their environment and provide the military with the ability to intervene in the civilian aspect of the crisis in order to promote the military mission. This concept has a practical component and a psychological component. Civil-military actions can sometimes help to send a message to the population, namely: “We are not occupying forces; We are here to help you «.

As an extension of this idea, the Cameroonian DSF is illustrated by multidimensional civil-military actions in theaters of operation. One distinguishes them in the fields of health by the organisation of the campaigns of medical care; education, by repairing or building schools, supplying school equipment and administering teaching in the event of teacher defection; food through the distribution of basic foodstuffs; and public works through the construction or rehabilitation of structures. These actions therefore aim to cut off the insurgent from the support of the population in which he is like «a fish in water». Popular mobilisation is the main weapon of the insurgency. For Mao Zedong: “the material inferiority is not serious, what matters is the mobilization of the people”, in the event where “the people have to be the largest ocean in which the enemy will drown”¹⁰.

The primacy of the DSF in the theater of operations results from the prerogative recognised to each State to take care, primarily, of the victims of natural disasters and other emergencies occurring on its territory. This primary role covers the initiative, organisation, coordination and implementation of humanitarian aid on its territory¹¹. Despite this prerogative, there are generally dissensions between the DSF and humanitarian workers in the field.

II - THE DIFFICULT COHABITATION BETWEEN SDF AND CIVILIAN ACTORS IN THE CONTEXT OF A HUMANITARIAN CRISIS

¹⁰ Mr. Zedong, « La guerre révolutionnaire » in G. Chaliand, *Stratégies de la guérilla*, Anthologie historique de la Longue Marche à nos jours, (Textes compilés), Paris, Payot, 1994.

¹¹ United Nations Doc A / Res / 46/182 (1991), December 19, 1991, annex, para. 4.

In line with the concept of a “global” or “integrated” approach, no crisis is soluble in the action of a single actor, whether military or civilian. Consequently, the issues of coordination between these different actors arise from the planning of an operation by the military structures.

The issue of humanitarian actors' access to the affected population is particularly acute when the State is unwilling or unable to fully assume its responsibility to meet the basic needs of the affected population in times of armed conflict. The question then becomes ‘what can humanitarian actors do to meet these needs? The answer is that they can offer their services in accordance with international humanitarian law, which contains rules on humanitarian assistance and access to the civilian population affected by armed conflict¹². This offer of relief must be scrupulously carried out in accordance with international law in order to avoid being considered as foreign interference in the internal affairs of the State.

A - The suspicions existing between the different actors

Current interventions are distinguished around three phases involving differentiated levels of intensity for civil-military relations. The phase of “pure” military intervention, which is often short-lived, is followed by a stabilisation phase in which military action and civil action complement each other. As for the reconstruction phase, it is mainly supported by civil action. However, all of these phases are characterised by a complex relationship between civilian structures and military structures. Lack of dialogue, low level of knowledge and mutual understanding hamper the establishment of constructive working relationships and often lead to demonisation of the military by civilian structures¹³.

The DSF's mission is to maintain public order and protect all actors present in the theater of operations, in particular the civilian population and

¹²See Art. 3 (2) common to the four Geneva Conventions (GC); GC IV, art. 10 and 59 (2), Additional Protocol (PA) I, art. 70 (1); PA II, art. 18 (1) and (2).

¹³C. Egger, « Améliorer les relations entre forces armées et ONG au cours des opérations de gestion de crise : exemples de bonnes pratiques », Sciences Po Grenoble, octobre 2013, p. 1.

humanitarian workers. However, properly carrying out this mission requires frank collaboration on the part of the population through the transmission of intelligence, and for humanitarians, the transmission of data concerning their activities. These include the work program, the routes to be taken during field trips, the localities where the activity will be carried out and the target audiences.

Humanitarians, for their part, evoke the principles of independence, neutrality, humanity¹⁴, impartiality¹⁵ and non-discrimination¹⁶ that govern their activities. So how can we protect actors whose movements are unknown?

The Red Cross and Red Crescent Movement has enacted a code of conduct for «humanitarian institutions» aimed at «safeguarding the high standards of independence and effectiveness to which NGOs providing disaster relief aspire and the International Red Cross and Red Crescent Movement. «. This code of conduct, although without binding legal value, is a reference for the entire humanitarian community. While this code of conduct does not contain any explicit provision on civil-military relations, it nevertheless enshrines a number of principles aimed at governing the way in which humanitarian institutions come into contact with the armed forces, such as:

the recognition of the “humanitarian imperative”, that is to say of aid determined solely by the needs of the populations;

the concern to distinguish humanitarian aid and foreign policy; and the vigilance that «Neither knowingly nor through negligence will allow our institutions, or the personnel we employ, to be used to bring together, for the benefit of governments or other authorities, sensitive information of political, military or economic significance which could be used for purposes other than strictly humanitarian ”.

¹⁴ The point of departure must be human suffering and the offer must be exclusively aimed at meeting humanitarian needs.

¹⁵ The principle of impartiality requires that those involved in the operation do not take sides for reasons of personal interest, prejudice or sympathy. J. s. Pictet, *The Fundamental Principles of the Red Cross proclaimed by the Twentieth International Conference of the Red Cross, Vienna, 1975: Commentary*, Henry Dunant Institute, Geneva, 1979, p. 33.

¹⁶ The principle of non-discrimination prohibits distinctions from being made to the detriment of certain persons, «on the sole ground that they belong to a specific category» on the basis of criteria such as race, religion or political opinions. JS Pictet, *op. cit.*, note 16, p. 34. However, the principle of non-discrimination does not prevent positive action from being taken in favor of particularly vulnerable groups of the population. See Yves Sandoz et al. (ed.), *Commentaire des Protocoles additionnels du 8 juin 1977 aux Conventions de Genève du 12 août 1949*, CICR, Genève, 1986, para. 2821.

The «UN» system has produced numerous documents aimed at framing relations

civil-military in crisis management operations. These documents were produced by the Inter-Agency Standing Committee (IASC), which brings together a large number of UN and non-UN humanitarian actors⁵. These documents are addressed in particular to UN humanitarian agencies but, under the mandate of the IASC, these guidelines are endorsed by all humanitarian actors who use them to justify the degree of relationship they have with the armed forces on the ground. We distinguish in particular:

general guidelines for the use of military infrastructure by NGO staff: they enshrine the principle of last resort and in case of emergency to military infrastructure by civilian staff;

general guidelines on the use of armed escorts by humanitarian NGOs stipulating that as a general rule humanitarian actors should only use armed escorts as a last resort after all other options have been considered¹⁷ ;

specific guidelines aimed at regulating civil-military relations in specific operational contexts¹⁸.

At European level, the VOICE network¹⁹ has developed a document that focuses on five “operational” recommendations for humanitarian actors, including:

the need for a clear distinction between civilian and military structures on the ground and their respective equipment;

restriction of the use of armed escorts;

the importance of ensuring that the areas where humanitarian services are deployed are “sanctuaries” closed to the armed forces;

¹⁷Use of Military or Armed Escorts for Humanitarian Convoys, Discussion Paper and Non-Binding Guidelines, September 14, 2001; IASC Non-Binding Guidelines on the Use of Armed Escorts for Humanitarian Convoys, February 27, 2013.

¹⁸For an overview of these guidelines, see V. Metcalfe and M. Berg, Country-specific civil-military coordination guidelines, HPG Working Paper, August 2012.

¹⁹The VOICE network is the largest network of humanitarian NGOs in Europe. It has 83 members spread across 17 EU Member States. The network is considered to be the main interlocutor of the European institutions on issues relating to humanitarian policy.

the refusal for humanitarian actors to be subject to a military command;

the refusal of any coordination between civilian and military actors, beyond a minimum level of dialogue, on the strict condition that it does not pose any security problem, and that it is justified by the need to save lives, to protect and promote humanitarian principles, to avoid competition and to minimise inconsistencies”²⁰.

In the theater of operations in Cameroon, the behavior of certain NGOs has been criticised by the public authorities for their connivance with insurrectional groups. In a declaration of March 9, 2020, the Minister of Territorial Administration affirms that: “The plot of certain NGOs against Cameroon is today disembowelled. The Government has irrefutable proof of the actions of connivance between certain NGOs and terrorists in the North-West and South-West Regions”.

B - The difficulty for the DSF to evolve in the humanitarian field

It must be recognised that the Defence and Security Forces are endowed with a logistical power that will never be equaled by any other operator in the humanitarian field. Above all, an ability to mobilise in a very short time adapted and heavy resources which are often lacking in humanitarian organisations when it is necessary to intervene in an emergency.

Then, an ability to act in complete autonomy at great distances and if necessary in a hostile environment. Finally, perfect mastery and extensive experience in the planning and management of complex operations, in particular for the part concerning the routing of logistics flows.

With the exponential increase in the number of non-state humanitarian actors since the 1990s and the great diversity that exists in their modes of operation, their sources of funding but also the motivations that drive them, we can observe many misunderstandings between them, humanitarian organisations and the Armed Forces.

²⁰C. Egger, , « Améliorer les relations entre forces armées et ONG au cours des opérations de gestion de crise : exemples de bonnes pratiques », Sciences Po Grenoble, October 2013, p. 8.

Today, there is a real debate within various institutions on the role that the Forces must play in humanitarian work. The consensus, tinged with reluctance about the presence of the Forces in humanitarian aid, is that it is time to refocus the Forces to their purely «warlike and security» skills instead of asserting «humanitarian» type skills. The presence of the Forces would not be justified there. Their only contribution would be to lower the level of violence to a threshold allowing the work of civilian operators.

On examination, what is feared is that theThe Forces» ability to manage budgets of international organisations and charitable foundations makes them potential competitors.

CONCLUSION

The multiplicity of situations of belligerence or crises and calamities has the impact of the intensification of the vulnerable population on a global scale. This, in a humanitarian emergency, requires a rapid reaction from all the actors present in the theater of operations, in particular the military, police and civilians. However, if we agree on the primary competence of the State to ensure the protection and coordination of activities in the theater, it is undeniable to recognise the primordial role of the DSF in this matter. This stems from the competence of the DSF, which are the tool available to the Head of State to ensure his constitutional attributions as guarantor of the territorial integrity of the country and of the security of persons and their property. However, the DSF, an operational actor, must do everything possible to restore or maintain the authority of the State. It is to this extent that their modes of action aim to neutralise the nuisance capacities of the insurgents and to cut them off from the popular support they seek in order to conceal themselves. Civil-military actions are thus inscribed as an appropriate mechanism for conquering the hearts and minds of the population. Beyond this difficulty in acting on aspects relating to the civilian environment, the DSF are faced with a difficult cohabitation with humanitarian actors who are illustrated by a marked desire for independence. There are many obstacles between the two entities, highlighting the difficult balance between the duty to protect civilian actors

devolved on the DSF and respect for the principles of independence, of neutrality and impartiality recognised to humanitarian workers. However, despite these dissensions, the survival of the vulnerable population depends on the proper coordination of humanitarian assistance.

To this end, no contribution is too much. Worthy of note is the fact that, relations between the Defence and Security and humanitarian forces arise from the fact that the international community has noticed that this pair of players in international crisis resolution has become by default the appropriate alternative to most contemporary crises. They are in a way the least bad solution in a context of humanitarian crisis in the sense that said pair is best equipped to prevent the population from suffering the consequences severely.

The duty to protect must in no case be sacrificed on the hotel of what should be called the preservation of «reserved» areas, hence the need to put in place strategies aimed at interoperability between the Defence and Security Forces and humanitarian actors in a more global approach. Understanding and coordinating efforts can lead to genuine cooperation. This requires dialogue between the two components on a more peaceful basis, in order to identify each other's mandates, areas of intervention and possible mutual needs. / -

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INVOLVEMENT OF NGOS IN CRISIS MANAGEMENT IN THE ANGLOPHONE ZONE OF CAMEROON : ISSUES AND CHALLENGES OF CONTROVERSIAL HUMANITARIAN ACTION

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Abstract

The crisis that is shaking the English-speaking part of Cameroon has not failed to attract the attention of the international community. Thus, several NGOs came to provide assistance to the population in distress in this part of the national territory. The arrival of these non-state actors in the management of this crisis aroused various reactions from the local authorities, due to the unconventional activities linked to the impartiality of some of these organisations. Understanding Cameroon's "suspicion" involves identifying the issues and challenges posed by humanitarian action on this geopolitical entity.

INTRODUCTION

A Non-Governmental Organisation (NGO) is understood to mean «any group, association or movement constituted in a sustainable way by individuals belonging

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to different countries (or not) with a view to the pursuit of non-profit objectives»². The phenomenon has experienced a vitality linked to the increase in the flow of exchanges and communications at the international level, and much more, it testifies to the existence of needs that neither governments nor States, at least on their own, are in able to satisfy³. It is this last articulation of the phenomenon, which justifies the presence of humanitarian NGOs in the management of the crisis in the North-West and South-West regions of Cameroon.

This crisis that started in the English-speaking area of Cameroon in 2016 in the form of secession is the work of a few separatist movements, instrumentalised by Cameroonians in the diaspora, originating from the North-West and South-West regions⁴. Faced with the atrocities committed by these activists, and the consequent response of the Defence and Security Forces of the State of Cameroon, the civilian population found itself ideological and physical hostage of an asymmetric conflict⁵. The violence of terrorist abuses on people, the destruction of social and economic infrastructure have pushed many families to leave these two regions to take refuge in the surrounding areas and certain large cities, thereby causing a large number of internally displaced persons⁶. The Government of the Republic is faced with two new challenges: that of securing the inhabitants in this area, of reducing the suffering imposed on them by the crisis; and that of meeting the needs of the displaced. The international community, calling for an end to the fighting and a peaceful settlement of this crisis, vehemently condemned the human rights violations committed by all parties⁷. This involvement did not stop with arrests and convictions; it also

² - M. MERLE, *Sociologie des Relations Internationales*, Paris, Dalloz, 4th edition, 1988, p 388.

³ - *Ibid.*, P 388.

⁴ - According to the Cameroonian government which continues to consider that it is above all a Cameroonian-Cameroonian problem, by relying on the route of the funds which feed the conflict for the benefit of the separatists, they come from the Cameroonians of the diaspora installed in Europe and the Americas.

⁵ - The asymmetrical nature of this conflict comes from the fact that for the defense and security forces of Cameroon the separatists who are not a regular army, are confused with the population. In addition, they use guerrilla-like warfare techniques and unconventional weaponry.

⁶ - EJ Ntap, « Difficile intégration pour les camerounais déplacés interne », *The internally displaced persons of the Anglophone crisis*, (Voa / Emmanuel Jules Ntap), <http://www.voaafrique.com>. Accessed May 4, 2021. Lawyer Pelerine Tchata, also president of the NGO « Avocats sans frontières et Humanitaire du Cameroun » (Asfh-Cam), estimates the number of internally displaced persons following the Anglophone crisis at approximately 322,000, <http://www.asfh-cam.com>. Accessed September 13, 2021.

⁷ - The NGO « Human Rights Watch », specialized in the observation of violations and abuses made to human rights, on

translated through humanitarian NGOs that came to assist the population of this disaster area. This involvement of NGOs in the management of the crisis in Cameroon knows a controversial assessment on the part of the actors involved in the said humanitarian operation. On the one hand, there is the State of Cameroon, whose exercise of sovereignty has aroused mistrust and suspicion about the presence of these actors whose actions demonstrate their impartiality on an internal problem. On the other hand, NGOs, these new important players in non-governmental diplomacy, who have become essential on the international scene in the era of the «multi-centre» world,

This situation today reveals the complexity of the management of the crisis in the former British Cameroon. Complexity born from the superposition on a domestic crisis, of the stakes and determinants of foreign policy of Western States of which the NGOs are important vectors. The differences between the political ideologies of the State of Cameroon in crisis, and that of which the NGOs are the bearers on the one hand, and on the other hand between the management strategy, and in particular on the consideration given to the part which calls into question the monopoly state of sovereignty and exposes civilian populations to much suffering. Considered as a demonstration of partiality or complicity on the part of the Cameroonian authorities, the actions and positions of the NGOs «Human Rights Watch» and «Médecin sans frontières» in particular were causes of disagreement. This sowed doubt within the national and international community, and raised the question of the merits of this partnership in the management of this crisis.

A detour in the institutional history of NGOs to measure their extra-territorial skills, their emergence as well as the original sources or issues of disagreements (I). Moreover, a presentation of some incriminating facts the two organisations mentioned above will allow an understanding of Cameroon's mistrust (II).

behalf of the international community denounced the «massacres of civilians (21 civilians, including 13 children and one pregnant woman) in the locality of Ngarbuh on February 14, 2020 in the North-West by the Cameroonian army, which led to the opening of an investigation decided by the President of the Republic, whose report communicated on April 22 recognized the responsibility of the army, followed by the conviction by the courts of three soldiers. She also denounced the multiple violations and assassinations committed by separatist groups. LASSAAD BEN Ahmed, « Cameroun/ Massacre de Ngarbuh : la responsabilité des militaire avérée » The report of the commission of inquiry set up by President Biya has been delivered. AA, <http://www.Aa.com>

I - HISTORICO-INSTITUTIONAL FOUNDATIONS AND EMERGENCE FRAMEWORK

A - The legal foundations of humanitarian NGOs

Since 1859 Henri Dunant laid the foundations for humanitarian action, after the battle of Solferino. In 1863, under his leadership, the International Committee of the Red Cross (the ICRC) was founded. Humanitarian action aims to provide assistance and relief «impartially, without discrimination and for the sole purpose of providing assistance to vulnerable people» in situations of armed conflict. After the Red Cross, other organisations have emerged to provide assistance to the civilian population⁸. After the Second World War and the observation of the large number of victims and the numerous damage it caused to humanity, due to the disproportionate and uncontrolled use of armaments, at the initiative of Switzerland, were adopted in 1949 the so-called Geneva Conventions⁹. These conventions regulate the use of force in armed conflicts. They will be complemented in 1977 with two protocols devoted to the protection of civilians, the basis of International Humanitarian Law in force today.

During the Biafran war in 1971, the International Committee of the Red Cross experienced an internal split and the exit of a number of doctors who created the association «Médecins Sans Frontières» which revolutionised humanitarian action, in free from the principle of confidentiality¹⁰ for the benefit of mediating operational contexts, and above all by questioning the notions of sovereignty and borders protected by States. For her, humanitarian interference is justified by the obligation to provide assistance to people in danger wherever they are.

From that moment on, humanitarian action is essentially oriented towards three major axes, which constitute three types of calamities: natural disasters (drought, tsunamis, floods, hurricanes); man-made disasters, that is to say what

⁸ - The first of these organizations created in Europe were Save the Children, Oxfam, and Care to name but a few.

⁹ - The four conventions revised the law of war in order to limit it and improve the lot of wounded soldiers. The aim of these conventions was to regulate the use of force and give war a moral and human aspect.

¹⁰ - The principle of confidentiality is this clause which binds associations and other organizations to the duty of confidentiality.

does man (war, environmental pollution, industrial or nuclear accident) cause; and poverty. If the first two types require an emergency, the fight against poverty is part of development aid and extends over a longer period. It should however be remembered that these organisations act in synergy or in parallel with the States already responsible for civil protection¹¹. In addition, we must remember the growing role of the United Nations, which has grown with the creation since 1991 of the OCHA¹².

B - The framework for the emergence of humanitarian aid

The frequency of natural disasters and armed conflicts has increased the number of victims and facilitated the proliferation of these humanitarian organisations, concomitantly with a widening of the humanitarian field. It is no longer concerned only with the victims of the consequences of armed conflicts, but with bringing aid and assistance wherever there is human suffering.

Post-independence Africa was shaken by several inter-state conflicts, and then in the 1970s to 1980s, natural calamities were added. This situation caused a rush on the continent of various assistance mechanisms developed by States multilaterally and bilaterally, but also by national and international NGOs.

In each African country, in relation to internal legislation and international law, associations and groups have been born, illustrating the vitality and awareness of civil society.

I - ORIGINAL SOURCES OF DISFUNCTIONING AND DISAGREEMENTS

A - The legal nature of humanitarian NGOs

NGOs are enshrined in Cameroon by article 2 of law n ° 99/014 of 22 December 1999, which specifies the concept, the typology as well as the organisation and the

¹¹ - Civil protection is defined as the mechanisms and measures taken by the State to prevent and intervene in the event of accidents and disasters.

¹² - UN agency responsible for coordinating the humanitarian response of the various organizations present in each intervention context using the "cluster" approach, ie the classification of the needs listed on the basis of sectoral criteria.

functioning of these. It defines an NGO in its paragraph 1: an NGO as

A declared association or a foreign association authorised in accordance with the legislation in force and approved by the administration in order to participate in the performance of missions of general interest.

This means that an NGO is a non-profit association with well-defined development objectives. The interests must serve a community or a collectivity according to the needs expressed by this one. The missions determine the fields of competence of the NGOs, of which there are ten¹³ according to article 3 of the same law.

B - Relations with foreign policy and their infiltration

The first aspect of the relationship that exists between the foreign policies of States and humanitarian NGOs comes from the lineage of these organisations. Born and located in certain countries, these organisations at the legal level are legal associations because they are approved by the competent authorities of these countries which recognise their conformity with the law in force. This is the case, for example, with “Médecins Sans Frontière” created in France and whose head office is located there. Due this affiliation, the French authorities have a right of scrutiny over this association, which indirectly represents this country throughout the world.

What’s more, for the French State, humanitarian action is an integral part of diplomatic action. It is guided according to this State, by the fundamental principles of impartiality, independence and neutrality defined by International Humanitarian Law. Thus, it finances certain emergency actions undertaken by humanitarian associations, through the Crisis Centre of the Ministry of Foreign Affairs, which acts as a regular donor for emergency humanitarian assistance. Even as for the representativeness of the NGOs created and maintained by certain governments, and having caused the crisis within the Economic and Social Council of the United Nations at the beginning of the sixties, Marcel Merle affirms that it is not a question of a school of thought; at the very least, it recognises that the said associations by their activities, and:

¹³ - The areas of competence are as follows: legal; economic; social; cultural; jock; educative; humanitarian; environmental protection and promotion of human rights. In accordance with article 2 of the law cited in this text

The network of relationships and exchanges (at their disposal) create a social fabric which sometimes dampens the shock of disputes between governments and which facilitates, in the event of a rupture, the reconstruction of links between countries.¹⁴.

In addition, Marcel Merle comes to recognize that:

This dynamic does not necessarily go in the direction of the harmonisation of national policies; it can also be exercised in certain cases, against national solidarity and is thus generating tensions which affect the cohesion of States as relations between States¹⁵.

Starting from the principle that it is the one who finances, who dictates the policy to be followed and defines the objectives, the NGOs benefiting from public funds are in touch with the foreign policies of the donor States. Thus, the case of France is illustrative of the relationship between NGOs and the foreign policy of donor states. It is the same with regional organisations, such as the European Union through the European Commission and its body ECHO which finances and enforces the European foreign policy by the NGOs of this continent. In the current context of globalisation, the moral domination that the rich countries of the West exercise over the developing countries through humanitarian aid is particularly immoral and perverse, because it reflects a new form of imperialism. The vocabulary used to qualify certain types of operations explains and reveals the thinking of donor countries, and especially of the foreign policies of the country where the headquarters of these NGOs are located. We speak of «humanitarian bombardment», of «humanitarian parachuting», in short, of everything that has to do with the war as at the time of the colonial invasions.

III - THE COMPROMISSIONS OF NGOs ON CAMEROONIAN SOIL

A - Human Rigths Watch and some alarmist statements

The NGO « Human Rigths Watch»engaged in the observation and

¹⁴ - MERLE, (Marcel), Op cit, p 390.

¹⁵ - Ibid

denunciation of cases of human rights violations maintains conflicting relations with the Cameroonian Government because of its reports deemed alarmist. Indeed, it is the first since the start of the Cameroonian crises against Boko Haram in the Far North, and that of the two English-speaking regions, which pits the regular army against the separatists, to denounce cases of human rights violations committed by the different parties. She was the first to speak about the murder by the Defence and Security Forces of two women and their two babies in Zeleved in July 2018¹⁶ and arbitrary executions of Ngarbuh in the North West. These acts which incriminate the national army according to the Government did not all deserve media coverage because they fall within the scope of national defence and security¹⁷. This is not linked to transparency, one of the major principles of NGOs.

The Cameroonian government, which is keen to exercise its sovereignty over its national territory and ensures the stability of the institutions, has not accepted that information as delicate as that concerning defence is disclosed by a foreign organisation, even a humanitarian NGO. Through the voice of his Minister of Territorial Administration explaining the call to order carried out, he said: «Our logic is first of all awareness, education, then we will move on to the repressive stage in saying that such organisations do not have the right to practice in Cameroon and will pack up their bags, and we will no longer talk about these NGOs »¹⁸. To make the threat serious, the Government demanded that all NGOs come into line. Especially since the majority does not send an annual report to the administration as required by regulations. In diplomatic language he said, “We sent them a press release. You know them, they give you reports on Cameroon, on the state of human rights, on this and that. The time has come to know if these people have the right to work here”¹⁹. In short, the work of observation and

¹⁶ - According to the British channel BBC on its site, www.bbc.com, «Zeleved slaughter in Cameroon: four soldiers receive ten years in prison», In July 2018, two women and their two blindfolded babies were murdered by soldiers of the regular army responsible for fighting against the Islamist sect Boko Haram in the Far North region of Cameroon. After denying the facts, the government ended up arresting seven suspects. The verdict of the Yaoundé military court on September 21, 2020 recognized the facts and sentenced four of these soldiers to 10 years in prison, and another to two years. Two were acquitted. Accessed September 15, 2021.

¹⁷ - In all countries of the world, information concerning the army and security is stamped with the seal of secrecy and is not disseminated like the others.

¹⁸ - Cameroonian Minister of Territorial Administration Paul Atanga Nji at CRTV on August 26, 2021.

¹⁹ - Ibid.

denunciation of cases of human rights violations carried out by the NGO Human Rights Watch seemed to be fierce against the Cameroonian Government. Especially since the cases of military blunders have always existed in any conflict situation, even for the best equipped and best trained army.²⁰

B - The adjutant role of «Médecins Sans Frontière» (MSF) discovered

The coalition between the NGO \diamond Médecin sans frontières \diamond (MSF) allows the government and internal public opinion to treat this association as an adjutant, that is to say an accomplice of the separatists²¹.

In the register of pitfalls found against the MSF association, there is also its original orientation to the mediation of situations, that is to say the transposition of situations and management mechanisms without taking into account the specificities of crises. As well, by freeing itself from the principle of confidentiality, MSF has played both its humanitarian role and that of reporting, since it disseminates the situations and attitudes of the protagonists that fall within their strategy. By conveying certain sensitive information, it favours one party and betrays the other, and like that, it delays the outcome of the war. Its «positive bias»²² turned out to be against the nation-state of Cameroon, and it was in this game that she challenged the Cameroonian Government and national opinion who found her impartial. Having accumulated all its data, the Government in December 2020 had decided to suspend the activities of this NGO throughout Cameroon, despite the rejection of all its accusations by the latter.²³

²⁰ - LANTEAUME Sylvie, from AFP, « L'armée américaine reconnaît une bavure "tragique" à Kaboul » <http://information.tv5monde.com> Accessed September 18, 2021. The incident occurred on August 29, 2021, according to the journalist, it was a bombing of a car during the chaotic withdrawal of the United States from Kabul. Ten civilians were killed. M. Toulemonde «Suspicion of failure of the French army in Mali: where is the truth? » www.jeuneafrique.com Also at the beginning of this year, the French authorities acknowledged that the French Barkhane force in airstrikes killed around 100 civilians

²¹ - During 2021, social networks circulated information on the arrests made by the Cameroonian law enforcement forces of certain agents of the NGO Médecins sans frontières following a search of one of their vehicle carrying weapons intended to the separatist movements of the North-West and the South-West.

²² - Y. A; CHOUALA, « Puissance, résolution des conflits et sécurité collective à l'ère de l'Union Africaine », in, *Annuaire français des Relations Internationales*, Vol 6, 2005, pp 288-306 ». According to this author, positive bias is the fact of choosing the protagonist for whom the balance of power seems favorable, and of giving him the support to dominate the other and put an end to the conflict.

CONCLUSION

NGOs are, it must be recognised, important players, even essential on the international scene. Their contribution to the management of humanitarian crises across the planet alongside States and other interstate actors is remarkable. However, the quality of the motivations of the initiators of these associations poses a problem, because it is not different from that of the political leaders of the States.²⁴ As part of institutionalised associations, NGOs use two modes of action: internal²⁵ to the administration, and external²⁶ to her. This bicephalism reflects their dangerousness, and justifies the suspicions and concerns²⁷ that Cameroon maintains against some whose activities have appeared uncontrollable and harmful to its sovereignty. A new governance that takes into account the interests of the actors involved in crisis management, and mainly those of the population and their future would contribute to the construction of peace in the crisis zone and to avoid unnecessary suffering for all. Don't we say that the hammer receives the same number of hits as the anvil? Provided that the pullers of the imperialist string let go of the ballast.

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²³ - Commenting on the decision of the Cameroonian government on the suspension and reminds the government, Ms. Maxi Mbé president of the Network of Human Rights Defenders in Central Africa (Redhac) said: «If the government reacts like this, it is is that NGOs are doing their job well. There is fear at the government level. (...) We will continue in the same vein », in, www. aa. Com. Fr. «Cameroon: the government calls NGOs to order»

²⁴ -Y. SCHEMEIL, *Introduction à la science politique*, Paris, Presses de Science Po et Dalloz, 2012, p 426.

²⁵ - We are talking about internal access to the administration, when the experts of an NGO also play the role of consultant to the public administration.

²⁶ - On the other hand, external access to the administration is when the NGO uses the media, organizes information leaks, launches a press campaign to reach an administration, a public or a community.

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PANEL 4

THE FUTURE OF HUMANITARIAN AID/ASSISTANCE: WHAT PROSPECTS?

GEOPOLITICS OF HUMANITARIAN ACTION: THE SOLIDARITY DILEMMA AND THE RESHAPING OF HUMANITARIAN SPACE

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INTRODUCTION

Questioning humanitarian action, from a geopolitical perspective; in order to identify the underlying solidarity dilemma and mapping the reconfigurations of the humanitarian space comes down to questioning the meaning, the dynamics, the actors, as well as the stakes and games that structure this action at a specific time and in a given territory.

In addition, a retrospective glance at the dynamics of contemporary humanitarian action makes it possible to identify two major periods: the bipolar period and the post-bipolar period. Timid and focused in the first phase, these actions became more massive and complex in the second.

A great change will therefore occur from the dawn of the post-Cold War era when, supported by an increasingly demanding public opinion, mobilising innumerable contributions, benefiting from significant capital, enjoying a very

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favourable media image, present on the most hot spots on the planet and courted by economic and political decision-makers; humanitarian action will establish itself as one of the positive and largely consensual values of the immediate post-bipolar world.

This dynamic will find justification in the very principles of its action which, in charge of defending humanity in its essence in the name of human solidarity, will establish neutrality, impartiality and independence as a compass.

The principle of humanity therefore requiring a solution to human suffering wherever it occurs, we will pay particular attention to the most vulnerable population; with a view to providing them assistance and protection, and responding to their emergency needs during crises, hence the unifying concept of solidarity.

But this beautiful unanimity will be short-lived, because nowadays, humanitarian action worries as much as it delights. If for some, its principle still seems to promote the charity defended by all religions and humanist philosophies without any political, economic or geopolitical calculation behind; for others, humanitarian aid now bringing together not only isolated individuals, but also institutions (States, IGOs, NGOs, multinational firms, religious congregations, etc.); he finds himself in a universe where outbursts of generosity mingle, of course; but also geopolitical strategies, economic calculations, media noise or silences ...

However, a consensus seems to emerge nowadays to recognise that humanitarian aid has become, not only a vast transnational network of emergency aid and development, linking the North to the South and the centre to the periphery; but also a place of mixing of multiple conditions and relationships, made at the same time of dependence and indigence, of solidarity and of rights.

Under these multiple faces and exteriors, humanitarian aid therefore ultimately appears as a vast multi-connected network of images, ideologies, actions, local and transnational groups ... where, the most powerful NGOs, while demanding their autonomy, are often subservient to the diktats of their donors, governments and supra-governmental organisations, although they

claim the autonomy of thought and action of civil society.

Solidarity is therefore no longer the sole motive for humanitarian action. Hence his dilemma. In truth, the geopolitics of contemporary humanitarian aid is structured around two major reconfigurations, driven by two fundamental debates. The extension of its action to non-medical sectors and the intrusion of the soldier into his ecosystem on the one hand (I), his supposed neutrality and impartiality as well as his two legal orders on the other (II).

I - RECONFIGURING THE FIELD OF HUMANITARIAN AID AND ITS ACTORS

Essentially close to medical circles in its early days, humanitarian aid has not only emancipated itself from these environments (A), but also accommodated the intrusion of the military in its wake (B).

A - Expanding the scope of humanitarian action to non-medical sectors

The object of humanitarian aid, in its beginnings, was limited to life itself: medical and psychological assistance to the wounded and survivors of crises, wars and catastrophes. Nevertheless, today and at the end of the Cold War, humanitarian action has changed in nature:

- First, it extended to post-humanitarian contexts: education and socialisation in democracy (media, arts, and citizenship), community life (inter-ethnic relations, peace, development, ecology, support for associations).
- Then to the so-called development actions which were grafted to it, contributing even more to the mixture of genres.
- As a result, the categories of short and long term, development and humanitarian, assistance and rights, volunteers, activists and professionals, will become less and less evident in now hybrid organisations, which leave living together in the same place activism, humanism, rights, governance ...

- Moreover, this diversity will lead to transnational humanitarian action, visible through its complex networks and multiple networks; by the diversity of actors, from local to global, by the singularity of national and continental issues and by its practices crossing horizontality (south-south) and verticality (north-south).

B - The soldier's intrusion into the ecosystem of humanitarian action

Essentially civilian during the bipolar period, humanitarian action was militarized in the 1990s.

- **These soldiers could belong to UN or AU peacekeeping or peace enforcement operations, State armed forces, non-state armed groups or private security companies.**
- We will then speak of the disguise of military action under the humanitarian veil.
- **It followed that the** civil-military relations were now a major issue for NGOs, both in terms of political positioning and operational management.
- It is in reaction to this progressive militarism that the NGOs of the European Union (EU), for example are going lead put on foot in 2003 the “VOICE” collective, reinforced in 2007, through the establishment of the “VOICE Working Group on EU civil-military relations”
- But, this militarisation will lead to political and ethical debates which will lead to the political pitfalls of humanitarian aid and the difficulty of accurately defining the action which would or would not be humanitarian, due to its complexity and its increasing diversification.

II - THE STRUCTURING DEBATES OF CONTEMPORARY HUMANITARIAN ACTION

Several debates animate humanitarian action, including that of indirect

assistance in the deportation of the population, that of the diversion of aid, that of the perpetuation of a war economy, that of the escalation of the conflict and the competition between groups (by assisting refugees but not residents, for example)... But in relation to the reconfiguration of the space for humanitarian action, we cannot fail to underline the two major debates that we find in the back office.

The legal debate around the right and the duty to intervene which gave new life to post-Cold War humanitarianism on the one hand (A), and that on the supposed neutrality and impartiality of humanitarian aid, which imposed itself as a consequence of the policies of humanitarian intervention on the other hand (B).

A - The legal debate

Two contrasting and entangled readings of Public International Law coexist today in the wake of humanitarian action:

The first, traditional minimalist, is based on the classic principles which found the international order built by the Charter of the United Nations and which revolves around the idea of sovereignty, of each State; resulting in the prohibition of any interference in its internal affairs. It supervised the traditional humanitarian action.

Another maximalist reading appeared in the 90s. This time it was a question of changing perspective and rebuilding the structure from the interests of the rights of individuals whose fundamental right is that of life.

This maximalist interpretation is reflected both in the classic prohibition of the prohibition of violence (You will not kill), and the positive obligation to provide assistance to anyone in danger. The international community must ensure that this is the case.

We can measure the distance which today separates these two readings of international law, the second of which, which served as a reason for the responsibility to protect, the duty of interference and assistance, has shown its major limits with the intervention in Libya and the use of NATO.

B - The debate on neutrality and impartiality

Of all the humanitarian principles, it is neutrality and impartiality that are the most controversial, even within organisations, which increasingly recognise their utopian character.

The neutrality

In the history of Humanitarian Law and the evolution of conventions, neutrality first referred to the status of non-combatant soldiers, that is to say those who are removed from the logic of inter-state confrontation due to the fact that they are sick, wounded, prisoners. These non-combatants no longer representing a danger to the enemy are withdrawn from the logic of war and must be considered neutral.

This status was subsequently extended to civilians. An individual no longer representing a threat to the enemy should have a minimum of rights, from the right to worship to that of being treated with dignity or to receive care and food in relation to his immediate needs.

Then the notion of neutrality evolved into a form of political silence, largely under the influence of the International Committee of the Red Cross (ICRC). The silence we must keep, if not to launch a general call for more solidarity and to draw attention to the fate of the victims.

Thus, if for some this silence is a criminal complicity and not an attitude of neutrality for others on the contrary, it consists in not taking a political position. This misunderstanding therefore remains around humanitarian action.

Impartiality

In the world of humanitarian workers:

- It designates non-discrimination which translates at the operational level into the requirement to organise aid operations based solely on needs and eliminating any form of preference or discrimination that is not based on needs.
- However, this non-discrimination is in reality a principle of permanent selection according to several possible algorithms, all defensible

- according to the philosophy adopted by the humanitarian organisation.
- Hence its permanent relativity and the vitality of the quarrel within it, which generally leads to the impossible independence of humanitarian action.
 - Because as Jean Paul Sartre would argue: not to choose is to choose and therefore to commit.

CONCLUSION

Humanitarian action is therefore not what it used to be. Nowadays, its multiple faces are both a sign of its dynamism, but also a mark of its paradoxes. The resulting reconfigurations affect its principles, its players as much as its territories. Moreover, the debates it provokes clearly show that it is at a crossroads.

All in all, however, it is expressed in various registers and degrees depending on the conditions of emergence and establishment, temporalities, issues and target groups. Sometimes it is biopolitical in the extreme urgency and management of vulnerabilities in the long term. Sometimes, it can also serve as a palliative for the vacuum of national policies, for the benefit of certain groups, having in common poverty. Humanitarian aid will not end tomorrow, it still has bright days ahead, new territories to explore and multiple players to incorporate.

Just as the bright future of war in all its forms cannot be thought of as an epiphenomenon, neither have natural disasters had their last word. Current and future pandemics renew humanitarian challenges, just like the issue of global warming. The possible futures of humanitarian aid therefore remain numerous to be explored. Their figurations, configurations and reconfigurations also. In addition, this is true for everyone, AFRICA as well.

MAKING INTERNATIONAL AID MORE EFFECTIVE?

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INTRODUCTION

As protracted armed conflicts, climate change and economic stress, exacerbated by pandemics such as Covid-19 continue to exacerbate humanitarian needs, these needs are rapidly outstripping available resources and response capacities. For example, across Africa at the end of 2020, 24 million people were living in displacement, of which 21.8 million were affected by conflict and violence¹. The number of food insecure people on the continent has also increased by 47.9 million since 2014 and now stands at 250.3 million². Humanitarian actors are increasingly faced with the pressure to have a lasting impact on populations affected by humanitarian crises with limited resources in complex environments. Maximising aid has therefore become one of the most important challenges for the humanitarian sector; make the search for efficiency - how it uses resources and effectiveness - how it identifies and responds to needs - a permanent necessity for actors like the International Committee of the Red Cross (ICRC).

Effectiveness is commonly understood as the ability to achieve a desired

¹ IDMC GRID 2021: https://www.internaldisplacement.org/sites/default/files/publications/documents/grid2021_idmc.pdf

² Africa Regional Overview of Food Security 2020: Africa regional overview of food security and nutrition 2020 (reliefweb.int)

result, achieve set goals, or solve a targeted problem.³ Effectiveness for the ICRC is linked to its ability to fulfill its mandate, in terms of assistance and protection. The ICRC wants to see that its actions benefit communities affected by conflict. The ICRC has a long experience of over 150 years in a wide range of crisis contexts, facing large-scale challenges to humanitarian action. The ICRC believes that greater humanitarian effectiveness in responding to the needs and vulnerabilities of crisis victims in all their many dimensions can be achieved by taking into account a number of factors.

I - RESPECT FOR HUMANITARIAN PRINCIPLES

For the ICRC, humanitarian responses are more effective if they are based on the principles specific to IHL, humanity, neutrality, impartiality and independence. We view humanitarian principles as eminently pragmatic tools which, when applied judiciously on the ground, carry the power of greater humanitarian effectiveness. Respect for the principles is a condition for being able to be present in different situations. Respecting these principles enables humanitarian actors to gain acceptance, to guarantee access and to work close to communities, to listen to their concerns and aspirations and to respond to their needs in a relevant manner.

Access to and proximity to those in need are essential for effective humanitarian action, in addition to other attributes such as transparency, consistency, confidentiality or discretion, and adaptability to context. The neutral and independent humanitarian approach is what allows the ICRC and even the partners of the Red Cross Movement to be often among the few humanitarian actors present in places affected by armed conflict and violence.

II - ACCOUNTABILITY TO AFFECTED PERSONS

We recognise that we cannot be effective without the participation and accountability of those we serve. Sharing information, listening carefully to

³Oxford Languages: Oxford Languages and Google - English | Oxford Languages (oup.com)

affected communities and involving them in decision-making improves the quality and effectiveness of the services provided and ultimately contributes to the resilience of communities. Providing people with the opportunity to express their opinions strengthens their sense of well-being, helps them adjust to the challenges they face, and enables them to better take an active role in their own recovery. The ICRC is committed to improving its efficiency and strengthening accountability in programme implementation. We have taken a more systematic and coordinated approach to engage with communities and maintain two-way communication and dialogue for the development of community-based solutions. Humanitarian actors need to shift this perception of “passive beneficiary” towards a perception of affected people who become agents of change in their own lives. When we recognise the inherent action of people, the humanitarian response is more effective.

III - HUMANITARIAN-DEVELOPMENT NEXUS

Humanitarian action is no longer limited to responding to emergency needs, as protracted conflicts, extreme climate vulnerability, State fragility and protracted situations of displacement degrade essential services and make coping mechanisms less effective. This has led humanitarian actors to increasingly respond to long-term needs. This is mainly because the needs of the population change over time and short-term emergency responses can quickly become irrelevant, ineffective and expensive. Another reason is that development actors find it difficult to be present in areas affected by protracted conflicts, due to security risks, State fragility or limited territorial control. Status on certain areas. Helping communities become more resilient to future shocks is at the heart of this approach.

Resilience can and should be built at different levels, from the individual to the community to the systems. It is a multi-faceted enterprise, building on social cohesion, a healthy natural environment, economy and community, knowledge and education, solid infrastructure and social services. As such, it is very clear that no organisation - or the humanitarian sector as a whole - acting alone, can provide the full support necessary to ensure that all communities

reach their greatest potential for resilience. Humanitarian actors must work in partnership with development and other actors in a more connected way, respecting humanitarian principles.

The initiatives of the ICRC with other actors that reflect the humanitarian development approach include the current partnership between the ICRC and the African Development Bank on the economic empowerment of vulnerable women in the Sahel region. The project aims to mitigate the humanitarian consequences of conflicts and migration in the Sahel by promoting economic resilience in isolated communities by bridging the gap between humanitarian aid and development. The project aims to improve women's access to economic resources and strengthen the economic resilience of households in three pilot countries (Niger, Mali and Chad) through income-generating activities ranging from agriculture and livestock to trade and crafts,

IV - COORDINATION WITH OTHER HUMANITARIAN ACTORS

With an ever-growing humanitarian community, overlap and duplication of efforts are potential risks that make coordination even more necessary, especially given limited resources and funding. Progress can and must be made in these areas. There is no such thing as a “humanitarian system”. Rather, it is a diverse ecosystem in which many players coexist, each with its own specificity and methods. This does not mean that humanitarian aid must be chaotic, nor that coordination and sharing cannot be improved. The ICRC tries to coordinate responses with other actors where they are present and, often, this coordination would sometimes mean that the ICRC gives priority to operations in places where other actors are not present. Our added value is often humanitarian access, technical expertise and resistance in conflicts. The ICRC is not, however, a formal member of the cluster system as this could affect its independence and, in specific contexts, perceptions of its neutrality. 5. Technology and innovation in today's interdependent, interconnected and fast-paced world, humanitarian actors must innovate in order to be able to provide the best possible assistance and protection to populations in conflict and crisis

situations. Take advantage of technologies such as virtual reality, artificial intelligence and drones, while mitigating the associated risks, can offer humanitarian actors new opportunities to become more effective and accountable. New funding models are another opportunity that can attract investors and capital to enable new types of humanitarian interventions, with different types of partnerships and a longer-term vision.

In 2017, the ICRC launched the world's first Humanitarian Impact Bond, an innovative partnership with governments and investors, to help transform the way life-saving services for people with disabilities are funded in countries affected by conflict. The Bond raised \$ 26 million for new physical rehabilitation centers in Nigeria, Mali and the Democratic Republic of Congo. This innovative financing mechanism was created to encourage social investments from the private sector, in order to support the ICRC's health programmes.

The ICRC encourages innovation driven by the needs of people affected by crisis - we do not innovate for the sake of innovating, and we are not motivated solely by the potential benefits of new technologies. We identify and support the tremendous assets and capacities that exist within communities. We research what is already working before designing new solutions. We approach innovation as much to enable those affected to respond to crises, as to improve our own efficiency and impact. Innovation should not ultimately negatively affect humanitarian action or do more harm than good.

ISSUES AROUND ADOPTING AN INTERNATIONAL CONVENTION ON PRIVILEGES AND IMMUNITIES FOR INGOS INVOLVED IN HUMANITARIAN CRISIS MANAGEMENT

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Abstract

International Non-Governmental Organisations (INGOs) with a humanitarian vocation are more and more important actors and almost unavoidable in international relations. Created, supported and financed by powerful countries, organisations and individuals, they are present in practically all areas of crisis and support States in their sovereign functions of assisting their nationals in distress. Relations between the two entities are not always smooth, the former (the States) being wary of the latter (the INGOs) and trying to reframe and control them. The latter in turn, evoking the usefulness of their functions, the nobility of their missions and their international anchoring, tend to ignore States and, to marginalise them to the point of further weakening them. In order to have a better latitude of actions, to carry out their missions successfully free from the pressures and various threats from States, humanitarian INGOs believe that it is time to grant them at the global level,

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privileges and immunities in the same way as to Representatives of States (diplomats and assimilated) and of their derived subjects (International Governmental Organisations). This article further nourishes reflection on the rationality of the proposed adoption of an international convention on privileges and immunities in favour of actors in international relations acting through the humanitarian prism. After having noted the arguments, which militate in favour of such a project, it emerges the complaints made against the INGOs

Keywords: humanitarian actors, privileges, immunities

INTRODUCTION

Privileges and immunities are a particularly important subfield in international law. Indeed, they participate both in securing and facilitating missions, outside their countries of origin and / or residence, of the main actors in international relations, their representatives as well as those of related subjects (international organisations in particular). Initially, these essential elements of diplomatic and consular law were only applied to the great powers before being generalised later to all States and then to International Organisations.²

If it is difficult to locate in time the origins of privileges and immunities in international relations, we know that they begin to have importance after the Treaties of Westphalia of 1648, which defined the notion of State. At that time, international relations were much more based on custom. Its rules were not yet codified as they are today. Whether it is a declaration of war, peace or cooperation; it was emissaries who were responsible for transmitting them and for that, deserved to be protected. In the exercise of their function, these emissaries were distinguished by the clearly visible wearing either of a standard or any other visible sign or badge testifying to the sovereignty of the power which sent them. In history, the signing of the Lateran Agreement between the

² See M. On'umanga Wembo, "The practice of privileges and immunities in International Law: the impasse of Politics without Law or the Utopia of Law without Politics, License in public international law & international relations, University of Kinshasa, 2011. Thesis available on the website: https://www.memoireonline.com/12/12/6644/m_La-pratique-des-privileges-et-immunités-en-Droit-Internationallimpasse-de-la-Politique-sans-le7.html accessed October 1, 2021.

Holy See and the Italian State perfectly illustrates what has just been described. Because, on this occasion, the plenipotentiaries of the two countries had displayed to distinguish themselves a standard or / and a badge. This requirement was mandatory in order to establish a clear difference between them and spies or any other organ operating in parallel and in secret. The official use of these badges and / or objects although customary privileged or immunised the wearer. This will inspire other countries thereafter. Moreover, it is in order to better regulate this practice that the States will set up various international conventions and treaties relating to privileges and immunities.

This leads us to clarify the key concepts of this communication which relates to “*Issues around adopting an international convention on privileges and immunities for INGOs involved in humanitarian crisis management* ». These concepts are:

a. Humanitarian actor

The term “humanitarian actor” is polysemous. It generally refers to any person, physical or moral, who works in a humanitarian field. Unlike François Audet who limited the expression «humanitarian actor» to transnational and Western Non-Governmental Organisations³, the said expression will be used here to refer in particular to governmental actors, to governmental and non-governmental organisations as well as to individuals working in the humanitarian space in order to provide assistance to the population victims of crises as presented by Duffield⁴.

b. Privilege

The word «privilege» comes from the Latin *privilegium*: private and *lex*, legis, lege: law. Etymologically, it is a private law, that is to say a law specific to a category of individuals. This is a favour, a special provision that cannot be

³See F. Audet, “The humanitarian actor in existential crisis The challenges of the new humanitarian space”, *Etudes Internationales*, Volume 42, Number 4, December 2011, p. 447-472.

⁴M. Duffield, 1997, ◊ *Humanitarian Intervention, the New Aid Paradigm and Separate Development* ◊, *New Political Economy*, vol. 2, no 2: 336-340.

enjoyed by everyone, the general public⁵. Those who benefit from the privileges are always few. They have an unusual advantage that gives them special status.

It is difficult to find a universal definition of privileges in international law. As noted by Michaël ON'UMANGA WEMBO,

neither the Convention on the Privileges and Immunities of the United Nations nor any other international text has taken the trouble to clearly define this concept, if not these documents have contented themselves with listing the various concepts constituting privilege: inviolability, advantage, protection. This privilege concept represents a derogatory fact from common law⁶.

The privileges, like the immunities (which will be defined soon), are essentially the result of bilateral agreements established within the framework of the so-called “most-favoured-nation” clauses, then multilateral thereafter. Moreover, if the privileges and immunities are well mentioned in these various agreements, they are not clearly defined and thus seem to merge into a common name, a custom with blurred outlines.⁷

c. Immunity

The word «immunity» comes from the Latin «immunitas which designates an exemption, a dispensation from duties, of charge, a franchise, a discount⁸. Immunity is an advantage, a prerogative or a privilege granted to certain persons or a certain category of individuals by the law, to enjoy the principle of inviolability both in domestic law and in international law and, which in

⁵ <https://www.larousse.fr/dictionnaires/francais/privilege/64017> accessed October 1, 2021.

⁶ See M. On'umanga Wembo, *Op.Cit.* However, it is clear that no text evoking privileges and immunities has set out to define them but to set out their purpose and / or object as well as their scope as the case may be: for the UN charter: «the UN enjoys over the territory of each of the member states of the privileges and immunities which are necessary for it to achieve its aims”; of the Convention of February 13, 1946: «(...) the representatives of the members of the UN and the officials of the organization also enjoy the privileges and immunities which are necessary for them to exercise in all independence their functions in relation to the organization»; of the Vienna Convention of April 18, 1961: «convinced that the aim of the aforesaid privileges and immunities is not to benefit individuals but to ensure the effective performance of their diplomatic missions as representatives of States”); and of the Vienna Convention of April 24, 1963: «convinced that the purpose of the said privileges and immunities is not to benefit individuals, but to ensure the efficient performance of their functions by consular posts on behalf of their respective States»).

⁷ On this subject, read G. FERRAGU, «The invention of diplomatic standards, 1815-1961: the politeness of kings», *Monde* (s) 2014/1 (N ° 5), pages 81 to 98.

⁸ See the website <https://www.toupie.org/Dictionary/Immunit.htm> accessed October 1, 2021.

certain circumstances prohibits their condemnation by justice⁹. A main distinction is made between parliamentary, diplomatic, judicial and family immunity. Immunity should not be confused with impunity¹⁰.

The concept of “immunity” is therefore understood as an exception, an advantage. Immunity imposes on a State the restriction of the exercise of its judicial competence and of its action with regard to a foreign State and in particular of its diplomatic agents. This restriction very often also extends to the military forces, aircraft and ships of the said State, to certain International Organisations and to international public or even private agents. In this case, the latter benefit from **so-called diplomatic immunities, which are only the privileges of diplomatic agents by virtue of which in particular, they cannot be brought before the courts of the State in which they are stationed.**

In fact, immunities are a set of restrictions on the exercise of powers, notably territorial and judicial, by the receiving State to allow foreign officials with diplomatic status to freely exercise their functions free from pressure and threats. , intimidation and various harassments.

If it is clear that in international relations, the beneficiaries of privileges and immunities are for the most part official agents of States and to a certain extent agents of derived subjects (international organisations), it is nonetheless true that humanitarian personnel whose vocation is to help and protect the population in danger during armed conflicts are protected by international humanitarian law as civilians¹¹. These personnel have specific rights to enable them to carry out relief, aid and / or care missions in conflict zones. These personnel are of various categories¹². They are: medical personnel, emergency personnel, personnel employed in protection missions (ICRC), and civil protection personnel. If in general, only relief personnel belonging to the United

⁹ Ibid.

¹⁰ Impunity is the absence of sanction, punishment, retribution. It is the fact that someone does not risk being blamed for the faults he has committed, of escaping any investigation which could indict him, lead to his arrest or to judge him s (he is found guilty. Impunity is also the state in which one finds himself who is not exposed to unfortunate consequences because of the acts he has committed. See the website <https://www.toupie.org/Dictionary/Impunite.htm> accessed October 1, 2021.

¹¹ See the site <https://dictionnaire-droit-humanitaire.org/content/article/2/personnel-humanitaire-et-de-secours/> accessed October 1, 2021.

¹² Ibid.

Nations have specific rights under their assimilated diplomatic status, it is nonetheless true that not all humanitarian personnel are in the same boat, despite the fact that they are very often and indifferently the target of direct and deliberate attack, and their activities expose them to all forms of risk. Thus, from 2003 to 2010, UN agencies experienced the loss of 254 of their personnel following such attacks¹³; many more have been taken hostage. In 2003, the number of civilian personnel who died in service exceeded that of UN military personnel, for the first time in its history.¹⁴

The UN Security Council; condemning such attacks, reminded all member States that host countries and parties to conflict are responsible for the security of United Nations missions¹⁵. Nowadays, periodic reports on the protection of humanitarian actors are carefully considered by the UN Security Council.

The objective of this communication is to nourish the reflection on the rationality of the project of adoption of an international convention on the privileges and immunities in favour of the actors of the international relations acting under the humanitarian prism. Clearly, it is a question of responding to the following problem: are humanitarian actors eligible for diplomatic privileges and immunities? If so, what can be the politico-legal foundations of this? If not, what are the reservations raised?

Answering these questions first amounts to making a brief typology of international actors with humanitarian missions as well as the politico-legal arguments for granting diplomatic privileges and immunities in favour of humanitarian INGOs (I). Secondly, it will be a question of raising the reservations raised to this possibility (II).

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

I - HUMANITARIAN ACTORS AND POLITICAL-LEGAL ARGUMENTS FOR THE ADOPTION OF AN INTERNATIONAL CONVENTION ON PRIVILEGES AND IMMUNITIES IN FAVOUR OF HUMANITARIAN ONGOs

The aim here is to first present the humanitarian actors (A) and the legal foundations of the granting of diplomatic privileges and immunities in their favour (B).

A - Humanitarian actors in the broad sense

Generally speaking, humanitarian actors belong to the humanitarian system¹⁶. It is a wide range of institutions that abound in the world and whose vocation is to intervene to save lives and alleviate human suffering. These state-led institutions are public (1) and private (2).

1 - Public humanitarian actors

a) The States

As the main and essential actor in international relations, States play a leading role in humanitarian aid. Their role in this regard is clearly recognised in the various normative texts which govern or guide humanitarian action, in particular resolution 46/182 of the United Nations General Assembly which recognises the primary role of States in terms of taking caring for victims of natural disasters and other emergencies¹⁷. It is up to the State to take initiatives,

¹⁶ The international humanitarian system is a term commonly used to capture the diversity of actors and mechanisms that contribute to humanitarian efforts. It includes a wide range of organizations, clusters of agencies and inter-agency processes, which come together to enable international humanitarian assistance to reach places and populations in need. See the site <https://www.coalitionhumanitaire.ca/le-systeme-humanitaire> accessed October 1, 2021.

¹⁷ Entitled «Strengthening the Coordination of Emergency Humanitarian Assistance of the United Nations», it was adopted at the forty-sixth session of the General Assembly, in 1991, at the request of the Netherlands. Other texts, such as the European Consensus on Humanitarian Aid, the Principles and Good Practices for Humanitarian Aid, adopted by the main donors, or the Sphere Humanitarian Charter, say practically the same thing. On this subject, read CA Hofmann, ``

organize and implement humanitarian aid on its territory. In reality, the primordial role of States in humanitarian responses is very often neglected, but above all flouted by powerful countries and organisations, which are keen to impose their laws. Hence the sometimes tense relations between States and non-governmental humanitarian actors in particular.

With regard to relations between States, it should be noted that no State has the obligation to maintain diplomatic or consular relations with another State. Nevertheless, as soon as it does so, it cannot fail to recognize the imperative obligations, which they entail and which are codified in relevant international texts. Moreover, by virtue of the principles of sovereign equality of States, self-determination of peoples and non-interference in the internal affairs of a State, no country, however powerful, can invoke a humanitarian question for the sake of it. intervene inadvertently in another. Each country is «Master» on its territory and it is to it that the humanitarian initiative belongs in the first instance, unless there is an exemption stipulated by chapter VIII of the United Nations Charter, which gives the UN Security Council the power to take all the measures it deems necessary to remedy a given situation

b) International Governmental Organisations (IGOs)

International Organisations are generally defined as an association of States established by agreement between its members and endowed with a permanent apparatus of organs ensuring their cooperation in the pursuit of the common interests, which determined them to associate¹⁸. They are subjects derived from international law, which means that they are the product of the will of States, which are for their part original subjects of international law. Their existence is based on a founding treaty. They have their own legal personality, which means that they can be party to international treaties. However, unlike States, IOs can only act in their area of competence (security, trade, etc.); they can thus take all the legal acts necessary for the achievement of their object and their goal. This is one of the consequences of the principle of specialty, which governs them.

The relationship between national authorities and humanitarian organizations: a too often forgotten dimension of quality
 ◊, Humanitarian Aid on the move N° 15, April 2015, pp. 19-21.

¹⁸ See M. VIRALLY, *The World Organization*, Paris, Armand Colin, 1972, 589 p.

Most of the International Governmental Organisations have programmes, mechanisms and specialised agencies, which enable them to act at the humanitarian level. This is the case with the first of them, the United Nations Organisation (UN) and regional and sub-regional political organisations (European Union, African Union, etc.). Overall, these organisations have included emergency humanitarian action in their fields of competence in order to strengthen their legitimacy and protect their institutional survival¹⁹. They act through specialised agencies (examples: the Office for the Coordination of Humanitarian Affairs-OCHA²⁰ and the United Nations High Commissioner for Refugees-UNHCR for the United Nations, the Directorate General for Civil Protection and European Humanitarian Aid Operations of the European Commission (ECHO), the African Union Humanitarian Agency (AHUA) in gestation).

2 - Private humanitarian actors

They are the most numerous and consist of Non-Governmental Organisations (a) and foundations of natural or legal persons (b).

a) Non-Governmental Organisations (NGOs)

NGOs are generally defined as non-profit associations of public interest, which do not come under the jurisdiction of the State or of international institutions. They do not have the status of subject of international law. In fact, they are non-profit private law legal entities created by private actors and governed by domestic law. Their actions are independent of the States. They often claim to be representatives of “civil society”. In humanitarian terms, the best known of them are the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC), Médecins Sans Frontières (MSF), Catholic Relief Services (CRS), Adventist Development and Relief Services (ADRA).

¹⁹Y. Beigbeder, Proceedings of [Understanding humanitarian organizations. Developing capacities or making organizations survive ?, François Audet, 2016, Québec Presses de l'Université du Québec, 240 p.] Études internationales, 48 (2) / 2017), pp. 276–278. <https://doi.org/10.7202/1043271ar> accessed October 1, 2021.

²⁰OCHA coordinates emergency responses around the world to save lives and protect people in humanitarian crises. Cf. <https://reliefweb.int/report/world/propos-d-ocha-le-bureau-des-nations-unies-pour-la-coordination-des-affaires> accessed October 1, 2021.

b) Foundations of natural or legal persons

A Foundation is generally defined as “the act by which one or more natural or legal persons decide on the irrevocable allocation of property, rights or resources to the realisation of a work of general interest and not for profit»²¹. It is the allocation of patrimony to a cause by a legal or natural person. The foundation acts for beneficiaries by making goods, rights and resources available for the realisation of a public utility project.

Several Foundations in the world are involved in humanitarian action by financing it in particular. This is the case of the Bill and Melinda Gates Foundation.

After having made a small overview of some key humanitarian actors, it is now necessary to look at the politico-legal arguments put forward to grant privileges and immunities to INGOs (B).

B - Arguments for the adoption of an international convention on the privileges and immunities of humanitarian INGOs

These arguments are both political (1) and legal (2).

1 - The political arguments

The question of the adoption of an international text on diplomatic privileges and immunities in favour of humanitarian personnel of NGOs is the subject of the pleadings of many personalities. One of them is the French Jean-Jules FISET, lawyer specialising in general practice in national and international business law. In an article entitled «Humanitarian privileges and immunities»²² which did not go unnoticed in its time, it shows that the humanitarian NGO and its volunteers devote themselves body and soul to mitigating the harmful effects of the tragedies and catastrophes that beset humanity.

However, in the field, the volunteer of a humanitarian NGO working in

²¹ <https://www.centre-francais-fondations.org/fondations-fonds-de-dotation/de-quoi-parle-t-on/definition-1> accessed October 1, 2021.

²² J.-J. FISET, (1997). Humanitarian privileges and immunities. *Les Cahiers de droit*, 38 (1), 119–165 <https://doi.org/10.7202/043434ar> accessed October 1, 2021.

times of disasters may be grappling with problems relating to questions of administrative requirements, customs, traffic, personal security, home protection and property, as well as legal action. For example, his or her life can be deeply threatened by various commission of crimes, including bombing, kidnapping, forcible confinement, and even attempted assassination. All these threats also entail a real danger to his home and his property²³.

This man of law goes further by evoking situations where the authority in place abuses its position of power in contempt of the humanitarian staff of an NGO by fabricating false files against him for the purposes of «slowing down the humanitarian intervention, translating in court before both civil and criminal proceedings against persons deemed undesirable, attempting to extort a financial advantage - or other -, etc. »²⁴. In addition, with regard to the humanitarian mission, he notes that «the problems encountered by the latter generally revolve around aspects linked to its installation, customs, administrative formalities, transport, premises, goods, assets, archives and documents. , legal proceedings, taxation, communications, exchange and currency, as well as transit »²⁵.

Finally, with regard to the humanitarian transport of an NGO, Jean-Jules FISET states, with supporting evidence that he is undergoing exaggerated searches, fraudulent diversions, looting of goods and unjustified delays. According to him, humanitarian intervention is too often marked by scenes of deliberate violence committed against the premises of the mission and the places where humanitarian personnel work.

Always relying on political arguments, the international lawyer notes that in general, the law of Geneva²⁶, which is an integral part of International Humanitarian Law, pursues primarily the objective of imposing, in times of armed

²³Ibid. pp. 125-126.

²⁴Ibid. p 126.

²⁵J.-J., FISET, (1997), Op.cit. p.126.

²⁶Geneva law is concerned exclusively with armed conflicts. It is made up, first, of four conventions, all concluded on August 12, 1949: the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Geneva Convention for the Improvement of fate of the wounded, sick and shipwrecked in armed forces at sea, the Geneva Convention relative to the treatment of prisoners of war and the Geneva Convention relative to the protection of civilian persons in time of war. J.-J. FISET, (1997), Op.cit., P.133.

conflict, «on belligerents to spare and protect persons who are not or no longer taking part in hostilities». It is in pursuit of this objective that it incidentally grants protection to the humanitarian NGO and its volunteers. Thus, the law of Geneva does contain provisions intended to guarantee a certain protection. Nevertheless, it is far from being sufficient and to solve the problem posed.

Likewise, to support his advocacy, Jean-Jules FISET goes so far as to convene other international texts adopted in the field of space law, in particular the Treaty on the principles governing the activities of States in the field of exploration and use of outer space, including the Moon, and other celestial bodies ratified in 1967. He notes that Article V of this treaty grants astronauts special treatment by specifying that they must be considered as “sent by humanity to space”. Why, he wonders, in the same vein, could the “earthly” volunteer also not be considered as “an envoy of humanity on earth” and, consequently, benefit from a special status attached to this qualification²⁷?

It is for all these reasons that Jean-Jules FISET and many other personalities plead for the establishment of a new legal framework, which fully grants diplomatic privileges and immunities to humanitarian personnel. Because, according to them, diplomats, Consuls and various commercial agents have a certain protection recognised by the peoples to which they are sent. They enjoy privileges and immunities in order to properly and properly fulfill their functions.²⁸Hence, their particular international status. The theory taken here to justify this situation is that known as “the interest of the function”. As such, said theory should logically apply to the humanitarian NGO and its volunteers so as to result in the attribution of privileges and immunities necessary for the performance of their duties and functions. The latter should benefit from such treatment in order to fulfill their mandate of safeguarding the interests of humanity²⁹. The NGO should be free to devote itself exclusively to strictly humanitarian objectives of assistance to victims, in peace and independently from the political authority in place. A convention on the subject would have

²⁷ J.-J., FISET, (1997), Op.cit. p.148.

²⁸ On this subject, read the preambles to the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963.

²⁹ J.-J., FISET, (1997), Op.cit., P.133.

the effect of minimising state intervention in humanitarian action, freeing it from its grip and annihilating its manipulative effects as much as possible.³⁰.

These are some political arguments. What about the legal arguments (2)?

2 - Legal arguments

They are based on internal (a) and international (b) legal texts.

a) Internal legal texts

Most INGOs with an essentially humanitarian vocation have taken care, when drawing up their constitutive statutes, to mention privileges and immunities. This is the case of the International Committee of the Red Cross (ICRC), which enjoys a particular legal status as well as specific privileges and immunities under international law and national legislation. This enables it to carry out its mandate effectively, in full compliance with its Fundamental Principles and normal working arrangements.³¹.

This concern also remains perceptible in the Statutes of the International Red Cross and Red Crescent Movement, adopted by the 25th International Conference of the Red Cross in Geneva in 1986 and amended in 1995 and 2006. By adopting from the outset Statutes, which clearly mention the privileges and immunities to which they are entitled, these INGOs present themselves as diplomatic institutions and squarely impose on their State partners and those of international governmental bodies, to consider and treat them as such.

b) International texts

- **International Conventions and Agreements**

International Conventions and Agreements are concrete manifestations of a mutual commitment by the parties who have signed and ratified them. As such, they are mandatory and are mandatory.

³⁰ J.-J., FISET, (1997), Op.cit., P.148.

³¹ On this subject, read Els DEBUS, "The legal status and the privileges and immunities of the ICRC: working tools", International Review of the Red Cross, Volume 97 Sélection française 2015/1 and 2, pp. 203-230.

- **The Convention of 13 February 1946 on the privileges and immunities of the United Nations**

This Convention requires all member States of the United Nations to grant «privileges and immunities to its officials and experts solely in the interests of the United Nations». These immunities are: immunity from personal arrest or detention and seizure of personal baggage, immunity from any jurisdiction with regard to acts performed by them during their missions, inviolability of all papers and documents, right to use codes, facilities with regard to monetary or exchange regulations, use of laissez-passer, facilities for issuing visas, etc.

With regard to the humanitarian missions of its personnel, the General Assembly of the United Nations adopted, on December 9, 1994, a Convention on the Safety of United Nations and Associated Personnel. Later, on December 8, 2005, an Optional Protocol was adopted to complete this Convention. The said Protocol entered into force on August 19, 2010 and currently binds 29 States³².

- **The Vienna Convention of April 18, 1961 on Diplomatic Relations**

The State being the first humanitarian actor, its official representatives abroad benefit from special privileges and immunities. The latter are clearly mentioned in the Vienna Convention of April 18, 1961 on diplomatic relations. From its preamble, this stipulates, «diplomatic privileges and immunities would help to promote friendly relations between countries, whatever the diversity of their constitutional and social regimes». It adds, «the purpose of the said privileges and immunities is not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions as representatives of States». These guarantees may also apply to their families and to other members of the diplomatic mission, as well as administrative and technical staff. The said Convention specifies the nature and scope of these privileges and immunities. These are more precisely: personal inviolability³³, jurisdictional immunity³⁴, tax and customs exemptions³⁵, and freedom of movement³⁶.

³² See the site <https://dictionary-droit-humanitaire.org/content/article/2/personnel-humanitaire-et-de-secours/> accessed October 1, 2021.

³³ The receiving State must ensure the safety of the diplomatic agent. He must therefore not infringe upon his person, his freedom or his dignity, which excludes any measure of arrest or detention. This obligation remains, even in the event of armed conflict or the breakdown of diplomatic relations.

- **The Vienna Convention of 24 April 1963 on consular relations**

Being only an auxiliary to diplomatic agents, the consular officer enjoys privileges and immunities as established by the Vienna Convention of 24 April 1963 on consular relations. Unlike those of diplomats, those of consular officials are not extensive, but are limited and well supervised.³⁷

Of these various privileges and immunities, we retain in particular those recognised within the framework of the facilities for the performance of the functions of the consular post: the inviolability of the consular premises, the tax exemption of the consular premises, the inviolability of the archives and consular documents, freedom of movement and communication, personal inviolability of consular officials who cannot be placed under arrest or detention (...), immunity from jurisdiction for acts performed in the exercise of consular functions, exemption from the social security system, taxation, customs duties and customs inspection, personal services.

1 - Headquarters Agreements

International Governmental Organisations have multiplied since the end of World War II. The international community, grasping their important roles in the conduct of international relations, has deemed it useful, even imperative, to grant these new entities privileges and immunities so that they are fully achieved the objectives set and that they be guaranteed a functional independence allowing them to escape the grip of the State of the seat³⁸.

Before settling in a country, it is common for an IO and the host country to

³⁴ It is at the same time criminal, civil and administrative. From a criminal standpoint, this even concerns acts outside the exercise of diplomatic functions. The only exception concerns international crimes. The benefit of civil and administrative immunities suffers from few exceptions;

³⁵ The diplomatic agent cannot be subject to the tax of the receiving State. Items intended for the personal use of the agent or members of his family are exempt from customs charges. It can be extended to other objects but this then comes under international courtesy;

³⁶ The receiving State must take the necessary measures to ensure that the diplomatic agent can move freely within its territory.

³⁷ See chapter II of the 1963 Vienna Convention on consular relations entitled: facilities, privileges and immunities.

³⁸ C. DOMINICÉ, "Immunity from jurisdiction and execution of international organizations", in Académie de Droit International, Recueil des cours, vol. 187, 1984, p. 161. Cité.-J., FISET, (1997), Op.cit., P.145.

sign a Headquarters Agreement³⁹. In general, all Headquarters Agreements include clauses on the privileges and immunities both of the premises of the local representation and of its staff, especially international ones, and of its property. These headquarters agreements are reference documents for the application of privileges and immunities. Cameroon has signed it with humanitarian INGOs like the ICRC, the IFRC and MSF. Overall, the privileges and immunities granted to these partners are inviolability of the premises; immunity from jurisdiction like that of States, exemptions from taxes and customs duties, various privileges.

After having outlined the arguments, which justify the political and legal grounds for granting privileges and immunities to humanitarian INGOs, it is appropriate to also present the counter-arguments relating to this subject.

II - RESERVATIONS RELATING TO THE ADOPTION OF AN INTERNATIONAL CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF HUMANITARIAN INGOs.

These reservations are based on the one hand on the difficult application of privileges and immunities to the official representatives of States and their derived subjects (A), then on the perception of INGOs as international instruments of influence, new Trojan horses more than poor results (B).

A - The already difficult management of current diplomatic privileges and immunities

As previously mentioned, diplomatic privileges and immunities are tools made available to diplomatic agents to enable them to perform functions entrusted to them by sending governments. The diplomat benefits only as an

³⁹This is an agreement concluded in order to establish the status of the NGO in the State where it operates and to delimit the privileges and immunities which will be reserved for it and its volunteers. See P. CAHIER, ◊ Study of headquarters agreements concluded between international organizations and the States in which they reside ◊, thesis n° 116, Geneva, Institut universitaire de Hautes Études Internationales, University of Geneva, 1959, p. 1.

official representative of the State or of the accrediting body. It is the theory of the interest of the function, which justifies the granting of said privileges and immunities, the aim being to calmly accomplish the missions of the Republic or the organisation, to better serve and protect the interests of the State that the diplomat represents without worrying about his personal interest. Moreover, as soon as he is relieved of his duties or admitted to asserting his pension rights, he immediately loses all the benefits.

However, these privileges and immunities do not exempt the diplomat from illegal behaviour of which he could be guilty.⁴⁰ This is why limits are set on the enjoyment of said privileges and immunities. In the event of abuse of these diplomatic privileges and immunities, the official who is guilty risks being declared *persona non grata*, expulsion or recall. Thus, the privileges and immunities recognised to the diplomatic corps are far from absolute, contrary to what the humanitarian INGOs demand. The limits imposed make it possible to remind the diplomat that he is not above the laws and regulations and that he does not have the feeling of impunity, of absolute non-justiciable. The 1961 Vienna Convention on Diplomatic Relations recalls this well in its article 41, paragraph 1, saying that: «Without prejudice to their privileges and immunities, all persons benefiting from these privileges and immunities have a duty to respect the laws and regulations of the receiving State. They also have the duty not to interfere in the internal affairs of that State». Paragraphs 2 and 3 as well as article 42 of this Convention clearly specify other limits:

2. All official affairs transacted with the receiving State, entrusted to the mission by the sending State, must be transacted with the Ministry of Foreign Affairs of the receiving State or through it, or with such other ministry as may be agreed upon. .

3. The premises of the mission shall not be used in a manner incompatible with the functions of the mission as set out in this Convention, or in other rules of general international law, or in special agreements in force between the sending State and the receiving State.

Article 42 The diplomatic agent shall not exercise in the receiving State a professional or commercial activity with a view to personal gain.

⁴⁰ JD NDIKUMANA. Analysis of the scope of diplomatic privileges and immunities. *European Scientific Journal, ESJ*, 17 (2), 79, 2021 <https://doi.org/10.19044/esj.2021.v17n2p79>

So far, in many countries, it appears that the personnel of certain humanitarian INGOs, unlike traditional diplomats, very often show indiscipline and untimely interference in the internal affairs of States. They behave as in a «No Man's land» and despise the local authorities. Their premises and rolling stock most often allow them to evade or even exfiltrate dissidents and / or enemies of a State, to smuggle prohibited materials (weapons, drugs, harmful or dangerous products) or to smuggle. .

Moreover, relatively always with the difficult management of privileges and immunities, it appears that many countries are reluctant to extend said privileges to INGOs in order to control the financial, human and material costs that this entails. Indeed, the responsibility of the receiving country is internationally engaged at the security and financial levels as soon as it accepts on its soil, for a working stay, a foreign diplomatic agent⁴¹. In accordance with its international commitments, the said country should guarantee the protection and safety of the said agent by ensuring that no harm is done to him. This leads to the establishment of special police units. The more numerous these agents are, the more men and means are needed to ensure their safety. From a financial standpoint, it is just as worrying: tax and customs privileges in particular are borne by the receiving country. The more people there are, the greater their cost.

In view of the foregoing, a good number of countries are reluctant to the project to extend diplomatic privileges and immunities to the staff of INGOs because they want above all to:

- control the numbers and profiles of foreign personnel who officially work at home;
- control and rationalise the fiscal and customs privileges that they grant them;
- control the expansion of the vehicle fleet registered in the privileged series;
- ensure that foreign personnel who come to work at home have the job profile and scrupulously adhere to their specifications.

⁴¹Read on this subject the very interesting work of TF NDZENGONE OBAME, `` The international responsibility of States to protect people and their property », Doctoral Thesis in Law. University of Perpignan, 2019, 761 pages.

Finally, a last reason is due to the fact that states operating in competition, they grant diplomatic privileges and immunities according to the principle of reciprocity. Each State grants them in order to facilitate the functions of diplomatic missions and in the desire to see the benefit of an identical situation. This allows each State to feel protected in its interests when it engages in diplomatic relations. International Organisations having no territory, nor sovereignty, cannot exercise reciprocity.

In return, they are supposed to recruit among their staff and on an equal basis, representatives of the countries that are their members. This is not always the case with INGOs. These latter involve in countries, foreign staff from various backgrounds to whom they offer well-paid jobs to the detriment of nationals of the countries where they are established. The latter content themselves with odd jobs (drivers, couriers, security, etc.) or just being assisted.

Beyond the difficult management of diplomatic privileges and immunities, the other reason for the reluctance of countries to grant the same privileges and immunities to INGOs is the not always positive perception they have of them.

B - Humanitarian INGOs: New Trojan horses?

INGOs are very often considered as tools created from scratch by great powers in order to reconquer, weaken and control weaker States, but rich in resources, under the fallacious pretext of humanitarian aid. It has also been observed that the more so-called humanitarian INGOs are present and abundant in a country, the more that country experiences instability, worsening and perpetuation of crises. Everything suggests that the flagship role of the said INGOs would be precisely to provoke and / or exacerbate them in order to justify their presence and especially their calls for funds.

Although fundamentally apolitical, humanitarian action takes place in a political space. This very often undermines the principles of neutrality and impartiality of the said INGOs. Depending on the interests of the entities which finance them⁴², they take positions and make them public through statements,

⁴²F. AUDET, *Op.cit.* p.277 shows that "Donors exercise a double coercive institutional influence with the imposition of development policies".

press releases, press briefings, expertly orchestrated radio or television interviews, reports, tweeds and web posts, etc. As Charles-Antoine HOFMAN noted so well, this political dimension is evident during conflicts, but also present in the event of natural disasters: the capacity or not of a Government to meet the needs of the population following a disaster, and the tensions which may result from it, are in fact of an eminently political character⁴³. The same is true of the reluctance of certain states to appeal for international aid, for fear of losing face vis-à-vis their population. This is the case of the United States during Hurricane Katrina or of China at the start of the COVID-19 pandemic, which politely declined the proposals of many countries to help them cope with this disaster and to this scourge. Charles-Antoine HOFMAN also demonstrates that «determining the nature and extent of needs is often a source of tension between the analysis of the State and that of humanitarian actors because it is regularly the subject of significant differences». The States, most often reject by decrying them, the figures and the facts put forward by the INGOs in their analyses on a situation. They find them biased, subjective, oriented, and fabricated with the aim of tarnishing the image of these States and to justify their presence as well as the utilisation of important resources put at their disposal.

Researchers like Marc-Antoine PÉROUSE DE MONTCLOS have shown that in the field, it turns out, however, that, in many cases, the action of the humanitarian organisations of the INGOs does not have the main objective of «satisfying» the «beneficiaries» but their funders who «establish priorities based on observations made and expressed by decision-makers rather than indigenous people»⁴⁴. Harrell-BOND, meanwhile, has widely criticised aid «imposed» on countries at war without first consulting the populations concerned⁴⁵. M.-A.PÉROUSE DE MONTCLOS in his masterful book, *Humanitarian aid, aid in war?*, noted that «the relief operations obeyed for many economic and political considerations»⁴⁶.

⁴³Read CA HOFMANN, Op.cit. p. 20.

⁴⁴Read on this subject M.-A. PÉROUSE DE MONTCLOS, On the impartiality of humanitarian workers and their perception by beneficiaries: the political challenges of international aid in Burundi, *Autrepart* (39), 2006, pp. 39-57. Article available online at: <https://www.cairn.info/revue-autrepart-2006-3-page-39.htm>.

⁴⁵H.-BOND, *Imposing Aid. Emergency Assistance to Refugees*, Oxford, Oxford University Press, 1986, 440 p.

For Charles-Antoine HOFMAN «NGOs are regularly criticised because they do not share enough information on their activities or bypass local and national structures»⁴⁷. This is the reason why «certain States are expressing more and more openly their mistrust of NGOs, putting in place restrictive administrative procedures»⁴⁸.

In short, INGOs are the subject of heavy criticism. Marc-Antoine PEROUSE DE MONTCLOS perfectly synthesised them by noting that they are accused of maintaining logics of dependence, exacerbating social conflicts, supporting dictatorships, fueling corruption or fueling war economies. They are regularly suspected of playing into the hands of the Western powers. Benefiting from great impunity, they are in fact accountable to the Governments, which finance them, much more than to the recipients of their aid. Finally, they are criticised for their commodification, their obsession with growth, their desire for respectability, their bit for gain and their transformation into an outsourcing company under the pretext of professionalizing the practice of international solidarity to answer to the performance demands of the neoliberal model⁴⁹.

CONCLUSION

The project of the *adoption of an international convention on privileges and immunities in favour of INGOs involved in the management of humanitarian crises* sparks a fascinating debate which tends to grow over time, opposing two categories of protagonists:

On the one hand, we have personalities mostly from civil society who carry this project by considering that it is an international justice action, because such a convention could better protect and guarantee survival for both humanitarian INGOs, their staff and their activities in the field. To be more concrete, the

⁴⁶ M.-A. PÉROUSE DE MONTCLOS, *Humanitarian aid, aid in war ?*, Brussels, Complex, 2001, 208 p

⁴⁷ CA HOFMANN, *Op.cit.* p. 20.

⁴⁸ CA HOFMANN, *Op.cit.* p. 20.

⁴⁹ MY. PEROUSE DE MONTCLOS, *For "humanitarian" development? NGOs put to the test of criticism*, Paris, IRD, 2015, p. 188 pages.

proponents of this posture have moreover made the «*Outline of a Convention on humanitarian privileges and immunities*»⁵⁰ which they propose to the States with a view to its adoption. At the moment, they are busy triggering the consultation and negotiation process which should lead to the signing of the said convention which they qualify as the first⁵¹.

On the other hand, there are States the majority of which are made up of developing countries. The latter, based on the relational experiences they are currently living with humanitarian INGOs, find that engaging at the international level within the framework of a convention, which grants them privileges and immunities, is not without risks as well much for their sovereignty than for their own survival. The said INGOs are already considered by many of them as being one of the major sources of their problems. They are real Trojans, instruments which serve as pretexts for a cause, but which hide their real intentions.

In view of the importance and the power that the INGOs continue to have lately due to the multiplicity of crises, it is a safe bet that the debate on the adoption or not of an international convention, which grants privileges and immunities, will gain in intensity in the coming years. In the meantime, it is important for States and INGOs to redefine the terms of their cooperation, and to agree on the practical methods of exercising each other's competences. In any case, INGOs cannot exist and operate without States. Even less they cannot replace them, because the States remain... the States. / -

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⁵⁰ J.-J., FISET, (1997), *Op.cit.*, P.156. The preamble to this draft which gives the justifying reasons is particularly eloquent. it stipulates in particular that the States Parties to this draft Convention recognize the efforts made for years by humanitarian non-governmental organizations (NGOs) and their volunteers to come to the aid of disaster victims and wish to confer guarantees on humanitarian NGOs and their volunteers for the sole purpose of assisting and helping the victims.

⁵¹ *Ibid.* p.155.

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NGO FUNDING: AN ARLESIAN EXPERIENCE?

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INTRODUCTION

Originating in anti-slavery movements and those associated with the vote for women, Non-Governmental Organisations (NGOs) emerged with the holding of the World Conference for Disarmament in 1930 (Davies, 2007). But, the term NGO appears for the first time in article 71 of the United Nations Charter, adopted in 1945 at the San Francisco Conference, and then succeeds in common language to what were previously called transnational associations. While it is true that there is no legal definition of an NGO, Ryfman (2006) apprehends it as “any grouping, movement or association established in a lasting way by individuals from different countries with a view to the pursuit of <non-profit goals>.”

Whether local, national or international, NGOs play an important role in meeting the needs of the vulnerable population by going where other actors, even State actors, have difficulty going. According to Kamdem (2016), the action of NGOs focused on the social and economic areas of intervention, which the public authorities tended to abandon.

However, the missions of NGOs in the world depend on their areas of

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intervention. Thus, advocacy NGOs like Human Rights Watch aim to defend the public interest, while humanitarian NGOs like Médecins Sans Frontières, focus on aid programs, particularly charity and development. The changing global context has often given rise to numerous debates on the role of NGOs in developing countries, where they predominantly operate (Brunel and Brauman, 2004). Although their actions, are encouraged². However, one might wonder about the real impact they have on development. One of the major concerns is the funding of these NGOs, particularly in humanitarian action.

The situations that call for humanitarian intervention are constantly evolving. The increase in the number of disasters that have occurred for more than two decades is largely due to climate change, amplified by human actions and the effervescence of CO₂ emissions. According to Inomata (2012), between 2001 and 2010, an average of 384 disasters affected some 120 countries and 232 million people, killed nearly 107,000 people and caused economic losses of around 109.3 billion dollars³ annually. The number of armed conflicts is estimated at around 50 at the start of the 1990s. Although it declined during the first decade of the 21st century, this figure was still 31 in 2010, and 37 in 2011, mainly because of the proliferation of conflicts on the African continent and in certain regions of the Middle East (Themnér and Wallenstein, 2012). At the end of 2011, there were 26.4 million displaced⁴, to which should be added some 15.2 million refugees (UNHCR, 2011).

Along with these developments, humanitarian aid through NGO funding has increased dramatically globally. It has more than doubled in 10 years, from \$ 6.7 billion in 2000 to \$ 18.8 billion in 2010, to reach \$ 17.1 billion in 2011 (Global Humanitarian Assistance, 2012). Between 2000 and 2010, humanitarian aid funds from the United Nations system increased from \$ 2.7

² According to Kamdem (2016), many recommendations emanate from the UN, the African Union, the African Development Bank, the European Union and various other organizations, asking States to facilitate the creation and operation of NGOs in their territories. But the place of these on the international and even national development chessboard remains to be clarified: are they full players in this process or a simple instrument?

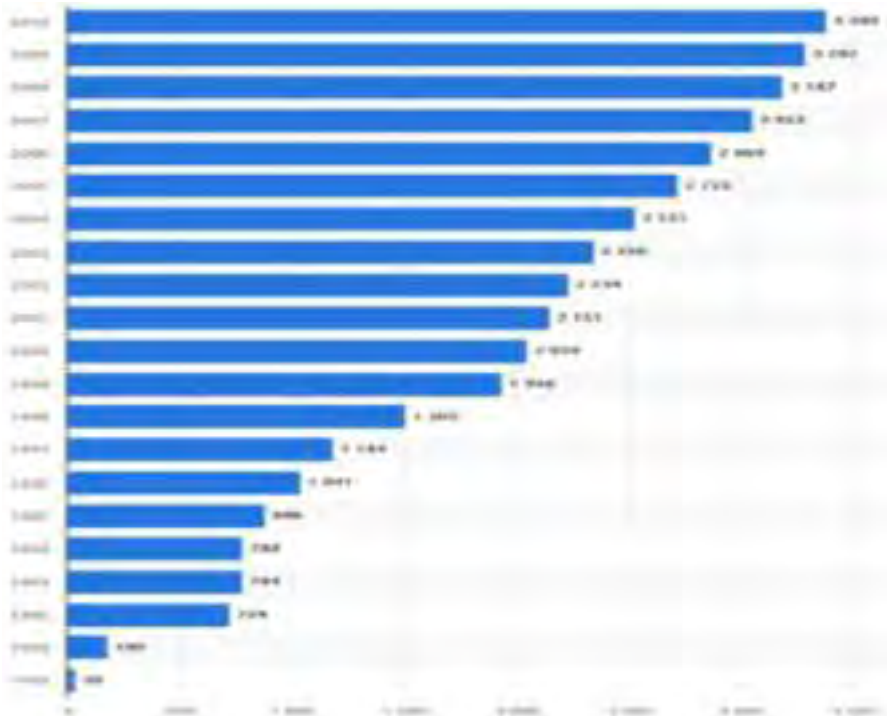
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billion to \$ 7.4 billion. Humanitarian aid constitutes the most important part, representing approximately 30% of the total amount of expenditure incurred for operational development activities during the period 2005-2010. National and international NGOs (such as the International Federation of Red Cross and Red Crescent Societies (IFRC),

In addition, according to the Office for the Coordination of Humanitarian Affairs (OCHA, 2016), there are more than 40,000 NGOs in the world having, as shown in graph 1 below, consultative status with the Security Council of Nations. United Nations (ECOSOC), which went from 40 in 1948 to nearly 4,000 in 2010.

Graph 1: Evolution of NGOs with consultative status with ECOSOC⁵ from 1948 to 2010

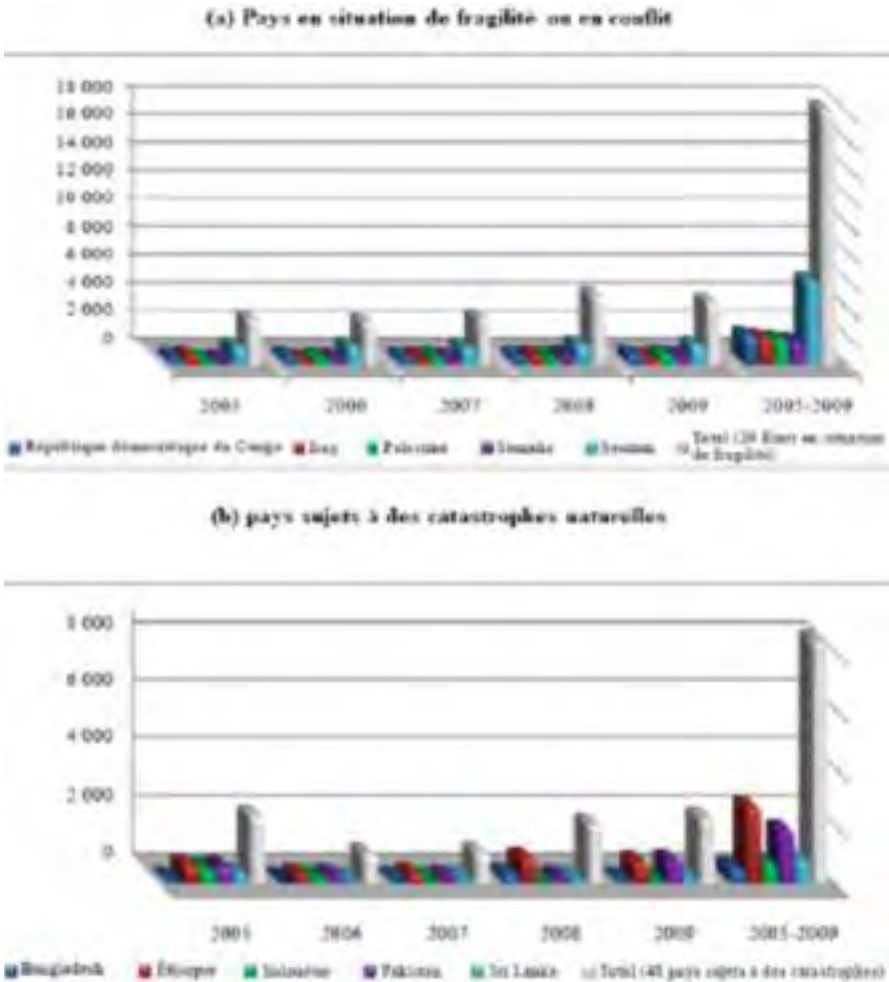


Source: Author, from www.statista.com/statistics/268357/change-in-the-number-of-ngos-worldwide-since-1948/

⁵ Allusion is made to the Economic and Social Council of the United Nations.

As a result, the increase in the number of NGOs due to the persistence of humanitarian and social crises across the world has been accompanied by increased funding for humanitarian action in fragile and conflict States, as well as in countries affected by natural disasters, as shown in Figure 2 below.

Graph 2: Evolution of funding for emergency interventions in a few countries in conflict situations and victims of natural disasters



Source: Inomata (2012)

By way of illustration, funding for NGOs around the world has recently been observed in Afghanistan, which has had around 500,000 new internally displaced persons since January 2021. As the High Commissioner for Refugees (UNHCR) points out, around 19 NGOs have intervened to providing assistance to the Afghan people, so one of the most important contributions goes to the NGO *Première Urgence Internationale*, which quickly deployed five mobile clinics in the four provinces of eastern Nuristan, Laghman, Kunar and Nangarhar, where many victims of Taliban attacks were present. According to a report published on the NGO's website, in just four days, two of its teams managed to administer 506 first aid to patients suffering from trauma (182 related to the conflict and 324 related to a home / car accident), 93 consultations, 18 post-natal consultations and 10 family planning sessions; to admit 10 children to medium and acute malnutrition programs, 8 to severe acute malnutrition programs and to provide 1056 general outpatient consultations.

Taking into account the facts raised, we note that the impact of the financing of NGOs in the world remains palpable, although a series of criticisms are often addressed to these organisations in their activities.

Following this introduction, the remainder of the article is organised into four additional sections. The second presents the forms of funding for NGOs. The third highlights the conditionalities and constraints linked to NGO funding. The fourth outlines the dualist vision of NGO funding, then a conclusion offers suggestions for economic policies.

1. ORIGINS AND FORMS OF NGO FUNDING

1.1. Original detour on NGO funding

Globally, NGOs have two sources of funding: public funding and private donations. The growing interconnectedness of economies over the past two decades has hinted at many national, regional, continental and international sources of NGO funding. At the national level, for example, funding for NGOs can come from governments, local businesses and community foundations. At the international level, sources of funding for NGOs include those of countries»

official development assistance agencies, UN agencies and multilateral development banks. Global sources also include international foundations, multinational corporations, international religious organisations, and larger international NGOs. Furthermore, NGO funding may vary depending on the source, conditions and type of organisation funded. Several types of foundations and individual donors provide funding to NGOs. Some donate while others reward funds through a grant application process.

Table 1 : Some origins of NGO funding

	Amnesty International	Doctors Without Borders	International solidarity
Public generosity	constitutes 74.6% of NGO funds.	Constitutes 77.4% of NGO funds.	Represents 7% of funds only.
Own funds for the NGO: sale of products, contributions, etc.	Constitutes 25.4% of NGO funds.		
Public institutions	No financial resources from institutions. The acquired independence of this NGO allows it to impartially denounce human rights violations throughout the world.	5.5% stem from various institutions.	81.5% come from grants and public assistance. This NGO therefore depends heavily on funding from public institutions, such as The European Community Humanitarian Aid.
Others		17.1% come from undetermined resources.	

Source: Author, from tpeong.wordpress.com

1.2. Typology of NGO funding in humanitarian crises

Compared to the last three decades, the world continues to face a variety of crises (humanitarian, health) and accentuated natural disasters. As an illustration, to the natural disasters in 2006 and 2007 which severely damaged

crops in Nepal, threatening a large number of people with food insecurity, in 2015 was added the earthquake and armed conflicts. The resurgence of humanitarian crises has highlighted the fragility of States, reflected in the inability to provide basic services and vital public necessities, by weak governance, persistent poverty, a lack of control over the territory and the occurrence of violent conflicts and civil wars (Bertocchi and Guerzoni, 2010). This undesirable situation, implies that internal and external mobilisations of individuals and organisations such as the NGOs that assist States with various kinds of contributions in the management of these crisis.

This assistance is of several types:

material assistance: it takes the form of the re-establishment of agricultural production capacities as well as aid to survival, through the distribution of food products, clothing, tarpaulins and other relief. For example, *first International Emergency* has been working in Cameroon since 2013 to meet the needs of the Central African refugee population (food security, access to drinking water, camp management, etc.), as well as in the Central African Republic to meet the basic needs of populations affected by the violence and the consequences of the conflict on their access to basic services;

assistance in the medical field: at this level it includes material and technical assistance in the fields of preventive and curative medicine (especially in the field of war surgery and orthopedic devices), the production and distribution of drinking water, the rehabilitation hospital and health infrastructure and the supply of drugs. For example the action of Médecins Sans Frontières during the security crisis in Afghanistan through the implementation of a wide range of care: consultations, hospitalisations, surgical interventions, nutrition, psychological care, etc. ;

personal assistance: it manifests itself in the provision of personnel aimed at helping in the search for disaster victims but also the re-establishment of means of communication and supply routes, conditions necessary for the deployment of external assistance from the very first days of crises. More and more, we find NGOs providing staff to provide education to the affected population. Since 2004, *First International Emergency* intervenes in Chad in order to take care of children suffering from severe acute malnutrition, but in parallel is developing food security programs, access to health care services and promoting the

improvement of hygiene conditions in order to fight sustainably against the causes of malnutrition.

2. CONDITIONALITIES AND CONSTRAINTS OF NGO FUNDING

2.1. Some NGO funding conditions

At the global level, the role of NGOs is to provide aid and assistance based on donations collected from private and public partners. Their role is to finance humanitarian action, based on certain conditionalities bringing the stakeholders (NGOs and recipient countries) into agreement. Consequently, these conditionalities are based on respect for a certain number of principles, in particular the principles of humanity⁶, neutrality⁷, impartiality⁸ and independence⁹ (Verna, 2007; NRC, 2016, Kamdem, 2016).

2.2. Some funding constraints for NGOs

However, in the financing of humanitarian action, NGOs are confronted with several constraints, which sometimes lead to the violation of the above principles. These constraints can be political, economic, security, health, logistical ...

Political constraints: These are the barriers often erected by the political authorities of a country when funding humanitarian action by NGOs. This can lead to politicisation or the instrumentalisation of humanitarian aid for political ends (NRC, 2016). According to Verna (2007), the political

⁶This principle states that human suffering must be fought wherever it is encountered. Thus, NGOs in the financing of humanitarian action must protect life and health, and ensure respect for human beings.

⁷ This principle states that NGOs should not take part in hostilities or controversies of a political, racial, religious or ideological nature.

⁸ NGOs must conduct their actions on the sole basis of need, giving priority to the most urgent cases of distress, regardless of nationality, race, gender, religious belief, class or political opinion.

⁹ The action carried out by NGOs must be independent of the political, economic, military or other objectives that any actor could pursue in the region where the humanitarian action is implemented.

constraints faced by certain NGOs stem from the fact that the political authorities of certain countries in crisis or in a situation of distress denounce the attitude of certain NGOs, which take advantage of humanitarian action to adopt attitudes of interference and interference in the internal affairs of a State. Thus, certain NGOs may be refused access to certain conflict zones by the public authorities of certain countries if these NGOs are deemed to be partisan and likely to oppose the power in place;

Financial constraints: these are the financial difficulties faced by NGOs when funding humanitarian actions. These constraints may be due to the lack or weak manifestation of donor contribution during a call for contributions launched by NGOs to assist the population affected by crisis or disaster. In this case, it is difficult for an NGO to provide the necessary assistance to disaster victims, especially when there are very large numbers of them and when the damage is enormous. As shown by Rubio and Zieglé (2006), more than 80% of the financial resources of NGOs come from private and public contributions, allowing them to finance humanitarian action and development in the world. According to NRC (2016), these financial constraints can also be caused by pressure from humanitarian donors, who favour interventions that demonstrate financial efficiency and show tangible results. Therefore, the limitation of the contribution of these donors causing the lack of flexible funding in response to a crisis can compromise the speed of humanitarian action. Thus, as humanitarian donors become more demanding, working with them can increase the pressure on NGOs, reducing their ability to make independent decisions on how to distribute aid in accordance with the principles; the limitation of the contribution of these donors causing the lack of flexible funding in response to a crisis can compromise the speed of humanitarian action. Thus, as humanitarian donors become more demanding, working with them can increase the pressure on NGOs, reducing their ability to make independent decisions on how to distribute aid in accordance with the principles; the limitation of the contribution of these donors causing the lack of flexible funding in response to a crisis can compromise the speed of humanitarian action. Thus, as humanitarian donors become more demanding, working with them can increase the pressure on NGOs, reducing their ability to make independent decisions on how to distribute aid in accordance with the principles;

Security constraints: These are the various security challenges that NGOs face when funding humanitarian action. In fact, in some states in

a humanitarian crisis, it is difficult for some NGOs to deploy effectively on the ground in order to provide assistance, because the crisis areas are in a situation of high insecurity. According to OCHA¹⁰(2015), some NGOs are less and less inclined to send humanitarians to areas deemed dangerous, because humanitarians and their convoys have often been attacked during the delivery of aid (food, medicine, etc.) in some high-risk conflict areas. It is often common in some countries to see non-state armed groups (NAGs) put up resistance to NGOs in the midst of humanitarian action; these bring them closer to instrumentalising humanitarian activities (Kahn and Andrew, 2013). In some cases, these GANEs may think that it is more advantageous to attack or expel aid workers than to allow their presence. In other cases, they negotiate access in exchange for official recognition of their authority in certain areas.

Logistical constraints: In this case, it is about the constraints linked to the accessibility to certain disaster areas where it is difficult for the NGOs to move in order to bring aid and assistance to the people. Indeed, certain cases of disasters or catastrophes have often arisen in areas that are difficult to access, with a lack of communication infrastructure; in this case, it becomes difficult for NGOs to deploy and deliver the aid needed by the victims (Brunel and Brauman, 2004);

Health constraints: They refer to the challenges and obstacles linked to health often hampering the action of NGOs in the field. In fact, some disasters or conflicts often occur in areas with high health risk and where the deployment of NGOs to rescue the needy becomes difficult. Several NGOs have revealed that they have faced such constraints during their interventions in certain West African countries heavily affected by the Ebola virus. The risk of contamination from this virus being very high, it was difficult for NGOs to deploy staff in the field to assist people who needed help. This phenomenon was observed recently with the advent of COVID-19,

3. OPTIMIST VISION VERSUS PESSIMIST VISION OF NGO FUNDING

The amplification of economic, political, security, health crises and natural

¹⁰ It's about Office for the Coordination of Humanitarian Affairs.

disasters over the past three decades has fostered the emergence of two antagonistic visions of NGO funding within economies. On the one hand, the optimistic vision, which underlines the co-financing of national and integrative projects aimed at supporting the capacity building of local Civil Society Organisations. We also note the alleviation of poverty, the preservation of the environment, the defence of human rights, aid for the development of local communities, the promotion of ideologies linked to gender equality in direct conflict with the political objectives of governments. In the current context of our economies, NGO funding contributes to economic, ecological, political, safety and social security, as well as training, activities and technological support in local communities. The support and financing of NGO activities, however, tend to be reduced to the usual areas that we are accustomed to granting them: young people, refugees, journalists, «gender» (gender, that is, - say women's rights) and the environment. The layers of society working in a practical way in the various professional fields (SMEs in commerce and industry, new technologies, art and culture, local administrations) are, at the same time, only involved in side projects and at a lesser level. Humanitarian associations «without borders» try to reduce inequalities and bring relief to populations victims of conflicts and are built on a certain number of principles: the areligious character of organisations, their apolitism, the necessity of a universal access to the victims, an affirmation of independence vis-à-vis other States, in their actions and in the origin of finances, as well as a willingness to denounce situations noticed on the field.

On the other hand, the pessimistic vision which highlights the resurgence of perverse effects through religious proselytism and the diversion of ideas for political ends. Indeed, some NGOs advocate violent actions, and play an important geoeconomic role because they often influence the politico-economic decisions of States. Some, through their funding, are secretly affiliated with terrorism. Many Non-Governmental Organisations, often charitable, directly or indirectly support terrorism.

Not all NGOs carry out only charitable or collective interests defence actions. Some, under the guise of the common interest, defend political, mercantile or criminal values, using illegal means. Their financing is used for

the constitution of lobbies with main weapons the creation of informational rents, negotiations and protests aimed at contesting the actions of elected officials. It follows media drifts, the use of images for political ends. These aspects affected by conflict, fragility and protracted crises, amplify vulnerability while hampering social order and cohesion. The vulnerability of NGOs and charities to terrorist financing, in particular their potential role as a channel for transferring funds in support of terrorist activities in various places, and for blurring the financial tracks of donors. However, this financial support is seen as a source of money laundering, of financing the support of terrorist groups. For example, the frequency of account withdrawals, particularly in States known to be active by Boko Haram, has raised concerns about the end use of funds. NGO funding contributes to terrorism through the smuggling of arms, goods and currency, as couriers of funds, weapons and explosive devices at the borders. In addition, by striving to give the poor access to clean water without power, they face regulation issues such as industrial pollution which has been the origin of the contamination, can lead to efforts destined to fail in the long term.

CONCLUSION AND RECOMMENDATIONS

The purpose of this article was to examine the funding of NGOs. Two main facts made it possible to refine the problem. NGOs have presented themselves more as multifaceted support to economies in crisis and conflict over the past three decades. Based on these two facts, we have mobilised theoretical and factual developments to illustrate our contribution. A few non-exhaustive suggestions emerge with the aim of attenuating the Arles nature of NGO funding.

- Regulate and monitor the activities and operations of NGOs and charities to avoid funding illicit activities and destabilising states.
- Put in place an effective mechanism to identify the relevant provisions of the UN and the FATF for the fight against the financing of terrorism.
- Effectively monitor the activities of beggars in the streets, fundraising at religious sites especially in areas known for terrorist activity.
- Improve intelligence-gathering capabilities and consider the use of covert operations and undercover elements as a means of obtaining

reliable information on terrorists and terrorist groups.

- Put in place effective regulatory and control mechanisms to ensure oversight of the activities and operations of NGOs and charities.
- Improve training on investigative techniques and the experience of prosecuting authorities in dismantling terrorists and their sources of funding.
- Collect quantitative and qualitative information on terrorist financing and terrorist activities in order to measure the scope of the issues and identify trends.
- Improve border surveillance and national border security and develop synergies with neighboring countries.
- Set up early warning systems within the security and intelligence services, which will serve as a vigilance tool to identify and counter potential and real threats of terrorist financing, in particular in countries with a sensitive population in the religious domain.
- Involve civil society, religious groups and the private sector more effectively in efforts to prevent terrorist financing.

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MANAGING HUMANITARIAN CRISIS THROUGH PROGRAMMES PERFORMANCE AND EFFECTIVENESS

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Abstract

The issue at hand is how to ensure the effectiveness of humanitarian programmes without compromising State sovereignty. The discussion draws on two main management science theories, the resource dependency theory (Pfeffer and Salancik, 1978) and the institutional theory (DiMaggio and Powell, 1983) to arrive at some recommendations. As a means of ensuring sovereignty, it is suggested that States: (1) gain access to information on the functioning of humanitarian programmes (either by using their intelligence tools or by demanding that agencies provide information that may interest them); (2) use diplomatic channels by lobbying in the sub-regional and international structures to which they belong in order to better control the interdependence of resources and reduce external control; (3) establish rules to control the activities of humanitarian organisations, either by authority and in accordance with societal aspirations, or by agreement with the relevant organisations; and (4) benchmark and select potentially effective actions. This activity falls under economic intelligence, a real weapon in the competitive world.

Key terms: Crisis- Effectiveness of programmes- Resource dependency- Isomorphism.

INTRODUCTION

The issue of programme effectiveness barely conceals the lack of trust between sovereign States and humanitarian agencies that are supposed to assist in managing humanitarian crises. Indeed, as the terms of reference of this conference indicate, the last twenty years have witnessed a shift in the role of international organisations from marginal actors to strategic actors, with their actions going beyond simple support and, in some cases, taking on the role of «policy makers».

To illustrate this, let us consider the case of the Covid 19 pandemic response, which is ongoing in all countries. While it is understandable that this disease challenges the principle of border intangibility thus weakening the sovereignty of States, it must be admitted that its management exposes the weakness of the States. They cannot on their own and in total autonomy solve the problems of their citizens. As with the Covid-19 pandemic, the current situation of other crises (terrorism, natural disasters, cybercrime and migration) demonstrates border violations. In this context, the action of the State becomes more relative in terms of seeking lasting and effective solutions, with cross-cutting recommendations adopted and adjusted to suit specific situations.

Two trends emerge from the above observation. The first is the transfer of power from the hands of elected representatives (as we know in principle) to experts (in medicine, and here evidenced by the setting up in all countries of scientific committees in charge of developing policy decisions on the behaviour required of citizens). The second is the dictatorship of rich countries through donations (no doubt in good faith). In order to protect themselves, rich countries become concerned with or even impose decisions (vaccination, border security measures) on developing, emerging or poor countries. This situation blatantly defeats the principle of interference.

It is now assumed that borders are open and that actors with sometimes divergent interests cohabit. This happens when humanitarian aid agencies intervene in a country after a war which has caused damage to civilians. Several observers of such scenes have however decried «shifts» in humanitarian action. From the logic of assistance in a confrontation of sometimes convergent and

sometimes divergent actions, the international scene has undergone serious changes, and we are witnessing competition between States and transnational actors. Such a multi-actor context ends up through regular transactions, creating relationships of powers leading to a loss of control by States and fragilising their sovereignty. This situation fosters the expression of relations of powers that cannot be controlled by legal logic alone. Elected representatives and politicians find themselves practically sharing their power with other actors whose importance can weaken their authority.

Thus, programme effectiveness is no longer assessed only at the micro level from the perspective of beneficiaries, but at the macro level from the perspective of States. Given these conditions, the issue at hand is **how to ensure the effectiveness of programmes in their support role while preserving State sovereignty**. Effectiveness here refers to the analysis of the relationship that could exist between these programmes and the States, the question of their importance and power having already been decided. The point is therefore to assess their effectiveness in their competing relationships with the States. This discussion is structured around two points: the crisis as a cause of State dependency (I) and the effectiveness of humanitarian programmes in a context of State dependency (II).

I - CRISIS AS A CAUSE OF STATE DEPENDENCY

Crisis management requires an in-depth reflection, which brings to question the issue of global governance and the policies implemented. It also reveals a change in the way humanitarian organisations intervene, which in many respects competes with State action.

1.1 Questioning global governance

Global governance is provided by the United Nations (UN). Created in 1945 by the San Francisco Charter, the UN is a major international institution that succeeded the League of Nations (League); set up at the end of the Second World War, it had proved ineffective in stopping conflicts at the end of the inter-

war period and avoiding a second world conflict¹. Since its creation, the UN has contributed to defusing international crises and conflicts. At the regional level, the African Union created in 2003, through the Peace and Security Council (PSC), its decision-making body, is in charge of conflict prevention, management and resolution.

The Council constitutes a collective security and early warning system, aimed at promoting a rapid and effective response to conflict and crisis situations in Africa. It is also the central pillar of the Peace and Security Architecture (PSA) and contributes to the stability of States on the continent². At the sub-regional level, particularly in Central Africa, the Central African Early Warning Mechanism (MARAC) and the Central African Multinational Force (FOMAC) are technical implementation bodies of the Central African Peace and Security Council (COPAX). Their role is to observe, monitor and prevent crises and conflicts.

In view of the current state of crisis management in Africa, although these institutions and mechanisms have been set up at several levels of action, crises persist, especially in sub-Saharan Africa where the sources of tension are increasing. In Central Africa, the Economic Community of Central African States (ECCAS) and the Economic and Monetary Community of Central Africa (CEMAC) are multiplying efforts to counter threats of terrorism, transnational organised crime and other forms of persistent insecurity. NGOs, in synergy with State and regional peace support institutions, are regularly confronted with situations of war, disaster and crisis. Their role is to address the suffering of the most vulnerable through humanitarian intervention programmes. However, it appears that today, despite their growing number and the importance of the resources deployed, they are unable to support development in an effective, efficient and sustainable manner. Moreover, the principle of humanitarian assistance is now at the heart of several controversies.

Yet, the ambition was noble when in 1949 the right to humanitarian assistance in times of armed conflict was recognised by the 168 party States to

¹<https://www.un.org/press/fr/2005/IHA1071.doc.htm>, consulted on 20/09/2021

²https://au.int/fr/cps_consulté_le_20/09/2021, 01 :19.

the Geneva Conventions. For a long time, humanitarian assistance has not only been involved in armed conflicts but also in all forms of disasters; natural disasters, which can be geographical (earthquakes, tsunamis and volcanic eruptions), oceanographic (floods, avalanches), climatological (droughts), meteorological (storms, cyclones) or biological (epidemics, plagues) man-made disasters (armed conflicts, plane crashes or train derailments and fires) and complex emergencies that are often a combination of natural and human factors, including food insecurity, armed conflict and displaced populations. The main objective is, thus, to protect the populations affected by these disasters.

Unfortunately, the principle of respect and protection of civilian populations is increasingly flouted, and in some cases they are even the preferred targets in conflicts: «terrorising people, starving them, systematically undermining their dignity and identity have become common ways of carrying out hostilities and achieving military and political objectives»³. The NOSO crisis abounds with evidence of this logic, which further aggravates humanitarian crises.

Faced with this reality, States may not be able to control the crisis on their own and humanitarian organisations may become involved in preserving the physical, moral and economic integrity of the victims of wars and disasters. In such cases, the State and humanitarian organisations share the responsibility for intervention on the ground, and their relations may be congruent or divergent.

1.2 Combined actions of States and Humanitarian Organisations

Humanitarian crisis management refers to the idea that «public authorities are often unexpectedly confronted with a relatively unpredictable event whose twists and turns cannot be objectively or fully identified» (Jacob S. and Schiffino N., 2007: 58). Thus, on the sidelines of governmental provisions, humanitarian organisations offer their services to protect people affected by disasters. In this now «multicentric» world, new threats cross borders, including terrorism, natural disasters, pandemics, cybercrime, migration and various conflicts. This requires international solutions. In this context, the action of the State is seconded, shared

³ <https://books.openedition.org/iheid/2931?lang=en>, consulté le 25 septembre 2021.

or even competed with that of humanitarian organisations in the search for sustainable and effective solutions. Thus, the United Nations supports countries in conflict (or not) through the UNDP in its strategic plan «Act today and invest for tomorrow». This programme remains a good track record in 2020, scalable to meet the long-term objectives of countries in crisis. It is deployed in three areas: poverty eradication, governance through support to the growth of sustainable economies, and resilience including strengthening resilience to shocks and crises. For an effective response, UNDP prioritises the modalities of «environment, energy and gender»⁴.

Aid evaluation has already been the subject of much reflection, both in academic circles and among practitioners and donors, particularly at the OECD and the European Union (Marc-Antoine Pérouse de Montclos, 2011). In most cases, it is NGOs and Intergovernmental Organisations that are evaluated by their donors. This is not surprising. In general, the non-profit sector is more driven by the wishes of donors than the needs of the poor. Understood in a broad sense, which goes beyond emergency relief to include reconstruction or development issues, humanitarian aid often focuses on the most high-profile crises that are most likely to provoke a surge of generosity (Keen, 2008; Pérouse de Montclos, 2007).

Conflicts have different degrees of importance, with some of them like coups d'état, having the merit of attracting and eliciting action from external actors, whether humanitarian or not (sub-regional community) or allies. Reactions range from simple declarations (condemning the act of coup d'état) to the breaking off of cooperation ties (in the case of bilateral relations), exclusion as members of a sub-regional community, or the armed intervention of a multilateral force or an ally. These actions are often coupled with the intervention of organisations in charge of humanitarian support.

This humanitarian component is supposed to bring relief to crisis victims. Very often, this humanitarian support is observed to be autonomous, and not an integral part of the country's strategies for ending the crisis. As a result, there is a proliferation of uncoordinated and not always coherent (although

⁴ <https://annualreport.undp.org/fr/> consulté le 28/09/2021.

benevolent) actions aimed at the same target, whether by humanitarian agencies or by the state and local civil society organisations. Very recently, in the case of the NOSO crisis, we saw the involvement of an opposition political party in this humanitarian logic.

In short, there is now a humanitarian market in which several <companies> and actors coexist, to the point of giving rise to new concepts such as the <duty to interfere> on humanitarian grounds. Whether one uses the terms intervention, interference, support or assistance, experts note that this is a violation condemned under international law. It must therefore be acknowledged that the debate is now more political than legal and it is on this basis that the phenomenon of humanitarian action must be analysed. It appears that crises trigger the deployment of humanitarian programmes and thus increase the dependence of States on external resources. Dependence on external resources and the occupation of the field by humanitarian organisations compromises the principle of State sovereignty. Our concern is how to guarantee this sovereignty in a context of resource dependency. The question of dependency becomes obvious upon a translating the sacrosanct economic principle of the «invisible hand» forged by Adam Smith, which refers to the theory according to which all individual actions of economic actors are guided (by definition) solely by the personal interest of each one. Thus, would the scope of international aid, both financial and humanitarian, be devoid of any interest? In this respect, State sovereignty is put to the test of the dependency theory.

II - ENSURING STATE SOVEREIGNTY WHILE DEPENDING ON EXTERNAL RESOURCES

State dependency is justified by crisis situations, which provide the real pretext for intervention by humanitarian organisations. Their intervention adds to the efforts of States and provides important support, to the point of creating a real dependency on States, which then become unable to respond to the needs of crisis victims. Several perspectives, borrowed from management sciences, can be envisaged in the issue of the effectiveness of humanitarian programmes and State sovereignty. The main recommendation is to consider the

environment not as a given but as a process that involves both adapting to the environment and attempts at changing it. The Resource dependency theory and Institutional theory are raised in this analysis.

II.1 Ensuring Sovereignty through Resource control

One might first ask why there are so many and increasing numbers of humanitarian organisations? This is the question to which the evolutionary theorists Hannan and Freeman (1977) provide an answer: because some organisations disappear and others are created with different characteristics. Extending this line of thought, Aldrich (1979) justifies the presence of organisations by their suitability for changing and diverse environments.

Adapting to the environment would then justify the need for States not to lose their sovereignty but to appreciate its change. The question that would then be subtly asked here is whether the problem is not the weak capacity of States to adapt to changes in their environments? A number of works illustrate the need for States to adapt to the new context of plurality of intervention by humanitarian organisations in this respect. These include the work of Lawrence and Lorsch (1967), which reveals that the organisational structure is directly linked to the production techniques used; that of Burns and Stalker (1961), which emphasises the existence of a wide variety of management methods and procedures; and that of Chandler which recognises the need to adapt the structure to the strategy. Law N°2005/006 of 27 July 2005, on the status of refugees in Cameroon provides the institutional and operational framework for humanitarian assistance activities in favour of refugees on Cameroon's borders.

The theory of resource dependency offers us some relevant guidelines for analysis. It assumes that the State is more influenced when external dependency is high. The context of simultaneous intervention by several humanitarian agencies in managing the response to a humanitarian crisis generates complex interactions between agencies on the one hand, and between agencies and States on the other. The State may be faced with conflicting demands and may have difficulty assessing its sphere of influence. Its responsibility is to manage this coalition of interests so that State activities can continue (Charreire Petit, 2009).

The issue here is twofold: recognising the social context and the constraints with which the State will have to operate on the one hand, and the choice of State adjustments to respond to these social realities on the other. The supreme leader (Head of State) thus becomes an <advocate> and an <active manipulator> of the constraints of the social context within which the State is embedded. Two different ways are then possible to control situations of resource interdependence (Pfeffer and Salancik, 1978): (1) States must either access information on the functioning of exchanges or issue demands being aware that they do not know what others have obtained from these bodies; (2) if the control of external dependence through the control of resources is difficult, States resort to the diplomatic channels through lobbying in order to ensure the control of its sovereignty. According to Pfeffer and Salancik (1978), laws, legitimacy and political outcomes are also attributable to State actions to influence their social context in a direction that favours their survival, growth and stability. Rather than seeing the environment as a given, it is far more realistic to think of it as the result of a process that involves both adaptation to the environment and attempts to change that environment (Oliver, 1991).

In addition to the two means mentioned, States can also undertake to energise the sub-regional structures to which they belong in order to better control the interdependence of resources and reduce external control. They could then turn the issue of free trade into a real strategy to guarantee the sovereignty of States by controlling resources of all kinds.

The environment therefore plays a fundamental role in resource dependency and the survival of the State is only possible on the condition that it satisfies the other interest groups with which it is in contact, particularly in terms of obtaining the necessary resources. It is therefore necessary to reflect on the competing logics that are imposed by the presence of several actors in the same field of intervention, the state and humanitarian organisations.

II.2 State Sovereignty and Competition

Evidently, the context of power relations is imposed by the <multi-actor> reality. The balance of power justifies the interactions maintained by the actors in the framework of the distribution of power spaces. The sources of power are

varied and take into account political, social, economic and diplomatic constraints; market logic (suppliers and consumers); or ideological constraints, particularly the new form of globalisation (the law of the strongest, liberal logic, the strength of States). In this context, the question of the effectiveness of humanitarian programmes requires an analysis of the sovereignty of the State, which is supposed to coordinate all actions taking place on its territory. This raises the central question of the processes that preserve the legitimacy of the State in this «humanitarian market».

From this perspective, DiMaggio and Powell's (1983) institutional theory is relevant to our analysis because it raises concerns about the legitimacy of organisations. By analogy in the relationship between humanitarian organisations and States, the latter are not only competing for resources, but are driven by the search for power and legitimacy. Legitimacy is acquired through interactions with the environment (Meyer and Rowan, 1978). Thus, to gain this legitimacy, States should invent myths about themselves, engage in symbolic activities and create stories, which contributes to their survival and their own institutionalisation (Huault, 2009). This theory then reveals that beyond the known inputs (capital, labour, land), social legitimacy is a determining value for the sovereignty of States. It should even be considered as the first resource because it allows action. States must therefore be legitimate to survive. As proof, certain militant organisations such as Green Peace use this lever of social legitimacy to neutralise the actions of other organisations that they consider harmful. Social legitimacy thus appears to be a prerequisite and, at the very least, necessary for action.

DiMaggio and Powell (1983) use the concept of isomorphism to explain how organisations can ensure their social legitimacy. The concept of isomorphism explains the dynamics of organisations and field structuring. It reveals that these dynamics are not always driven by rational economic factors, but also have a dimension that is sometimes very irrational or even ambiguous, which is the basis for the search for legitimacy (Huault, 2009). A distinction is then made between coercive, normative and mimetic isomorphism. In the light of this reference, States faced with the competing activities of humanitarian organisations could adopt the following behaviours:

- For coercive isomorphism: exerting formal and informal pressure in line with the cultural expectations of society through the promulgation of new regulations to govern the action of humanitarian agencies.
- With regard to normative isomorphism, States could agree, in collaboration with all actors in the field (local and foreign NGOs), on the conditions and methods of work and establish a legitimate basis for their activities, guaranteeing them a sufficient degree of autonomy. Two aspects should be emphasised here: the mechanisms for enlisting all actors and the professional networks for disseminating the rules adopted.
- In relation to mimetic isomorphism, State can carry out a benchmark to identify actions that have succeeded elsewhere, under similar circumstances to theirs. Mimeticism could as such generate effective solutions at very little cost. This activity is part of economic intelligence, a significant asset in the competitive world.

Borrowing from institutional theory, it appears that the state should assume a determining role in regulating the intervention of humanitarian agencies.

CONCLUSION

The management of humanitarian crises through programme performance and effectiveness prompts a response to the issue of ensuring the effectiveness of humanitarian programmes while preserving State sovereignty. Indeed, the context of a crisis or disaster prompts the intervention of humanitarian agencies whose aim is to protect the victims. While some see this as a benevolent act with regard to States' commitments, others consider that this intervention has changed from support to interference in the name of the humanitarian cause. In any case, the experts note that this is a violation condemned under international law. We do not intend to build this debate on whether or not to interfere, but to acknowledge the presence of humanitarian organisations and interrogate the mechanisms to be mobilised to preserve State sovereignty. Based on the theory of resource dependency and the institutional theory, it appears that States should not consider the environment as a given but rather as a process in which they participate and which they should influence. More

specifically, in this <humanitarian market>, States should regulate the functioning of humanitarian organisations by using several levers, including formal, informal, diplomatic, coercive, negotiative and economic intelligence.

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HUMANITARIAN ACTION AND CRISIS RESOLUTION IN CENTRAL AFRICA: WHAT PROSPECTS?

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Abstract:

In the Westphalian world, marked by respect for the sovereignty of States, humanitarian action had long been considered as an adjunct to national and international public policies. The spread of conflicts in Central Africa, facilitated by the end of the bipolar logic, has brought belligerents, peoples and humanitarian organisations into the sub-regional geopolitical arena. Humanitarian action, which is by definition a tool for reducing political tension, is a priori depoliticised or apolitical and has largely contributed to consolidating the shattered socio-political fabric of Central Africa. Today, humanitarian action has become controversial as it is used by belligerents. This article uses a constructivist approach to show that humanitarian action, depending on the emergency situation and the geopolitical interests of States, can be used either to mitigate or aggravate crises.

Key Words: Humanitarian action, Humanitarian diplomacy, Militarisation, Politicisation.

INTRODUCTION

Although charitable and oblativ works, originally attached to religious organisations, dominated the humanitarian arena for a long time, it was not until the advent of the Westphalian State in the West that emergency relief was gradually secularised. Freed from its religious and philosophical gangle (Ryfman, 2004: 8), humanitarian action was gradually institutionalised after the Second World War (Barthold, 2014). The spread of humanitarian values was heightened by the emergence of a fragmented society dominated by cosmopolitanism. From a sequential standpoint, humanitarian action has typically taken place during and after a critical situation. It therefore consists of <peacefully building spaces of humanity for non-combatants or those who are no longer in a position to fight (civilian population, wounded and sick civilians and soldiers) at the heart of violent and unstructured situations: conflicts> (Dubuet, 2003: 1).

The scholarly literature on the relationship between humanitarian action and crisis resolution is generally organised around two main trends. The first, which is realistic, establishes a (con)fusion between the State's customary duties and assistance to populations. In this scheme, the State, as a sovereign actor within its borders, monopolises humanitarian resources¹. UN agencies and non-governmental organisations (NGOs) are seen as secondary and dominated actors in the humanitarian field. The State relies on parastatal institutions and bodies to provide ongoing assistance to civilians in distress. Within state borders, State humanitarian action is simply an expression of State policies to respond to emergencies. National Red Cross Committees can be considered as implementing bodies of State humanitarian policies. Externally, it is a form of diplomacy designed to promote the humanist values and culture of a State. Humanitarianism therefore becomes the continuity of a state's foreign policy through charitable actions (Rufin, 1986: 282). This approach, which is based on the permanent politicisation of humanitarian action, is nonetheless flawed by its statocentric nature. Indeed, <the intrusion into the humanitarian landscape of actors with ulterior motives that are far removed from the real needs of populations risks blurring the humanitarian field> (Dubuet, 2003). Guided by the permanent quest

¹ In 1992, a Department of Humanitarian Affairs was created within the United Nations General Secretariat. The same year, the European Community set up the ECHO (European Commission Humanitarian Office). In 1990, in France, the Secretary of State for Humanitarian Action was set up as a ministry.

for national interest, a state, however democratic it may be, cannot situate itself on a purely humanitarian level, and even less so when it is acting on the territory of another state (Brauman, 1986).

The second trend, of liberal inspiration, minimises the monopolistic position of the state in crisis resolution. It recognises that in situations of structural State failure, accentuated by the occurrence of a disaster (tsunami, earthquake, etc.) or a complex armed conflict, the international community can come to the aid of the affected populations. Such intervention, which is well regulated by international law and legitimised by the prior authorisation of States, is carried out by a number of humanitarian agencies and organisations. In the aftermath of the powerful earthquake that struck the Caribbean country of Haiti on 12 January 2010, many humanitarian organisations were deployed to provide emergency assistance to the civilian population (Barthold, 2014). Faced with the collapse of Haitian institutions, the intervention of UN agencies and humanitarian NGOs, despite their lack of synergy in the emergency situation, nevertheless led to the recovery of the State.

These two trends highlight the contribution of humanitarian actors, whether State or non-State, to crisis resolution. On the one hand, the realist approach reveals an instrumental relationship between State humanitarianism and conflict management; on the other hand, the liberal paradigm leads to a universalist vision of the philanthropic engagement of non-State actors. However, there is not an unbreakable link between humanitarian action and crisis resolution. In reality, humanitarian action is a social construct; it is not naturally part of the state's regalian mission or the *raison d'être* of any social organisation. Instead, it is the result of the values and representations that the State or NGOs have of their activities in emergency situations. Hence the question: how can humanitarian action contribute to the resolution of crises in Central Africa?

It is important to examine, from a constructivist point of view, how humanitarian action has been designed and implemented in order to resolve situations of security instability in Central Africa. More concretely, humanitarian action, depending on the emergency situation and the geopolitical interests of States, appears to be an instrument for mitigating (I) or aggravating (II) crises.

I - HUMANITARIAN ACTION AS A TOOL TO ABATE CRISES IN CENTRAL AFRICA

Humanitarian action is the result of national public policies aimed at minimising the ills of civilian populations in situations of crisis or disaster. It is the state on the move in the humanitarian field. Humanitarian action relies on the mobilisation of the State's own resources and the support of its international or local partners. Consequently, insofar as it is a response to the needs of people in distress, humanitarian aid helps to mitigate crises in Africa by activating the lever of diplomacy (A) and humanitarian assistance (B).

A - Organisation of Humanitarian diplomacy in Central Africa

The resurgence of unstructured conflicts in Central Africa, due to the collapse of the Soviet bloc, has led to a number of UN agencies and NGOs entering the humanitarian field. Humanitarian aid has become a strategic resource which crystallises geopolitical issues between the various actors involved in charitable work on behalf of disaster victims. Alongside traditional diplomacy, which is built around more or less fluid exchanges between state actors, the concept of multi-track diplomacy has developed, which is invested outside the Westphalian system (Diamond, McDonald, 1996).

Although the concept of humanitarian diplomacy circulates in media circles, it has not yet managed to establish itself as a paradigm in the sense of Thomas Kuhn within the epistemic community. Worse, its expression is an <oxymoron> (Smith, 2007). Diplomacy, by definition, aims to protect the interests of a State. It would have a utilitarian rather than a humanitarian purpose. Far from the political stakes which materialise conventional diplomacy, the humanitarian ideal is based on the capacity of actors to <act, at all times and in all circumstances, in the interests of vulnerable people> (De Lauri, 2020). Whereas <the diplomat defends, within the framework of a foreign policy, a model of society that may be influenced by history, ideology, religion, the identity of the circles in power, [the humanitarian actor] does not promote a particular model of society, except a more humane society. His truth is

humanism» (Harroff-Tavel, 2005: 80).

Despite differences in teleological orientation, humanitarian actors behave like true diplomats in the field. Indeed, they develop specialised expertise, use innovative approaches to achieve their objectives and, as a result, demonstrate diplomatic know-how (Rousseau, Sommo, 2018). Undoubtedly, better than diplomats², humanitarian actors understand the importance of secrecy and confidentiality in achieving their objectives. Besides, Doctors without Borders reproached the ICRC for having remained silent, in the name of neutrality and impartiality, in the face of the human tragedy that was unfolding in the Biafra conflict.

Thanks to the interactions and functional synergies that they have been able to develop, humanitarian NGOs have managed to build a genuine multilateral diplomacy. This is a network of bilateral or multilateral, official and above all unofficial relations with belligerents with the aim of raising awareness of the tragedies experienced by civilian populations. The ICRC's diplomatic action, for example, consists of «making the voices of the victims of armed conflict and unrest heard, negotiating humanitarian agreements with actors in international or national society, acting as a neutral intermediary between them and contributing to the development of and respect for humanitarian law» (Harroff-Tavel, 2005: 76).

In Central Africa, the action of humanitarian organisations is visible on the ground during negotiations between the belligerents. In order to provide assistance to a maximum number of people affected by disasters, international NGOs establish contacts, more or less permanent, with the parties to the conflict (Baconnet, 2016: 3). The meetings may take the form of direct discussions or indirect negotiations with the parties in conflict. In 2013, the Community of Sant'Egidio, which had already successfully mediated the Mozambican crisis (Marret, 2000), managed to get the political authorities and the Central African civil society to sign a «republican pact». These various actors committed themselves to the civilisation of political mores through the promotion of political dialogue, security and disarmament.

² The history of International Relations is rich in cases of diplomats or double agents working, in intelligence, with enemy powers.

Mediation also takes the form of indirect meetings between the different parties in conflict. On the one hand, the government is an essential interlocutor in the search for a peaceful situation in the theatre of operations. Contact is established between the two parties through the granting of various administrative authorisations, whether it be permits to travel or to work in the conflict zones. Where necessary, the creation of humanitarian corridors allows the various operators to provide the necessary aid to the affected populations in complete safety. As field actors, humanitarian organisations also produce investigation reports with recommendations. Better use of these documents generally enables decision-makers to review their sector public policies.

On the other hand, international NGOs have to work with armed groups that sometimes occupy large parts of the national territory. The use of the Red Cross and Red Crescent emblems are elements of distinction with belligerents. The ICRC may request an armed escort from the group controlling the territory in order to carry out its mission safely (Mezzalama, 1995: §57). This collaboration with armed groups is problematic. Indeed, «many states refuse [...] to recognise that a situation of armed conflict is taking place on their territory and contest the applicability of humanitarian law, for fear of giving legitimacy to armed groups that they consider to be «terrorist associations»» (Harroff-Tavel, 2005: 83). Once this hurdle has been overcome, international NGOs must demonstrate their diplomatic expertise by opening humanitarian negotiations with armed groups. These aim to open up humanitarian access in order to assess needs and, consequently, to deliver assistance to vulnerable populations. Neutrality becomes essential in the conduct of investigations or negotiations leading to crisis mitigation.

B - Assistance to people in distress by humanitarian organisations

The diplomatic activism of humanitarian organisations eventually leads to assistance for people in distress. Humanitarian action is an extension of humanitarian diplomacy. However, «these two types of action can overlap, substitute or even exclude each other» (Rufin, 2003: 15). Humanitarian action aims, peacefully and without discrimination, to preserve life with respect for

dignity, to restore man's capacity for choice» (Bautman, 1994). The humanitarian field is a fragmented area in which UN agencies and international NGOs compete. This plurality of humanitarian actors offers services corresponding to the emergency needs of people in distress.

In the scene of operations, humanitarian organisations, whether UN agencies or international NGOs, often find themselves on the front line of complex emergencies. Sometimes in the crossfire, these organisations deploy to provide assistance to civilian populations. Several humanitarian organisations intervene depending on the nature and timing of the needs expressed by civilians.

First of all, the urgency of distress situations generates immediate needs among populations. To meet these needs, many organisations specialising in human assistance offer various services to war victims. For example, the ICRC, whose mandate derives primarily from the Geneva Conventions of 1949, regularly provides humanitarian assistance to victims of armed conflict. For example, in March 2021, despite the insecurity on the road between Bangui and the Cameroon border, the ICRC managed to transport a first convoy of more than 500 trucks of food and medicines to its logistical base without any armed escort.

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The United Nations High Commissioner for Refugees (UNHCR) has an agenda that revolves around the protection and assistance of IDPs and refugees. In emergency situations, UNHCR advocates for fundraising for refugees. In February 2021, UNHCR launched a US\$164 million appeal to provide assistance and protection to nearly 1.5 million uprooted Central Africans,

210,000 of whom had fled the post-election violence in December 2020. UNHCR's interventions are also geared towards facilitating the voluntary return of refugees to their country of origin.

In February 2021, Cameroon, Nigeria and UNHCR signed a tripartite agreement in Maroua for the repatriation of 5,000 Nigerian refugees from the Minawao camp to the Nigerian State of Borno. Also through UNHCR, from 2019 to March 2020, 3,309 Central African refugees in Cameroon had voluntarily returned to their country.

If humanitarian assistance is provided in emergency situations, should it be confined to the immediate and short-term? It is more convenient to think that humanitarian assistance should end with the de-escalation or the start of peace talks between the belligerents. However, the distress of the affected population may go beyond the time frame of the conflict. Indeed, «the weak or failing territorial state may be unable to provide public service in the long term» (Kolb, 2004: 860). At the same time, the establishment of an effective aid system may inhibit the productive capacities of local populations, while creating long-term dependencies. Hence the challenge of developing programmes that facilitate the shift from humanitarian aid to empowerment of local people.

Some UN agencies and international NGOs work to build the capacity of affected people to meet their own needs. FAO's interventions usually take place after the complex emergency situation has ended. In particular, it is involved in «the distribution of seeds, tools and other essential inputs to the population to enable them to normalise the food production process» (Mezzalama, 1995, § 39).

Reducing the vulnerability of disaster-affected populations is a categorical imperative in humanitarian missions. Beyond emergency relief, several initiatives in favour of sustainable development have been taken by humanitarian organisations. In this context, the United Nations Development Programme (UNDP) is the «largest funding agency in the United Nations system and the main actor in support of development activities» (Mezzalama, 1995, §42). Operating mainly in post-conflict situations, UNDP contributes to the sustainability of development activities interrupted by armed conflict.

In the end, all initiatives by humanitarian organisations in conflict or post-conflict situations can contribute to the alleviation of an open or latent crisis situation.

II - HUMANITARIAN ASSISTANCE AS A MEANS OF AGGRAVATE CRISES IN CENTRAL AFRICA

Beyond alleviating the suffering of people in distress, humanitarian action is a powerful means of regulating social tension. Not only does it provide assistance to disaster victims, but it also covers all diplomatic instruments for the peaceful resolution of disputes. Notwithstanding these achievements, humanitarian action has in many cases contributed to the aggravation of open or latent conflict.

A - Politicisation of humanitarian action in Central Africa

The end of bipolarity had heralded the advent of a new age marked by the gradual decline of conflicts within and between States (Fukuyama). As the world entered the post-historical era, humanitarian assistance was diminishing, given the scarcity of armed conflict. The United States, as the new master of global geopolitics, took on the almost messianic responsibility of extinguishing all sources of tension. Posing a contested right to humanitarian interference, US troops officially intervened in Somalia to protect civilians from the grip of warlords. This militarism, under the guise of humanitarian action, has certainly allowed some agencies <to increase their ability to reach suffering populations> (Hendrickson, 1998: 11). However, it has greatly eroded the principles of neutrality and impartiality inherent in humanitarian assistance.

After the failure of the Restore Hope mission in Somalia, the United States decided to limit its intervention in <humanitarian> missions. While refraining from intervening in the internal affairs of States, it was content to provide humanitarian aid to people in distress through international organisations. This non-intervention, which can be seen as a policy of burying one's head in the

sand, in particular by concealing the root causes of conflicts (Pérouse de Montclos, 2001: 10), in fact ushered in the reign of <Pontius Pilate diplomacy> (Bizimana, Lanotte, 2003: 23). Indeed, the humanitarian solutions proposed by the international community masked <impotence, disinterest, and even a lack of will to find solutions to the underlying problems> (Bizimana, Lanotte, 2003: 24). The isolationist attitude adopted by certain major powers, such as the United States, was dictated not only by the non-interventionist orientation of their public opinions, but also by the desire to get out of the quagmire of militarism through the funding of humanitarian NGOs.

The silence of the international community, which contrasts with its activism in the humanitarian field, is likely to aggravate crisis situations. Between 1994 and 1996, <the humanitarian aid provided to the Hutu refugee camps was massive, but the international community never sought to provide any kind of sustainable political solution> (Bizimana, Lanotte, 2003: 23). As a result, the humanitarian <solutions> proposed by the international community themselves contained the seeds of the following crises. The stalemate of the security-humanitarian crisis in eastern DRC is the result of inadequate policies that are not suited to local conflicts.

The idea of an apolitical or depoliticised humanitarian field, however attractive, is utopian (Lischer 2007). Worse still, humanitarian aid can have adverse and paradoxical effects on its intended objectives (Audet, 2011: 453). In this sense, some humanitarian interventions have been depreciated by the populations who are the main beneficiaries. In reality, the humanitarian field, as an area of State projection, materialises games and struggles of interest. Beyond the conventional discourse on the universality of humanist values, it is the quest for interests that guides the political action of States. The politicisation of the humanitarian domain seems obvious when <humanitarian aid policies are predetermined by the foreign policy objectives of the [great powers], rather than on the basis of the needs of populations> (Audet, 2011: 451). President Nicolas Sarkozy's decision to repatriate to France the members of the humanitarian NGO *l'Arche de Zoé*, detained in Chad for child trafficking in October 2007, can be understood, beyond neo-colonial logic, as a concrete expression of France's foreign policy. The aim is to protect France's interests

abroad, even if they are embodied by an NGO that is a priori independent and impartial.

In addition to States, the politicisation of the humanitarian field has also been perpetrated by non-State humanitarian actors. For Benoit Coutu, this politicisation consists of «the linking of humanitarian action to various types of State decisions or actions. More broadly, the politicisation of humanitarian action is synonymous with the recognition of this non-State actor as a structural mediation, its institutionalisation and its integration» (2007: 113). In the field, humanitarian NGOs play an important political role, from downstream to upstream, insofar as they have become involved in diplomatic negotiation processes between belligerents. Worse, they are accused, through their positions, of supporting one or the other party in the conflict. On 9 March 2021, during a press briefing, the Minister of Territorial Administration, Paul Atanga Nji, accused several NGOs (Amnesty International, the International Crisis Group, RHEDAC, the Office for the Coordination of Humanitarian Affairs (OCHA), and Human Rights Watch) of having received five billion CFA francs from hidden networks to destabilise Cameroon.

B - Militarisation of humanitarian action in Central Africa

In addition to politicisation, the militarisation of humanitarian action is a factor in the aggravation of crises in Central Africa. The shift from humanitarian aid to warfare is a function of the unstructured nature of post-bipolar conflicts. In the geostrategic theatre, humanitarian aid has become a coveted resource for the various belligerents. Insofar as it consists of alleviating the pain and suffering of people in distress, humanitarian action is clearly oriented towards civilian populations. As a non-combatant category, civilians are the main beneficiaries of emergency relief. However, in the current configuration of unstructured conflicts in Central Africa, populations are sometimes directly targeted by the belligerents. Worse, they became «weapons of war in their own right when it came to bringing down besieged towns or inciting combatants to go and plunder the enemy's crops» (Pérouse de Montclos, 2001: 17).

The humanitarian field is not only politicised; it is also militarised. It is structured by the more or less direct participation of humanitarian NGOs on

the side of one or other of the belligerents. Hence the emergence of the concept of «new humanitarianism», which reflects the inclination of humanitarian authors towards military action. This new «humanitarianism» establishes a correspondence between the humanitarian field and the scene of operations. Belligerents and humanitarian actors intervene indiscriminately in these two arenas. Previously considered as being out of the geostrategic field, the work of humanitarian organisations crystallises geopolitical and/or geo-economic issues, while determining the game of the belligerents. The refugee camp, once the exclusive projection zone for humanitarian organisations, has become a fragmented space in which belligerents, civilians and charitable organisations are deployed. They are now «a strategic target, a pool of fighters, economic capital, logistic potential, a media platform and a diplomatic issue, and in some cases even an electoral issue» (Pérouse de Montclos, 2001: 31).

Generally, civilian populations have taken an active part in belligerence in Central Africa. It is therefore becoming difficult to make a clear distinction between fighters and non-fighters. On the side of the army, humanitarian aid from NGOs for these «civilians» contributes to the exacerbation of the conflict. The tap of humanitarian aid should be turned off, as it would benefit the insurgents more than the civilian population. Moreover, NGO logistics can be used to move separatist forces and weapons. In December 2019, the Cameroonian government accused an NGO of supplying arms to the separatists under the guise of humanitarian aid. On that occasion, the army had «intercepted an ambulance belonging to a humanitarian agency carrying three dangerous terrorists wanted by security services, 5 boxes of ammunition, 3 Kalashnikov-type weapons, a pair of binoculars and an Android phone».

For the «rebels», beyond assistance, humanitarian action contributes to the publicisation of their cause. Deprived of access to the national media controlled by public authorities, the paramilitary groups rely on NGOs to relay their demands. Humanitarian agencies also play a major role in publicising alleged abuses committed by the army. The reports they produce, beyond the recommendations they make, help to draw the attention of the international community to open or latent crisis situations. Moreover, paramilitary groups sometimes use NGO logistics to take advantage of a ceasefire, to use

humanitarian corridors or transport or transmission equipment (Pérouse de Montclos, 2001: 37). Caught between the constraints of non-interference in the internal affairs of the State and the imperative of humanitarian assistance, NGOs become unwilling stakeholders in the conflict.

In addition to being opportunistic allies of one side or the other, NGOs are sometimes a military target. In this respect, the neutrality of NGOs can be seen as benevolence towards the actions of the enemy. Once victims of simple stray bullets, humanitarian workers are now prime targets. A veritable kidnapping industry has developed in several conflict regions in Central Africa. Humanitarian workers face several risks in the humanitarian scene: <deliberate attacks by armed criminal groups or banditry, indiscriminate attacks by belligerents (mines) and terrorists (bombings), or <collateral damage> during military operations by armed actors with whom they are not coordinated> (OCHA, 2011). Nowadays, in search of diversified sources of funding for the purchase of arms, paramilitary groups have embarked on kidnapping for ransom. Between January and December 2020, there were 424 incidents against humanitarians in CAR, compared to 306 in 2019, an increase of 39% (OCHA, 2020).

CONCLUSION

Finally, the proliferation of armed conflicts in Central Africa has fostered humanitarian activity. There is an unbreakable link between the structuring of the geostrategic theatre and the humanitarian field. Moreover, humanitarian actors, whether state or non-state, structure conflict zones. On the one hand, humanitarian actors, thanks to their diplomatic and operational levers, participate (in)directly in conflict resolution. On the other hand, humanitarian involvement can accentuate open or stalled crisis situations. Politicisation and militarisation are the ways in which humanitarian actors intervene in conflicts, either on an ad hoc basis or over a long period of time. This new humanitarianism is indicative of the current fusion between humanitarian and military actions.

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FROM SYSIPHUS TO DANAID: TRANSITION FROM HUMANITARIAN AID TO DEVELOPMENT IN AFRICA: THE CASE OF THE REGIONAL STRATEGY FOR THE STABILISATION OF THE LAKE CHAD BASIN

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Abstract

The armed conflict between Boko Haram and the neighbouring States of the Lake Chad Basin has caused a serious security and humanitarian crisis, as well as a deterioration of the human rights situation in the affected areas. The gradual recapture by Governments of the neighbouring States of several areas affected by the Boko Haram crisis now leaves them with the problem of stabilising them. The military response has been replaced by a multidimensional approach aimed at addressing the root causes of the conflict, including human rights violations, political exclusion, poor governance and extreme poverty. There is also the question of passage from humanitarian aid (provided by humanitarian actors, modern-day Sisyphes) to development aid (provided by development partners, modern-day Danaids). This transition from humanitarian aid to development has been taken into account by the Regional Strategy for the Stabilisation of areas affected by the Boko Haram crisis, adopted in Abuja

on 30 August 2018, under the joint auspices of the African Union Commission and the Lake Chad Basin Commission (LCBC). The purpose of this paper is to review this strategy and assess the role of the humanitarian community in the transition from humanitarian aid to development in the context of the fight against the Boko Haram terrorist group.

*** Text from a paper presented by this author at the UNESCO Chair «Memory, Cultures and Interculturalism» of the Catholic University of Lyon, on 21 March 2019, during a Conference organised on the theme of the fight against terrorism, particularly in the Sahel.**

INTRODUCTION

The terrorist group Boko Haram (literally meaning «Western education is evil»), which has joined the Islamic State Organisation (Daech) as its operational arm in its «West Africa Province», has been operating in the Lake Chad Basin (hereafter, *LCB*) since 2009. The four States bordering the Lake Chad Basin (Cameroon, Chad, Niger and Nigeria), which are also members of the Lake Chad Basin Commission (LCBC), as well as Benin, created a regional force, the Multinational Joint Task Force (MNJTF), in 1995 to fight Boko Haram. The armed conflict between this force and the national armies of the member countries and the Boko Haram group has led to a complex security and humanitarian crisis in the basin. The recapture by the countries concerned of parts of the territories temporarily conquered by Boko Haram now leaves the problem of stabilising them. It is to this end that the multidimensional response has recently taken precedence over the security approach that has prevailed since the beginning of the conflict. This new approach, initiated at the Oslo humanitarian conference in February 2017 and the follow-up conference in Berlin in July 2017, has been endorsed by the African Union Commission (AU) and the LCBC, which have developed a regional strategy for the stabilisation of areas affected by the Boko Haram crisis, initiated in N'Djamena in November 2017 and adopted in Abuja in August 2018.

The objective of this paper is to examine the content of this regional stabilisation strategy and to assess its potential contribution to a sustainable

solution to the Lake Chad Basin crisis. Before proceeding with this analysis, it is necessary to look first at the context and evolution of the Lake Chad Basin crisis.

I - BACKGROUND AND EVOLUTION OF THE LCB CRISIS

The Lake Chad Basin is geographically located in the Sahel band. It is characterised by continued environmental degradation and drought, aggravated by climate change. It is in this context that Boko Haram has emerged and consolidated itself. Indeed, as an article in the Swiss daily *Le Temps* points out, in connection with the holding of the Conference by Parties to the United Nations Convention on Climate Change (COP 21) in Paris in December 2015;

“*Climate*: Convened on Tuesday by François Hollande, the countries of the Sahel region recalled that the terrorist group Boko Haram is fostered by climate insecurity.

Its shadow weighed on the discussions of the African climate summit, convened Tuesday morning by François Hollande, as part of COP 21. For all the experts in the Lake Chad region, it is impossible to dissociate the threat of the Islamist group Boko Haram from the deterioration of climatic conditions in this hydrographic basin of 47 million inhabitants, shared by four countries: Niger, Nigeria, Cameroon and Chad.

Specialised in suicide attacks and the kidnapping of young girls, Boko Haram thrives on the desertification and scarcity of fish resources, which throws thousands of young men into its terrorist nets, in return for payment and often the promise of a captive bride [...]”¹

In 2003, five years before the emergence of Boko Haram, I had the opportunity to participate in a mission to assess the situation in the lake area, as part of the work of the Cameroon/Nigeria Mixed Commission in charge of implementing the ruling of the International Court of Justice in the case of the land and maritime border dispute between the two countries. It emerged from

¹ R. WELLY, Lake Chad, this African climatic plague, *Le Temps*, 2 décembre 2015, p. 4.

this assessment that the provinces bordering Lake Chad in the three countries visited (Cameroon, Nigeria and Chad) were characterised by social marginalisation and extreme poverty. Based on the findings of the sub-commission on the affected populations, the Mixed Commission recommended to the Governments of Cameroon and Nigeria, and to the United Nations Teams in the two countries, as well as to the LCBC, to adopt special development measures in favour of the riparian populations of the basin.² This recommendation has not been implemented. The endemic unemployment affecting the youth in the area, due to the drying up of the lake and the lack of opportunities in the fisheries sector, the main productive sector, has provided fertile ground for the expansion of Boko Haram. In order to respond to this terrorist group, the member states of the LCBC and Benin have set up the Joint Multinational Force to fight against it, whose deployment was authorised on 29 January 2015 by the AU Peace and Security Council (PSC). Under the terms of this PSC decision, the MNJTF was tasked, on the one hand, to fight Boko Haram to protect civilians and, on the other, to create conditions for an effective response to the root causes of the conflict.³

Armed clashes between the armies of the countries bordering the Lake Chad Basin and the MNJTF, on the one hand, and the terrorist group Boko Haram, on the other, are having adverse security, human, humanitarian and socio-economic consequences.

A - Insecurity

Boko Haram regularly carries out attacks against security forces and civilians. These attacks, which the Cameroonian scholar Achille Mbembe describes as <quasi-judicial>, have caused very high human losses. For their part, and in order to ensure their own security, some citizens have organised themselves into self-defence groups (vigilantes). In his report on the situation in the Lake Chad Basin, the UN Secretary General underlined the following trends in the deterioration of the security situation:

² See CAMEROON-NIGERIA MIXED COMMISSION, "Fifth meeting of the Sub-Commission of the populations concerned. Report", Abuja, 23 October 2003, pp. 10-11 (unpublished document).

³ AU »Communiqué», PSC / AHG / COMM. 2 / CDLXXIV, pp. 1-2. See M. MUBIALA, "The Multinational Joint Task Force to Fight Against The Boko Haram Terrorist Group", Zanzibar Yearbook of Law, vol. 5, 2015, pp. 171-190.

“2. The military offensive in the region by the Mixed Multinational Force and the national armies of Cameroon, Niger, Nigeria and Chad has made remarkable progress in the fight against Boko Haram [...].

3. However, Boko Haram still poses a considerable threat to civilian populations in Nigeria, Cameroon, Niger and Chad. Between April and June 2017, 246 attacks were recorded, resulting in 225 civilian casualties. Boko Haram is increasingly resorting to suicide attacks [...]. In June, the 13 suicide attacks recorded killed 67 civilians, a significant increase from May, when 10 suicide attacks killed 17 civilians. Boko Haram continued to attack military positions (30 in April, 9 in May and 12 in June). The group also engaged in raids and looting, and raided villages in search of commodities in anticipation of the rainy season.”⁴

Translated with www.DeepL.com/Translator (free version)

More recently, in early February 2019, a Boko Haram raid on the Nigerian town of Rann killed 60 people. Bloody attacks continue in the Far North of Cameroon, in the Chadian Lac region and in eastern Niger (Diffa region), resulting in high civilian casualties.

B - The human, socioeconomic and humanitarian impact of the crisis

In his first report on the situation in the Lake Chad Basin, the UN Secretary General wrote:

“85. I condemn in the strongest possible terms the ongoing human rights abuses committed by members of Boko Haram, including killings, the coercion of children to commit suicide attacks, and sexual and gender-based violence against women and children, as well as other forms of violence against civilians. I urge the relevant authorities to identify and bring to justice those responsible for these despicable acts.

86. I remain concerned about allegations of human rights violations perpetrated in the name of countering terrorism. All counter-terrorism activities must comply with international law, in particular international human rights law, refugee law and international humanitarian law [...]. It is essential that governments work to improve access to justice, ensure

⁴ UA, « Communiqué », PSC/AHG/COMM. 2/CDLXXIV), pp. 1-2. Voir M. MUBIALA, « The Multinational Joint Task Force to Fight Against The Boko Haram Terrorist Group », *Zanzibar Yearbook of Law*, vol. 5, 2015, pp. 171-190.

that all perpetrators of human rights violations or abuses are held accountable, and honour their commitment to combat impunity.”⁵

Boko Haram’s human rights abuses have caused significant displacement of populations, disruption of the economic fabric and disruption of social services and local governance entities. According to a report by the United Nations Development Programme (UNDP) and the UN Office for the Coordination of Humanitarian Affairs (OCHA),

“As a result of the conflict, the deterioration in macroeconomic conditions that began in 2009 has worsened significantly in the region. According to estimates provided by the Recovery and Peacebuilding Needs Assessment, economic losses due to the conflict in north-eastern Nigeria reached \$8.3 billion between 2011 and 2015, while in Cameroon, the Recovery and Peacebuilding Strategy for the North and East Regions was estimated at \$4.5 billion. The fiscal impact of the conflict has also been considerable due to the increased share of public spending on security and defence. The lack of economic opportunities in the LTO region makes the youth an easy prey for Boko Haram recruiters, a factor that contributes to prolonging the conflict.”⁶

The military retreat of Boko Haram from 2016 onwards and the liberation of several areas affected by the crisis have enabled neighbouring countries to develop stabilisation plans in the liberated areas⁷. The cross-border nature of the LCB crisis quickly demonstrated the limits of national approaches and contributed to the emergence of a regional approach to stabilising the areas affected by this crisis. Similarly, the security approach that had long prevailed in the response to Boko Haram was replaced by a holistic approach supported by the UN, the AU and international donors. This new approach, which emerged in the context of the Oslo Humanitarian Conference (February 2017), was enshrined by the UN Security Council in its Resolution 2349 (2017) of 31 March 2017; it was consolidated by subsequent international conferences,

⁵ NATIONS UNIES, « Rapport du Secrétaire général sur la situation dans le bassin du lac Tchad », S/2017/764, 11 septembre 2017, p. 17.

⁶ UNDP/OCHA, “Building resilience to ensure sustainable development in the Lake Chad basin”, New York, August 2018, p. 7.

⁷ These include the following national initiatives: “Plan Buhari” (Nigeria); “Renaissance Program” (Niger); “Roadmap for recovery” and “Special three-year plan for young people” (Cameroon) and “Vision 2030: the Chad we want” and “Plan for development and adaptation to climate change” (Chad).

including the Berlin Follow-up Conference (September 2017), the N’Djamena Conference (November 2017) and the Abuja Conference (August 2018) which formally adopted the Regional Strategy for the Stabilisation, Recovery and Resilience of the Boko Haram Affected Areas of the Lake Chad Basin (hereinafter, LCB Regional Stabilisation Strategy).

II - THE LCB REGIONAL STABILISATION STRATEGY

As Ambassador Smail Chergui, AU Commissioner for Peace and Security, pointed out in his preface to the LCB Regional Stabilisation Strategy,

“In November 2017, the African Union Commission, the Lake Chad Basin Commission (LCBC) and development partners organised the first Conference on the Development of a Framework for a Regional Stabilisation Strategy. The Framework aimed to facilitate the transition from active military engagement to addressing the root causes of the crisis and streamlining various initiatives aimed at stabilising the areas affected by Boko Haram.”⁸

The Framework adopted on 4 November 2017 in N’Djamena included the following elements:

Guiding principles for the formulation and implementation of the Regional Stabilisation Strategy;

The recommendations on the thematic axes: (i) demobilisation, disarmament and reintegration (DDR) of Boko Haram fighters and their de-radicalisation; (ii) resettlement of IDPs and refugees; (iii) local capacity building and resilience building (governance, rule of law and reconciliation); and (iv) socio-economic revival of the region.⁹

These guiding principles and programmatic axes were developed and specified in the LCB Regional Stabilisation Strategy. The Strategy also

⁸ LAKE CHAD BASIN COMMISSION / AFRICAN UNION COMMISSION, “Regional strategy for stabilization, recovery and resilience of areas of the Lake Chad basin affected by the [Boko Haram] crisis”, abridged version, August 2018, p. 4.

⁹ *IBID.*, “Outcomes of the First Conference on the Lake Chad Basin Regional Stabilisation Conference”, N’Djamena, 4 novembre 2017 (document inédit).

provided a mechanism for its implementation and guidelines for financing related programmes and activities.

A - Guiding Principles

The 9 guiding principles for the formulation and implementation of the LCB Regional Stabilisation Strategy include

- National and regional ownership;
- National, regional and continental leadership
- Mutual accountability;
- Cooperation and complementarity;
- Enhanced and mutually beneficial partnerships;
- Transformative approaches to stabilisation and development;
- Compliance with regional, continental and international human rights instruments;
- Capacity building to improve service delivery; and
- Gender mainstreaming.

These principles are broadly inspired by and reflect those enshrined in the Framework for a Renewed UN/AU Partnership on Africa's Integration and Development Agenda (PAIDA) 2017-2027

B - Activity Pillars or Axes

The Regional Strategy has three strategic axes: political cooperation, stabilisation and socio-economic development with a total of 9 pillars (i. Political cooperation; ii. Security and Human Rights; iii. Disarmament, Demobilisation, Reintegration and Resettlement or Repatriation of Boko Haram associated persons; iv. Humanitarian assistance; v. Governance and social contract; vi. Socio-economic recovery and environmental sustainability; vii. Education, learning and skills; viii. Prevention of violent extremism and peace building; and ix. Empowerment and inclusion of women and young people. The Regional Strategy includes strategic objectives and description for each of

these 9 pillars¹⁰. Some of the aspects of the three pillars are worth mentioning.

Political cooperation: (i) strengthening political cooperation and national capacities (improving cooperation, coherence and complementarity between LCB countries; supporting national governments through the development of coordination mechanisms such as the Basin Governors Forum and the Regional Commission of Parliamentarians of the Basin countries); (ii) strengthening inter-regional cooperation between the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS) and the Economic and Monetary Community of Central Africa (CEMAC). In this regard, it is worth noting the holding of the joint ECOWAS and ECCAS summit on peace, security, stability and the fight against terrorism and violent extremism on 30 July 2018 in Lomé (Togo). According to the Final Communiqué adopted at the end of the summit,

“16. In the context of preventing and combating terrorism and violent extremism, the Heads of State and Government condemn in the strongest terms the attacks perpetrated by terrorist groups against civilian populations, defence and security forces and regional and international forces [...].

17. Furthermore, the Heads of State and Government reaffirm their determination to prevent and combat terrorism and violent extremism, in particular through the involvement of religious and community leaders, women, actors in the education system and other relevant groups in civil society in the development and implementation of de-radicalisation, rehabilitation, reintegration and reconciliation programmes.”¹¹

Stabilisation: Like any stabilisation effort, the LCB effort has three components: prevention (education, learning and skills; prevention of violent extremism and peace-building; security (promotion and protection of human rights; governance and social contract; disarmament, demobilisation, reintegration and resettlement or repatriation of those associated with Boko

¹⁰Op. Cit. (note 10), pp. 7-11.

¹¹ COMMUNAUTE ECONOMIQUE DES ETATS DE L'AFRIQUE DE L'OUEST (CEDEAO)/COMMUNAUTE ECONOMIQUE DES ETATS DE L'AFRIQUE CENTRALE (CEEAC), « Sommet conjoint des chefs d'Etat et de gouvernement de la CEDEAO et de la CEEAC sur la paix, la sécurité, la stabilité et la lutte contre le terrorisme et l'extrémisme violent ; Lomé, le 30 juillet 2018 : Communiqué final », 30 juillet 2018, p. 4 (document inédit).

Haram; empowerment of women and youth).

Socioeconomic Development: humanitarian aid; socio-economic recovery and environmental sustainability.

Consideration of the latter raises the issue of the transition from humanitarian aid to development. Indeed, as the above-mentioned UNDP and OCHA report points out,

“The humanitarian crisis in the Lake Chad Basin (LCB) is one of the worst the world has ever known. It affects 10 million people in urgent need of assistance and protection [...]. In this part of the world, communities as well as individuals, especially women, have been dealing with shock and crisis after crisis for decades. Humanitarian assistance has been crucial in helping the population to absorb the impact of these shocks. Its relevance continues to be evident, given the gravity of the current situation. However, it is essential that development interventions are scaled up without delay to build resilience in the region, while continuing to provide assistance to affected individuals and communities to help them recover as quickly as possible and thus prevent further escalation of the crisis. While urgent needs continue to be sorely missed, simply providing humanitarian assistance year after year will not be enough to prevent the continued weakening of local capacities and to put communities back on the path to sustainable development. Scaling up development programmes now is essential to build resilience while maintaining the deployment of ongoing humanitarian programmes. This will require strengthening local governance, providing basic services, improving economic opportunities and strengthening social cohesion. In doing so, it is important to restore the dignity and empowerment of people and institutions and their ability to adapt to changing circumstances, with particular attention to women and youth.”¹²

With regard to women and youth, it is worth noting that the UN conducted a Multidimensional UN Mission to Chad in October and November 2017. This mission, in which the author of this presentation participated, took place at the same time as the first conference on the development of the LCB Regional Stabilisation Strategy. The UN agencies that participated in this mission developed a «project to support the civic participation of youth and women in

¹² *Op. cit.* (note 8), p.3.

local governance and peace-building in Chad». Funded by the UN Peacebuilding Fund, this project takes due account of the UN Sahel Strategy (UN Support Plan), with regard to the implementation of its areas II («Prevention and peacekeeping») and IV («Empowerment of women and youth»). The project contributes to the implementation of Axis 7 («Education, learning and skills»); Axis 8 («Prevention of violent extremism and peace building») and Axis 9 («Empowerment and inclusion of women and youth»).

As one author notes,

“The post-conflict reconstruction that the governments together with international organizations have started needs to recognize that the roots of the insurgency are found in grievances related to perceptions of political marginalization and lack of opportunities. Accordingly, it is not only necessary to rebuild the Lake Chad region, but to plan for long-term development that includes the local population.”¹³

Hence the importance of applying the human rights-based approach to development. According to this approach, the ultimate objective of all development programmes and activities must go beyond the satisfaction of needs to the realisation of human rights by the populations concerned, in accordance with the international human rights instruments applicable to the States to which they belong.

C - Implementing the regional stabilisation Strategy

The implementation of the Regional Stabilisation Strategy is steered by the Steering Committee under the supervision of the Council of Ministers of the LCBC. The Strategy provides for the establishment of a LCBC-MNJTF civil-military cooperation unit, responsible, in particular, for the issues of cross-border refugee return, human mobility and cross-border activities. The Strategy also provides for the development of territorial action plans for the 8 areas affected by Boko Haram and an operational framework for its implementation in these areas, including Borno, Yobe and Adamawa States (Nigeria); the Lake and Hajder-Lamism regions (Chad); the Diffa region

¹³ H. ANGERBRANDT « Nigeria and the Lake Chad Region beyond Boko Haram », Policy Note N° 3, The Nordic Africa Institute, juin 2017, p. 4.

(Niger); as well as the North and Far North regions (Cameroon). The Governors of these regions are expected to play a central role in the operationalisation of the Strategy under the authority of the national governments of the 4 states and to participate in the LCB Governors' Forum, the main mechanism for cross-border political cooperation necessary for the deployment of the Strategy.¹⁴

It is also worth mentioning the creation of a task force in charge of the technical coordination of the intervention pillars under the leadership of the Executive Secretariat of the LCBC, with the support of the AU Commission. Civil society is involved in the implementation of the Strategy for the promotion of cross-cutting, cross-border and regional stabilisation efforts.

The Strategy gives pride of place to international partners, whose interventions should be coordinated by the LCBC and the AU Commission. In this context, the Oslo Consultative Group (established at the February 2017 Humanitarian Conference) on prevention and stabilisation issues in the Lake Chad region is called upon to act as an international support group for the implementation of the Regional Strategy and its national action plans. The Regional Strategy refers to the updated UN Strategy, recommending its implementation in a coordinated approach.¹⁵ Under the Communiqué of 5 December 2018, the AU Peace and Security Council (PSC) urged the UN to harmonise its updated Strategy on the fight against Boko Haram with the Regional Stabilisation Strategy, in order to enhance synergy and complementarity between the two instruments. With regard to UNDP in particular, the Strategy emphasises its role in building the capacity of the LCB, with special attention to the deployment of Technical Advisors in support of the LCBC-MNJTF civil-military unit.¹⁶

It is envisaged that the Strategy will be implemented over a period of 5 years, including an initial phase during which the following activities are planned: (i) establishment of the Strategy Implementation Unit within the

¹⁴ *Op. cit.* (note 10), pp. 11-12.

¹⁵ L'ONU, qui a établi une « Task Force » inter-agences sur Boko Haram, a retenu les axes stratégiques d'intervention suivantes : 1) l'engagement politique ; 2) l'aide humanitaire ; 3) les droits de l'homme ; 4) l'approche axée sur le genre ; 5) le relèvement précoce et le développement socio-économique ; 6) la justice pénale, l'application de la loi, le contrôle des frontières et du financement du terrorisme et 7) l'appui technique à la FMM.

¹⁶ *Ibid.*, *eodem loco*.

LCBC; (ii) consultations and sensitisation on adherence to and dissemination of the Strategy; (iii) development of a strategic guidance note for programming of the 9 pillars by lead agencies; (iv) preparation of territorial action plans by Governors of Boko Haram affected Regions, under the coordination and support of the LCBC Secretariat and the AU Commission; (v) mapping of proposed and ongoing national and international interventions; and (vi) definition and implementation of a resource mobilisation plan in the form of a multi-donor trust fund to finance pillars 2 to 9 of the Strategy.¹⁷

Addressing the issue of funding is central to the success of this Strategy. Indeed, the humanitarian response to the Lake Chad Basin crisis has long suffered from a funding gap. As the author of a note mentioned above points out,

“The scale of the humanitarian crisis is such that it appears to be causing more deaths than the insurgents’ violence :2,4 million people have been displaced and 6,4 million people are in need of emergency help. Half a million of these are children with severe acute malnutrition. But mobilisation of resources has been slow. A donor conference in Oslo in February 2017 raised US\$ 672 million, which is less than half of the estimated US\$ 1,5 billion required.”¹⁸

The Regional Strategy provides for the development of strategic partnerships for its implementation. In particular, it contains the following:

“The crisis in the Lake Chad basin is a complex and pressing challenge. Only a regional approach based on a continental and international framework that includes the efforts of all stakeholders can provide the necessary means for its resolution. Leveraging strategic partnerships therefore remains the key to effective implementation of the strategy. This calls for recognition of the efforts of humanitarian and development actors, governments, non-governmental organisations (NGOs) and the private sector as key stakeholders in the process, who have learned to work better together to meet the requirements to operationalise the <New Way of Working> called for at the 2016 World Summit on Humanitarian Action. Ultimately, this should reduce the need for year-on-year humanitarian assistance by initiating parallel early

¹⁷ *Ibid.*, p. 14.

¹⁸ ANGERBRANDT, *op.cit.* (note 15), pp. 3-4.

recovery and development processes that can promote sustainable livelihoods and improve resilience for the future.”¹⁹

The approach adopted for the Regional Stabilisation Strategy seems to have attracted the attention and interest of donors. Indeed, while the total funding for the Strategy’s programmes was estimated at US\$12 billion, the Berlin Donor Conference, held on 2-3 September 2018, two days after the validation of the Regional Strategy, raised over US\$2 billion in aid and US\$467 million in concessional (soft) loans to finance its implementation. It is clear from the above that the implementation of the LCB Regional Stabilisation Strategy is receiving significant support from the international community. In this context, the United Nations has continued to support it. In a recent report, the UN Secretary General wrote, *inter alia*, that:

“Bassin du lac Tchad

65. During the reporting period, the implementation of Security Council resolution 2349 (2017), on the regional response to the crisis in the Lake Chad Basin region, continued. A joint UNOWAS/United Nations Regional Office for Central Africa (UNRAC) technical assessment mission was deployed to Cameroon and Chad from 11 to 24 February, and to Niger from 11 to 17 March [...].

66. The UNOWAS-BRENUAC team visited Gomirom Doumou in Chad, the Far North region of Cameroon and the Diffa region of Niger. It visited refugee and IDP camps and met with former Boko Haram fighters who had surrendered. It stressed the need for a comprehensive approach to address the challenges posed by Boko Haram, which include security, governance and development, and encouraged the Cameroonian authorities to accelerate the development of territorial action plans for the North and Far North regions as part of the implementation of the Regional Strategy for the Stabilisation, Recovery and Resilience of the Boko Haram Affected Areas of the Lake Chad Basin.”²⁰

By planning transition from humanitarian aid to development, the LCB Regional Stabilisation Strategy is implementing UN General Assembly

¹⁹ *Op. cit.* (note 10), p. 17.

²⁰ NATIONS UNIES, « Activités du Bureau des Nations Unies pour l’Afrique de l’Ouest et le Sahel », S/2019/549, 5 juillet 2019, p. 13.

Resolution 70/106 on strengthening humanitarian coordination, which states, *inter alia*, that «a framework for cooperation between the humanitarian and development sectors is essential to foster resilience».

CONCLUSION

The terrorist activities of Boko Haram and the military response of the Lake Chad Basin States, particularly through the MNJTF, have had adverse security, socio-economic, humanitarian and human rights consequences. The search for sustainable solutions to this crisis has led to the adoption of a holistic approach embodied in the LCB Regional Stabilisation Strategy. It is an instrument that can address the root causes of the crisis, prevent its escalation and consolidate post-conflict peace. It has been well received by the international community and donors. If properly implemented, the Regional Strategy would contribute to sustainable peace and development in the LCB and the Sahel through justice, democracy, good governance, the rule of law, reconciliation and the fight against extreme poverty.

Humanitarian assistance is, by vocation, temporary. It responds to emergencies before giving way to the recovery of the countries assisted. In the African context, humanitarian aid tends to be permanent. Thus, the handing over between humanitarian and development actors is a major challenge, as the former are faced with recurrent and continuous humanitarian crises (hence the reference to the work of the Sisyphus), while the latter are condemned to increasingly unproductive development aid (which resembles the Danaides' barrel). In the LCB, the handing over from Sisyphus to Danaid is an uncertain goal.

GENERAL REPORT OF THE SYMPOSIUM ON THE THEME:

“INTERACTION BETWEEN ACTORS IN THE MANAGEMENT OF HUMANITARIAN CRISES IN AFRICA: COLLABORATION OR COMPETITION?”

Professor Bernard-Raymond GUIMDO DONGMO

Full Professor

As part of the implementation of its statutory missions in terms of training and fundamental research in security and peacekeeping, the International School of Security Forces (EIFORCES) organised an international conference on 7 and 8 October 2021, on the theme: « Interaction between actors in the management of humanitarian crises in africa: collaboration or competition?».

These meetings brought together participants from various backgrounds, including security forces, scholars, researchers and humanitarian specialists, administrative authorities, representatives of civil society working in the humanitarian field, the student community, representatives of international organisations and invited experts from partner countries. The framework, means and working conditions from which they benefited, encouraged a real intellectual emulation, which the persistent health threat could not prevent from taking place. More specifically, the activities of the international conference were marked by four key moments: **the opening ceremony, the effectiveness**

of the work of the four panels, the interactive exchanges and the coffee and lunch breaks.

The opening ceremony was marked in turn by the word of the Brigadier General, Director General of EIFORCES, André Patrice BITOTE, the address of the Minister Delegate at the Presidency of the Republic, in charge of Defence, Mr. Joseph BETI ASSOMO, presentations from various structures of the conference as well as the expected results of deliberations, by Commissioner, Dr. PASSO SONBANG Elie, and finally, the inaugural lecture by Dr. MUTOY MUBIALA, International Expert and general moderator of the Conference.

In his speech, Brigadier General André Patrice BITOTE, Director General of EIFORCES, recalled the scientific and professional importance of this meeting, organised at the technical level by the Research and Documentation Centre of EIFORCES, which aims to question the action of the various humanitarian actors in an African context marked by crises of all kinds, in particular humanitarian crises, the consequences of which have an impact on all aspects of the lives of the populations. He therefore noted the importance of suggesting, at the end of deliberations, future lines of intervention with a view to optimising the management of humanitarian crises on the African continent in synergy. For him, this new effort of scientific production enabled EIFORCES sustain the reflexion devoted to the global issue of human security engaged a few months before with the international Conference on the Covid-19 organized at the Yaounde Conference from 27 to 28 May 2021.

In his address, the Minister Delegate at the Presidency in charge of Defence, Chair EIFORCES' Board of Directors, Mr. Joseph BETI ASSOMO, after having reaffirmed the commitment of the State to assist EIFORCES in the accomplishment of its scientific, strategic and operational monitoring mission in the fields related global security and peacekeeping, with the assistance of Cameroon's development partners, was pleased with the growth of this institution as a relevant force for proposals both at the national and international levels in the targeted matters. In this regard, he acknowledged that, while the fundamental importance of the fight against humanitarian threats is already a given, it calls for concerted management that pools public and private efforts

around a common objective, that of protecting the human being in a context where his integrity is all the more compromised.

In presenting the activities of this international conference, Commissioner PASSO Elie, Head of the EIFORCES Research and Documentation Centre, after indicating the methodological approach based on a prospective evaluation of the interactional relationships between the different types of actors involved in humanitarian crisis management, dwelt on what is expected from these activities, namely to formulate, from an appraisal of the humanitarian context, a mapping of humanitarian crisis areas in Africa, as well as the identification of related issues and limitations, possible solutions, recommendations and proposals for the various actors involved in the humanitarian cause in Africa.

Following this presentation, Dr MUTOY MUBIALA gave the inaugural lecture on «Humanitarian pluralism in Africa: current situation, challenges and perspectives». This lecture clarified and articulated the terms of the debate on humanitarian crisis management in Africa. It emerged that the socio-political conflicts and crises which cause humanitarian crises in Africa increased after the 1990s, as a result of the upheavals and failures of the democratic transition on the continent, with the arrival of a number of humanitarian actors with mixed results on the ground. In this confluence between local/national, regional and universal humanitarian actors, the interaction of African humanitarian actors should be strengthened, as in the case of the responses to the recent Ebola pandemic in West Africa and the Covid-19 pandemic on the continent. He called for particular attention to be paid to strengthening the African Centre for Disease Prevention and Control (CDC-Africa) and to the networking of humanitarian actors operating in the health field. The implementation of this «new pan-African humanitarian order» could at best help to redistribute the cards and reinforce the effectiveness of humanitarian actions in Africa.

Under the supervision of Dr MUTOY MUBIALA, four moderators coordinated the activities of the four panels planned to address the theme of the Symposium, namely: Professor MINKOA SHE Adolphe, for Panel 1 on «Humanitarianism: changes and transformations in the era of globalisation»; Professor PONDI Jean Emmanuel, for Panel 2 on «Sectoral, institutional, bilateral and multilateral cooperation in the humanitarian field: Africa as a

laboratory for humanitarian coordination»; Professor BOYOMO ASSALA Laurent-Charles for Panel 3, on «Dynamics, challenges and trajectories of humanitarian actors» and Professor NTUDA EBODE Joseph Vincent, for Panel 4, on «The future of humanitarian aid/assistance: what prospects?».

From the inaugural lesson to the 21 papers, the underlying idea emerged that interaction between actors is certainly marked by both cooperative and conflicting dynamics, but that these are not insurmountable. Thus, on the one hand, there is rivalry in complementarity (I), and on the other hand, the quest for complementarity without rivalry (II).

I - RIVALRY IN COMPLEMENTARITY

The humanitarian field has undergone major changes in recent decades. The positions of actors have changed at the same time as new actors have entered the field. Traditional humanitarian actors are trying to adapt to the new situation. The result is complementarity between actors, but with a touch of rivalry (A), and complementarity in humanitarian action (B).

A - COMPLEMENTARITY WITH RIVALRY

Conventional humanitarian actors are trying to adapt to the new situation as best they can. Indeed, NGOs (Professor GUELDICH) tend to erode the sovereignty of States in their actions. However, the fact that States are reasserting their sovereignty can pervert humanitarian action by raising the risk of manipulation, or even politicisation of the latter.

Increasingly in the context of humanitarian crises, we are witnessing an unavoidable increase in the complexity of the action of the Defence and Security Forces in the context of humanitarian crises (Col LEOUE FOSSO Denis). Originally the main actor in international relations, states have seen this prerogative curtailed by new actors (IOs, NGOs, etc.) who are deploying in parallel in the areas of intervention that were once monopolised by the state in crisis management. For states, this loss of position appears to be a gradual dilution of parts of their sovereignty, with a consequent loss of initiative and,

above all, influence in the management of their disaster victims to the benefit of national and international humanitarian organisations, thereby creating more or less strained relations with these entities.

This is why, in the Cameroonian context, the participation of the Defence and Security Forces in humanitarian actions is structured around the Army-Nation synergy. Indeed (Captain ATONFACK GUEMO), the army and the Nation are two sides of the same coin, because they are intimately linked by the very nature of the State. The Army is, in a way, co-constitutive with the Nation, and therefore with the State. This is all the more true because, in a broader sense, security-defence is constitutive with the State. The army/nation diptych is in fact the counter-feature to the thesis that humanitarian action cannot be carried out by the military institution, but is exclusively a civil-centred, even centrist, activity. This is necessary insofar as NGOs, which in recent years have positioned themselves as a relay for certain Western powers, remain a permanent danger to the exercise of the state's regalian role.

In any case, the victims must be at the centre of our concerns, especially as they are still subject to various forms of vulnerability. Indeed, as we have seen in the case of Cameroon, displaced persons are subject to several negative stereotypes with the recurrence of pejorative identities (Professor LEKA). They are suspected of carrying out criminal acts. It is therefore important that sustained measures be taken to ensure that their right to human dignity is affirmed.

Conflicts of all kinds are a reality in our environment and have a direct impact on schools in the protection of education in crisis zones and periods (Mr OWONO Robert/Representing Prof. NKOT Fabien). The State, in its regalian missions, must therefore protect the right to education. Thus, the State and NGOs should be in a duo and not a duel in the supervision and implementation of education activities in conflict zones. In practice, however, the attitude of NGOs does not always favour the implementation of this co-ordinating vision, which meets the goals of humanitarianism. The rivalry that can be observed on the ground, however, stems from the struggle of divergent interests. The future of the school must be saved by putting the interests of education first. In addition to States and NGOs, other actors present in the scene of humanitarian crises have taken initiatives in this direction.

B - THE COMPLETENESS OF HUMANITARIAN ACTION

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) plays an important role in this area (Mr Roel DEBRUYNE). It provides operational support to the combined action of the Emergency Relief Coordinator (ERC), the UN Secretary General and the Inter-Agency Standing Committee (IASC) in order to direct, coordinate and facilitate humanitarian aid in the field from the five main areas of intervention: coordination, advocacy, information management, humanitarian financing and humanitarian policy.

The deployment of this body, which operates in a multi-scalar and multi-actor approach, the results of which seem encouraging at the level of Central Africa despite the complexities, is based on a certain number of humanitarian principles enshrined in international humanitarian law, the strict observance of which remains essential.

The European Union is not left out (Professor Brusil Miranda METOU). Its humanitarian action is framed and conditioned by political, ethical and legal aspects both at international and European level. In this respect, the EU provides support to States and humanitarian workers, while respecting the sovereignty of States in crisis. But can we lose sight of the fact that «who pays controls» and «who helps or assists seeks to know» and voluntarily or involuntarily encroaches on the sovereignty of the State in a crisis situation, particularly a humanitarian one? Hence the quest for complementarity in actions without rivalry, as the objectives must be the same.

II - THE QUEST FOR COMPLEMENTARITY WITHOUT RIVALRY

The interactions of the actors involved are expressed in two areas of communication in the field of humanitarian crisis management: on the one hand, the field of cooperation (A) and, on the other hand, the instruments of humanitarian crisis management.

A - INTERACTION IN THE FIELD OF COOPERATION

Various fields of cooperation are crossed by actors, notably the fields of humanitarianism, geopolitics of humanitarianism and humanitarian action.

The humanitarian field (Dr Hilaire KAMGA) is a multi-actor field with a variety of competences, and collaboration between them is plural and varied. The humanitarian field is a transnationalised field; this transnationalisation requires greater professionalisation of actors. This is necessary to make their action more effective and efficient in the field. The capacity building and empowerment of humanitarian actors requires the specialisation and enrichment of humanitarian services in order to better respond to the growing needs in the field.

In this respect, it should be noted that the geopolitics of contemporary humanitarianism (Prof. NTUDA EBODE) has undergone many changes. On the one hand, the ambition of solidarity has evolved towards the extension of humanitarian action to non-medical sectors, with the intrusion of the soldier into his eco-system as a major fact. On the other hand, the intrusion of this unexpected actor into the field of humanitarian action has led to a legal debate on the right and duty of humanitarian interference. The principles of humanitarian neutrality and impartiality remain controversial.

Humanitarian action (Professor Nixon KAHJUM TAKOR) has evolved with the preponderant role of NGOs and other actors since the League of Nations (LON) to the United Nations (UN). Before, during and after independence, many internal conflicts affected the African continent. The situation has given rise to worrying humanitarian assistance needs, ranging from the supply of basic food resources to human rights violations. It is therefore necessary to question the need for this action to comply with the principles set out by Henry DUNAN, namely neutrality, impartiality, humanitarian service and the independence of the actors who carry it out.

The philosophical foundations of humanitarian action have been weakened and it has been perverted, in the sense of Sylvie Brunel, who says that «in the name of humanitarianism today, we do anything». The perpetuation of NGOs seems to have become their *raison d'être*, relegating the beneficiaries targeted by their activities to the background.

In the same vein (Professor Franck EBOGO), humanitarian action is a social construct that results from the values and representations that the State or NGOs have of their activities in emergency situations. Depending on the emergency situation and the geopolitical interests of States, this action appears to be an instrument for mitigating crises in Africa through the activation of diplomacy and humanitarian assistance. However, this can be a factor in aggravating crises, as many situations in the field have revealed not only a politicisation of humanitarian action by State and non-State actors, but also a militarisation of humanitarian action in Central Africa. What about interactions in the use of crisis management instruments?

B - INTERACTION IN THE USE OF CRISES MANAGEMENT TOOLS

Through the use of several humanitarian crisis management tools, the interactions between actors also undergoes the logics of cooperation or conflict. These tools include humanitarian programmes, humanitarian funding, humanitarian aid, the <humanitarian-development-security> nexus, DDR, and identification tools.

This raises the problem of the management and effectiveness of humanitarian programmes in the face of the sovereignty of African states (Pr Viviane ONDOUA BIWOLE). Based on theories applied to management sciences, notably the theory of human resource dependency and institutional theory, the management of the response to the crisis through performance can be analysed from two angles, the first of which suggests that the crisis is a source of State dependency, while the second admits that State sovereignty could be guaranteed despite the evidence of their dependency on external resources, by redefining the basic contracts. In this respect, the complexity of the humanitarian market and the heterogeneity of actors increase at the same time the dependence of States on external resources.

With regard to the financing of humanitarian action (Prof. AVOM Désiré), its growth since 2000 in fragile and conflict-affected States is essentially due to the persistence of humanitarian and social crises throughout the world, hence the increase in the number of NGOs. In terms of the source of funds for NGOs,

they come from either public funding or private donations. Humanitarian crises also result in protean assistance to affected states in the form of material, medical and personal assistance.

However, it should be noted that the funding of humanitarian action by NGOs is always subject to certain conditions, namely respect for the principles of humanity: neutrality, impartiality and independence. This funding often comes up against political, financial, security, logistical and health constraints. Despite the optimistic view of NGO funding, which emphasises the virtues of this funding, as opposed to the pessimistic view which highlights the perverse effects of this funding, a spirit of objectivity and professionalism should frame this particular NGO activity. If funding is subject to such controversies, can humanitarian aid be effective?

In any case, humanitarian aid (Professor Brusil Miranda METOU), although legal, suffers from a number of problems which limit its effectiveness and its visibility, which is blurred by the global and general framework of a humanitarian system deployed by various international organisations. The problems of coordinating this aid, coupled with its disparity and the lack of resources to deploy it better, are the basis for a reform of policies and means to revitalise it. This approach should encourage the coordinated intervention of the European Union alongside other international humanitarian actors, in view of the increase in crises and the growing needs in the world.

It must therefore be recognised that international aid in the context of a crisis in a third country can only be effective if the humanitarian response following the identification of humanitarian challenges remains based on the acceptance of humanitarian action and the intervention of influential actors (Ms TANDJA ULJONEN). In this respect, as a humanitarian actor, the ICRC, before any intervention in the field, tends to ensure that its own bodies respect these fundamental principles. The success of its interventions in the operational field generally depends on the definition of a mode of operation based on confidentiality and complementarity.

Insofar as humanitarian aid is questionable, is it possible to imagine fruitful collaboration between the different actors? The answer is yes, since the «humanitarian-development-security» nexus, which is based on the idea of the

New Way of Working, proposes that the actors involved work together in such a way that the comparative advantages generated contribute to collective achievements (Dr NGAMONDI KARIE). Although its recent operationalisation raises hopes for a better future, challenges remain, including: problems of understanding, the risk of instrumentalisation of humanitarians, the lack of professionalism of humanitarians, the unhealthy security environment, inappropriate and irrational choices in the use of financial resources, and mistrust between partners. Other crisis management instruments also face difficulties which can be overcome.

Thus, the DDR programme (Colonel Francis L. EKOSSO), as a pillar in the reconstruction and development processes, is structured around a multi-scalar civil-military cooperation that includes political, military and humanitarian aspects. Its importance becomes crucial once one considers the differential levels of ownership and intervention in the perspective of a sustainable entrenchment of peace, and its vocation is to participate in the construction of the global conditions for a return to social normality. In the conflict in North-West and South-West Cameroon, DDR faces many challenges that highlight issues of gender, categorisation etc. It is also the place where the interests of local and international actors converge and should evolve in synergy for optimal results. It is also the place where the interests of local and international actors converge and should evolve in synergy for optimal results. The challenge of consolidating mutual trust emerges in a context of sometimes contradictory interests. In other words, it is essential to build the trust necessary to achieve a genuine synergy between actors.

In addition to peace-building initiatives through the reintegration of ex-fighters, there is the problem of identifying displaced persons and refugees. It is therefore important to proceed with the registration of civil status facts in general, and the establishment of birth certificates in particular, in the overall dynamics of demographic governance in times of crisis, if not to resolve them, then at least to limit the humanitarian consequences of these crises (Dr ASSEMBE NDI Alvine). In fact, the malfunctions of civil status in times of security crisis, which themselves stem from a number of factors ranging from the weakness of the territorial coverage of states to the inadequacy of strategies

for encouraging the population, not to mention underfunding, tend to undermine the very prospect of taking into account civil status systems as a structuring axis of post-crisis reconstruction. In this respect, the beginnings of response strategies exist, but they need to be optimised to be more effective.

In this respect, the DGSN could play a major role (Com Div. BAYA Dominique), as it is primarily involved in the procedure for issuing identification documents to refugees and IDPs. The DGSN's investigation methods allow it to detect any fraud, as IDPs are required to present a civil status certificate in the procedure for issuing identity cards. Thus, the digitisation of the Cameroon identification system set up by the DGSN to secure nationality. Moreover, in the five years since it was introduced, it has enabled the detection of more than two million disputed cases. The computerisation of the Civil Registry at BUNEC and the computerisation of the refugee identity card will also contribute to the same objective. In this transitional period, the UNHCR is playing a technical role in the enrolment of refugees.

CONCLUSION : FOR A FRUITFUL INTERACTION OF RECOMMANDATIONS

The recommendations that emerged from this important scientific and professional activity are as follows:

Develop public policies and tools capable of regulating the action of NGOs, for example by prescribing the financing of these NGOs on a pre-established basis, and the conduct of supervision missions in the countries that host them;

Assist intergovernmental humanitarian action with a genuine political will on the part of the State, not only to give concrete expression to existing African initiatives, but also to strengthen advocacy towards the international community on the merits of such action;

Emphasise their role as facilitators and partners of the State in the humanitarian field and <localise> humanitarian aid;

Adopt a specific method to ensure their social legitimacy through a better assumption of the regulation of the functioning of humanitarian organisations thanks to the mobilisation of several levers (formal, informal, diplomatic, coercion, negotiation and economic intelligence);

Reposition civil status in the hierarchy of political priorities as one of the main levers for managing security crises in Africa;

Strengthen collaboration mechanisms through better performance by humanitarians, a distinction between the mandates of the different actors and the co-construction of a common vision;

Ensure the necessary collaboration between public authorities and decentralised local authorities;

Promote common policies at the African level, especially at the AU, to build common or shared centres, in order to reduce humanitarian conflicts;

Review the funding mechanisms for humanitarian activities to ensure their effective regularity;

Avoid duplication in humanitarian action to make it more effective.

The International Symposium ended with an address by the Secretary of State for Defence in charge of the National Gendarmerie, Representative of the Minister Delegate at the Presidency, in charge of Defence, Chair of the Board of Directors of EIFORCES.

Done in Yaounde, Friday 8 October 2021

EXCERPT OF THE CLOSING ADDRESS

Mr Galax Landry ETOGA

*Secretary of State to the Minister of Defence in charge of the National Gendarmerie,
Representative of the Minister Delegate at the Presidency of the Republic,
in charge of Defence, Chair of the Board of Directors of EIFORCES*

It is with great pleasure that I preside today, on behalf of the Minister Delegate at the Presidency in charge of Defence, Chair of the Board of Directors of the International School for Security Forces, at the closing ceremony of the International Symposium on the theme:

“Interaction between actors in the management of humanitarian crises in Africa: collaboration or competition?”

I would like to begin by appreciating the relevance and proven importance of this theme, which is highly topical and significant for Africa, a continent which, unfortunately, is still experiencing far too many humanitarian emergencies.

Many African people are forced to leave their homes, their communities and their countries because of armed conflicts, climatic disasters or other economic hazards. Such displacements, often on a large scale, generate various forms of vulnerability among destitute individuals and families who have left almost everything behind in search of refuge and well-being elsewhere.

This human tragedy calls out not only to States which, as we know, have the primary responsibility for protecting their populations, but also to all the supra- and intra-State actors involved in managing humanitarian crises, the ultimate objective being to seek and implement all appropriate solutions aimed at a return to peace and normalcy.

There is no doubt that this overall dynamic has produced important results, enabling lives to be saved and the dignity of many people in precarious situations to be restored: basic services in terms of health, education and nutrition have been provided, financial aid or material support has been made available to facilitate their socio-economic integration, and others have been able to return safely to their respective communities or countries, etc.

However, such an appreciable record only imperfectly conceals the real difficulties in the field of humanitarian action, as the diversity of actors often leads to a multiplicity of understandings, approaches and even strategies, some of which are conflicting. Indeed, the diversity of humanitarian actors, although it shows an interest in a given cause or community, is not always a guarantee of efficiency in action or probity in intentions. Humanitarian action, although aimed at mobilising efforts to help vulnerable people, is thus caught in the web of the diversity and complexity of the various issues at stake, the more or less hidden agendas, and the divergent interests of the different stakeholders.

Our deliberations over these two days have shown us that the antagonism of actors does not have to be synonymous with rivalry, nor with impossible collaboration, especially when each actor acts with humility and responsibility, respecting the sovereignty of the States, an essential and leading partner.

This are the merits of this International Symposium:

on the one hand, it has laid the foundations, with rigour and objectivity, for an in-depth analysis of humanitarian crisis management methods on the African continent ;

and secondly, it has explored ways of thinking and acting to make humanitarian action more concrete and effective, based on the convergence of the dynamics of the actors involved and anchored in the social reality of local communities and beneficiaries.

The International School for Security Forces, a centre of excellence of the African Union, has thus made its contribution to this important reflection, by organising the consultations that are ending today.

I would like, in this respect, to make it my duty, a pleasant duty, to reaffirm

to the Brigadier General, Director General of EIFORCES, as well as to the dynamic team that accompanies him on a daily basis, the warm congratulations of the Minister Delegate at the Presidency, in charge of Defence, Chair of the Board of Directors, for this beautiful and happy scientific and intellectual initiative.

I would also like to thank, for their brilliant high-level input in the exchanges and their indepth critical analysis:

Dr. MUTOY MUBIALA, General Moderator of the Symposium;

the eminent Professors, Moderators of the four thematic panels:

Professor GUIMDO Bernard, General Rapporteur;

as well as all the experts and speakers.

And I have no doubt that the practical recommendations that have emerged from these two days of intellectual sharing will contribute to strengthening the synergy of action between the multi-sector actors in the humanitarian field, in a collective, coherent and coordinated perspective, in order to consolidate the impact of the measures taken in favour of vulnerable people and for a return of peace and security in the affected areas.

For it must be remembered that the humanitarian ideal is a work of solidarity, generosity, respect for the dignity of the individual, and the sharing of human values.

With these words, I declare the proceedings of this International Symposium closed, and thank you for your kind attention./-