Humanitarian space in Somalia: a scarce commodity

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Chapter 1
Introduction

Over the past two decades Somalia has become one of the world's worst and most enduring humanitarian crises; it is also one of the most restrictive and insecure environments for humanitarian actors. In 2011, an estimated four million people were in need of emergency food and medical assistance, of whom only 2.2 million were being reached (OCHA, 2011a). The operating environment presents significant risks to aid workers and communication and coordination between humanitarian organisations and conflict actors is limited. The lack of access to people in need was not only an obstacle to alleviating the extreme food shortages in southern and central Somalia, it contributed directly to causing the crisis.

This paper examines the challenges to humanitarian action in Somalia by considering the meaning of the term 'humanitarian space' in practice, and the political–humanitarian dynamics within this space. It argues that the political economy of aid –the complex interweaving of legal and illegal business transactions, diversion, taxation, etc., and the power dynamics that govern these activities – has become so entrenched that it has eroded trust between stakeholders and increased insecurity for humanitarian personnel and civilians living in conflict zones, severely constraining humanitarian space. The climate of distrust stemming from the conflation of humanitarian aid and state-building in Somalia has limited principled humanitarian action in many parts of the country. As a result, assistance has been concentrated on areas where access has been possible, and the protection threats facing the most vulnerable civilians have usually not featured as a major concern. The analysis focuses on South and Central Somalia, where conflict, drought, displacement, food price increases and economic collapse have led to extreme food insecurity, and where the conflict has been most violent in recent years.[1]

In order to understand the current constraints on humanitarian space in South Central Somalia, the paper provides a brief history of the evolution of Western political and humanitarian interests in Somalia since the collapse of the state in 1991. It focuses in more detail on events since 2006, when the political, security and humanitarian context changed dramatically and many of the characters found in today's political economy drama emerged. Central to this history of constricted and shrinking space is the build-up of mistrust on both sides – with many Somalis doubting the will of international actors to provide help given the failure of political reconciliation efforts (see Hammond et al., 2011; Menkhaus, 2008), and external actors frustrated by the co-option and diversion of international aid into the wartime economy. The paper also considers the evolution of Western donors' political engagement with Somalia, which has involved shifting mandates and an insistence on state-building, alongside the pursuit of counter-terrorism strategies; there has been little attempt to foster legitimacy or promote dialogue at the community and other local levels.

In response to the lack of operational humanitarian space, humanitarian organisations have tried to adapt by using strategies of remote management and developing joint coordination mechanisms and operating procedures and codes of practice. While some of these measures have been useful in maintaining access to areas in need (and in a very few cases expanding this access), aid is still generally provided according to where there is access, and many needy areas lack assistance and protection. This paper argues that, while it may not be possible to fully disentangle humanitarian and political interests in the current Somali conflict, humanitarian space can only be enlarged and made more effective by minimising the deliberate use of humanitarian aid for overtly political purposes. This can only be achieved through a better understanding of how the political economy of aid functions and influences humanitarian and political actions. It also requires engaging at the community level with those in positions of legitimate authority, and the protection of individuals and groups involved in these negotiations even where those parties may not be fully supportive of the state-building model being promoted.

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1 Our analysis considers events in Somalia up to the end of November 2011. Despite a rapidly changing situation, our argument is still valid since the general parameters of international political and humanitarian engagement have not changed substantially.

Chapter 2
Humanitarian space in the Somalia context

HPG identifies humanitarian space as an 'unavoidably wide and subjective concept', where the 'variation between different definitions reflects the essentially arbitrary and often narrow basis upon which particular problems affecting humanitarian action or affected populations are selected or prioritized by agencies at particular points in time' (Collinson and Elhawary, 2012). As a result, '"humanitarian space" is essentially about context – the context of humanitarian action and the context of needs to which humanitarian actors are seeking to respond'. HPG has put forward an 'actor-oriented concept of humanitarian space as a social arena' in which humanitarian space 'is occupied by a wide variety of interacting political, military, economic and other actors' in addition to humanitarian agencies and affected populations, thereby presenting the concept as a complex 'political, military and legal arena of civilian protection and assistance'. This analysis provides a 'comprehensive and grounded concept of humanitarian space' that includes physical (agency) access, protection and assistance.

From this perspective, humanitarian action and actors can be influenced and/or constrained by the 'various actions, interests, policies, institutions and processes' (*ibid.*) stemming from the conflict or crisis; in many situations of complex conflict, access by humanitarian actors to civilians is restricted. While this has been the case in Somalia since the collapse of the state in 1991, there have been periods of relative calm that have enabled greater access. Compared to the civil war and associated humanitarian suffering that ravaged the country in the early 1990s, from the mid-1990s until 2006 Somalia was relatively stable, experiencing mostly low-intensity armed conflict. However, major conflict resumed in late 2006, when Ethiopian forces entered the country in an effort to drive out the Islamic Courts Union, and the context became much more fluid, dynamic and destructive. The Ethiopian withdrawal at the end of 2008 pitted the Transitional Federal Government (TFG), with support from an African Union peacekeeping force (AMISOM), against the insurgent movement al Shabaab.[2] The ongoing violence has been compounded every few years by flood and drought; this combination of natural and human-made disasters has led to severe food insecurity. From 2009, poor rains, rising food prices, conflict and lack of dialogue between Western donors and the al Shabaab forces that control most of southern Somalia resulted in a worsening of vulnerability, peaking in September 2011 with approximately 4 million people, or 53% of the total Somali population, said

to be in need of humanitarian assistance; the majority of those in need (3 million) were in South and Central Somalia. In the second half of 2011, the UN declared six regions in the South to be famine areas, affecting an estimated 750,000 people.[3] By February 2012 the situation had reportedly improved, with famine conditions alleviated in all regions; however, 2.34 million people were said to remain in crisis, 73% of whom were in southern regions (FSNAU/FEWS NET, 3 February 2012). The ongoing crisis has led to massive internal displacement, currently estimated at 1.5 million people, while the population in the Dadaab refugee camps in north-eastern Kenya has grown from approximately 150,000 in mid-2006 to over 460,000 registered refugees, making Dadaab the world's largest refugee camp (IRIN, 2006, 2007, 2011d; MSF 2011). New camps have also been established across the border in Ethiopia in response to the crisis and the influx of refugees; the refugee camps at Dolo Odo are currently home to approximately 127,000 people (USAID/FEWS NET, 2011).

2.1 Whither protection?

As mentioned above, Collinson and Elhawary (2012) advocates for a 'comprehensive and grounded concept of humanitarian space' that includes agency/operational access, protection and assistance. This broad understanding of humanitarian space is, however, not reflected in the mainstream discourse that surrounds international aid engagement in Somalia. Most significantly, the notion of humanitarian space as involving the provision of protection is largely absent from the discourse. Protection has never featured prominently in discussions of Somalia; in the last two years attention has increasingly focused on the reduction in and constraints to humanitarian *operating* space.

During the initial post-2006 period, the international humanitarian community was generally more outspoken on protection issues in Somalia than it is today. For example, in October 2008 a joint statement signed by 52 national and international NGOs urged attention to protection of civilians, noting that '[t]he international community has completely failed Somali civilians. We call on the international community to make the protection of Somali civilians a top priority now' (IRIN, 2008). Two years later, it was clear that the stand on protection had changed. A 'statement of concern', signed by only 24 agencies, urged all parties to the conflict to comply with international humanitarian law (IHL), to allow access, to ensure that civilian protection is prioritised in the planning and implementation of military activities and to

2 Al Shabaab grew out of the disbanded Al Itihaad al-Islamiyya movement in the late 1990s. It took on its current form following the ejection of the Islamic Courts Union from Somalia by Ethiopian troops in 2006. Other groups in opposition to the TFG also emerged during this period, such as Hizbul Islam, but al Shabaab has been the most prominent; Hizbul Islam was merged with al Shabaab in late 2010.

3 Al Shabaab rejected the use of the term famine, and some aid agencies question whether the crisis rises to the level of famine; regardless of the terminology used, the situation is certainly dire and thousands of lives have been lost.

permit humanitarian needs to be addressed (IRC, 2010). This is just one example where advocacy on civilian protection has become substantially quieter.

This change in tone coincided with an overall quietening of public humanitarian advocacy, as humanitarian agencies operating in South Central Somalia responded to the deteriorating security and access conditions in 2008/2009 by shifting to increasingly low-profile operations in which public positions and statements were generally scaled back or stopped. This can be attributed in part to a fear among humanitarian organisations and staff that speaking out about protection could further politicise humanitarian action and thereby compromise access, particularly to areas under al Shabaab control. Many organisations have been operating in areas under al Shabaab control with the understanding that they are not to comment about civilian protection issues; they face expulsion or even targeted attacks on their staff if they speak out. Individual humanitarian agencies have been exploring 'quiet' ways to engage on issues of civilian protection, but the fear of politicisation or of retribution from parties to the conflict prevents a coherent and active response. The escalation of relief operations, accompanied by greater media coverage and more attention on the manipulation of emergency relief, has seen more vocal statements on the need to protect civilians, but these have usually been from those who are only working in TFG-controlled areas, and thus have nothing to lose by issuing such statements. For humanitarian agencies, with the increased needs in these areas owing to the food security emergency, the fear of engaging and risking agency/operational access on these matters is even greater. As such, the heightened emergency has quietened the issue further.

In contrast to its limited advocacy on civilian protection, the humanitarian community has been more active in protesting against a perceived increase in the politicisation of humanitarian affairs. Prior to the UN's declaration of famine in July 2011, humanitarian discourse in Somalia was focused on the politicisation of humanitarian action and concern for 'how humanitarian organisations might separate themselves from stabilisation and related state-building, peace-building and counter-terrorism agendas' (ODI/HPG and SOAS, 2011: 2). The joint push by NGOs and UN agencies to separate humanitarian and political agendas came most strongly in response to the proposed structural integration of the UN mission (which, it was felt, would result in the subordination of the Resident/Humanitarian Coordinator role, and thus of humanitarian activities, to the political mission by placing all UN agencies under the direction of the Special Representative of the Secretary-General). The push for structural integration came to the fore in 2010; in response, humanitarians voiced their fear that such a move would further limit operational access by undermining the perceived neutrality and impartiality of humanitarian operations through

conflating them with the political operations of the UN even more than they already were. This, it was argued, would threaten humanitarian operations and increase security risks for aid workers. This debate is the strongest example of the humanitarian community's coherence and common stand on an issue in recent years, but this appears to have been the exception rather than the rule. Humanitarian actors (NGOs and UN agencies) view their advocacy on the integrated mission as having had a substantial impact on the decision by the UN not to integrate the mission. Political actors and donors acknowledge that humanitarian pressure contributed to their deliberations, but insist that the overall decision not to integrate at the time was made for primarily political reasons.

The debate over structural integration subsided in 2011, yet the underlying issues around the merging of political and humanitarian engagement remain. With the declaration of famine in Somalia and the rapid rise in needs, public advocacy has continued to emphasise the importance of impartiality and neutrality.[4] However, approaches to advocacy vary greatly between agencies according to where they have access, and their operational approaches to maintaining that access (e.g. keeping a low profile). One of the negative aspects of this focus has been a lack of recognition of the other ways in which humanitarian aid has, over the past two years, become a central element of Somalia's political economy.

These examples demonstrate that the discourse on humanitarian space in Somalia is dominated by an agency-centric (as opposed to beneficiary-oriented) perspective. Humanitarian space in Somalia has been referred to in terms of how it is shrinking or disappearing due to insecurity and increasingly limited access as a result of state-building efforts, counter-terrorism legislation, donor cuts and aid conditionalities. There has been very little debate about how such space was created or preserved in the past, and how it can be created anew or expanded. Underlying the humanitarian discourse around the politicisation of aid is an effort to protect the core humanitarian principles of impartiality and neutrality. Humanitarian actors have argued that the perceived or actual politicisation of humanitarian action erodes humanitarian space by compromising these basic principles, and that this, in turn, restricts agency access (operational space). As such, the discourse around humanitarian space is concerned with protecting these principles in an effort to salvage what little operational space remains in Somalia for humanitarian actors. However, throughout the modern history of humanitarian engagement in the country, assessing needs, negotiating access and delivering assistance have all involved engaging with those in positions of power, who often seek to manipulate aid for their own ends. This means that inevitably humanitarian principles are sometimes compromised and subjugated to the greater goal of maintaining operational access.

4 See Red Cross (1994) for more on these terms.

Chapter 3
The politicisation of humanitarian aid in Somalia

It is commonly accepted that humanitarian action in any conflict is inherently political. Negotiating access with non-state actors, for instance, or providing services in areas under their control, is seen by some as legitimising these actors, and often raises concerns about aid being used as a financial resource to sustain or fuel conflict (see e.g. Le Billon, 2000; Terry, 2002; Lischer, 2003). Aid has often been politicised through the deliberate and direct co-option of humanitarian action by political actors, as in the use of humanitarian assistance in military campaigns and as a reward for peace-building. Politics and humanitarian action are thus connected, be it through the impact humanitarian assistance can have on political structures, or through the politicisation of aid, in which assistance is deliberately manipulated to serve political purposes.

3.1 Patterns of aid

Although Cold War politics had a significant role in foreign aid (including humanitarian and development aid) prior to the collapse of the Somali state, it was with the international interventions of the early 1990s that the marriage of humanitarian action and international politics became entrenched. Initially conceived of as a primarily humanitarian intervention to mitigate the effects of state collapse and famine, the UN missions of the 1990s were transformed from a humanitarian enterprise with a short-term clear-cut mandate (1992–93 under UNOSOM I and UNITAF) to longer-term projects of political reconciliation (1993–95 under UNOSOM II), increasingly emphasising peace-making (political) priorities and de-emphasising humanitarian ones. By the final UN peacekeeping withdrawal in March 1995, the intervention had completed a 180-degree shift from the 1992 humanitarian conception; 'the primary purpose' of UNOSOM II was 'to facilitate political reconciliation in Somalia' (UNSC, 1994). In its pursuit of its new political mandate, UNOSOM II became a party to the conflict in Somalia. Through the course of UNOSOM II, 'the humanitarian, political and military approaches in Somalia became increasingly and counter-productively skewed toward the military ... Humanitarian activities continued much as before ... but were completely overshadowed by the military emphasis' (Refugee Policy Group 1994b: 80).

The UN's decision to expand its political mandate in Somalia during the course of the UNOSOM intervention deepened many Somalis' distrust of international actors. Trust between Somalis and international actors was already a scarce commodity before the collapse of the state, as a result of Somalia's having been used in the proxy wars between the United States and the Soviet Union, as well as the effects of aid diversion during the 1970s and 1980s (see also Harvey, 1998: 209). The scaling up of international aid in the 1990s brought a massive expansion in the local NGO (LNGO) sector, but limited accountability and weak capacity led donors to distrust many local actors. Matters were further complicated by the attempt by international political actors to adopt a 'peace dividend' approach in the 1990s, using aid as an incentive to encourage local administrations to establish secure spaces in order to attract assistance. Aid thereby became a tool in peace-building and political stabilisation efforts.[5]

Towards the end of the decade, donors, frustrated with the lack of political progress (the failure to produce a central state and bring about peace) backed away from Somalia on all fronts. As donors lost interest in the state-building project, humanitarian assistance also dwindled. From a high of $410.6 million in 1992, international assistance fell to $55.5 million in 1994 (Gundel 2002: 148) and averaged about $50–60 million per year from 1995–2003.[6] This drop was due, in part, to the fact that political and humanitarian interests were so closely intertwined. Partly owing to this funding drop, a period of peace prevailed and humanitarian conditions stabilised. Humanitarian operations functioned as livelihoods support both in terms of the goods they provided to beneficiaries and also in terms of employment and contracts (Abild, 2009: 13). Since 2004 in particular (coinciding with the formation of the TFG), humanitarian assistance scaled up again in line with renewed international interest in Somalia, then dropped off again in 2009, only to spike in the second half of 2011 in response to the UN famine declaration. US assistance dropped by 88%, from $237 million in 2008 to $20 million in 2011 (Pflanz, 2011). Recent pledges of food aid and other famine relief include US contributions totalling $591 million as of 15 September 2011, according to the Financial Tracking Service (FTS).[7] The trajectory of humanitarian aid to Somalia is shown in Figure 1. There have been various explanations for the drop in funding prior to the 2011 famine, including donor nervousness (as well as fatigue) following the 2009 expulsion

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5 On the question of trust, see Hammond et al., 2011.

6 Figures are based on annual funding overviews (total commitments and contribution) compiled by OCHA based on information provided by donors and appealing agencies (http://www.reliefweb.int/fts). These figures may not reflect all funding for international and national humanitarian agencies. Note also that a significant proportion of Somalia funding is spent on overheads outside Somalia (e.g. in Nairobi). It should also be noted that there is a slight variation in the figures provided by OCHA between total funding by donor and lists of all commitments and contributions by individual contribution/project in selected year overviews.

7 Financial Tracking Service, http://fts.unocha.org.

by al Shabaab of WFP and other organisations from areas under its control, and a report in 2010 by the UN Monitoring Group (UNMG) highlighting diversion of WFP aid. What is significant about these aid flows is that, as funding increased from 2006 onwards, humanitarian space, measured in terms of access to areas in need, actually decreased (see Bradbury, 2010). More research needs to be done to examine whether more people were served by the increase in funds, and whether aid has been distributed in a principled way, especially with respect to the impartial allocation of assistance.
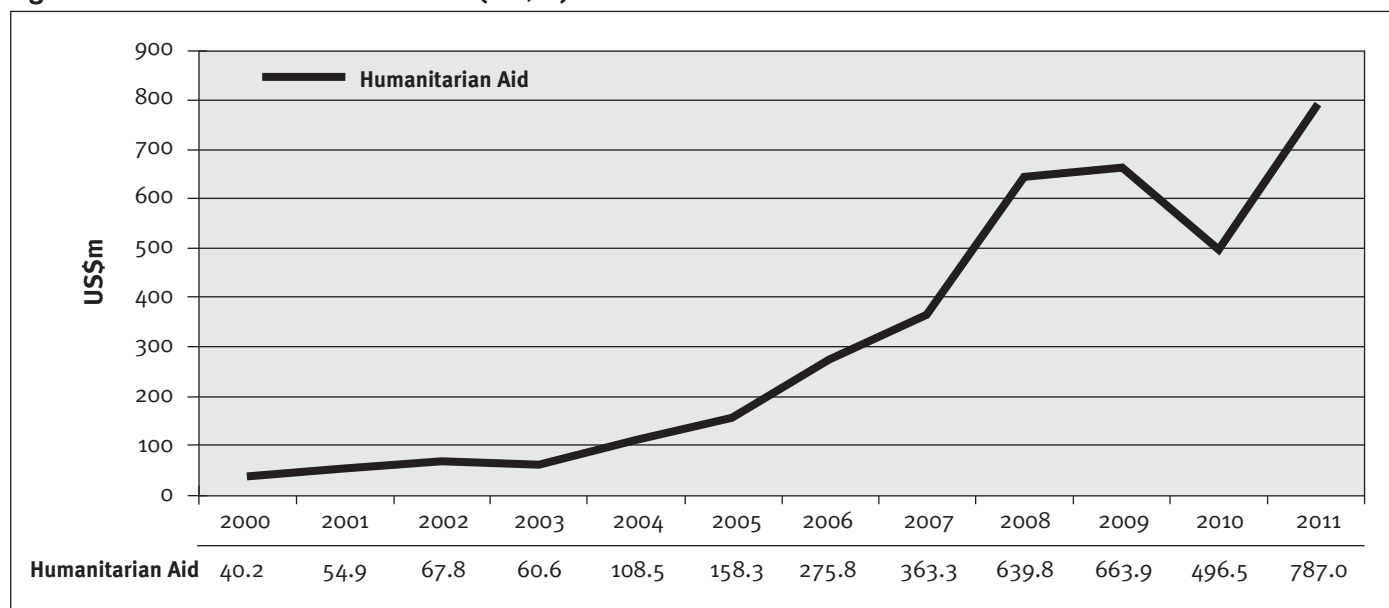
3.2 The emergence of the political economy of aid and conflict

One significant dimension of humanitarian space in Somalia has been how emergency and development assistance has been very closely integrated into the country's political economy. This has come about through various means, including diversion of relief goods, the payment of fees for protection and for access to key assets (e.g. paying local authorities or clans for access to seaports and airstrips), rent for vehicles and housing and other avenues of economic engagement (Shearer, 2000: 192). During the 1970s, the Somali government under Siad Barre exploited large-scale international humanitarian operations mounted in response to a severe food shortage (1973–74) and the Ogaden War between Ethiopia and Somalia (1977–78): '[g]overnment officials positioned themselves as intermediaries in the flow of resources to refugees, diverting much of the relief in what became a lucrative racket' (Menkhaus, 2010: 3). This practice continued in the absence of a centralised state, with the government replaced by militias, warlords, clans and other local authorities.

Without a significant natural resource base, the economic impact of humanitarian aid in Somalia after the collapse of the state was huge: humanitarian assistance and the UN peacekeeping missions became among the largest economic forces in the country (Shearer, 2000: 195). This financial injection also 'contributed legendary imbalances to the Mogadishu economy with aid and contracts, continuously fuelling conflict between subclan militias' (Prendergast, 1996: 29). Increased aid diversion combined with a growing culture of protection fees and other financial injections from humanitarian agencies resulted in humanitarian assistance becoming increasingly embedded in the political economy of violence. Indeed, it has been argued that a main consequence of the UNOSOM period was that factional leaders used funding from international sources (including humanitarian organisations) to legitimise their claims to power and their standing as warlords (see e.g. Menkhaus and Prendergast, 1995). In order to operate in Somalia, humanitarian agencies had to pay armed guards and authorities for protection. These payments often amounted to huge sums (e.g. $100,000 a week in Mogadishu or $28,000 a month in Baidoa) (Refugee Policy Group 1994b: 85); such examples were not uncommon and were seen as the cost of doing business in Somalia, where gaining or maintaining access to a population in need was prioritised above all else. The development of such security rackets also greatly increased the number of employees that agencies were obliged to hire. As the number of aid agencies operating in Somalia grew in the early 1990s, being employed by them (as security or programme staff) became a lucrative business.

Many private importers, transporters, security providers, hoteliers, owners of real estate and vehicles and others have still managed to profit from the war economy and

Figure 1: Humanitarian aid for Somalia (US$m)[8]

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Humanitarian Aid	40.2	54.9	67.8	60.6	108.5	158.3	275.8	363.3	639.8	663.9	496.5	787.0

8 FTS figures. Figures for 2011 (OCHA 2011b) are based on CAP funding as of 11 October 2011; 80% of total requested. Funding for 2011 may include commitments as well as funds received, but does not include contributions that have not been channelled through the UN-administered CAP process.

the humanitarian aid that is channelled into the country, particularly following the expansion of aid funding in the latter half of the 2000s. In 2009, the UNMG reported that just three Somali businesspeople held the contracts for 80% of WFP's $200 million transport budget. The UNMG reported that 'WFP transportation contracts to Somali businessmen constitute the greatest single source of revenue in Somalia ... the system offers a variety of opportunities for diversion all along the supply chain' (UNSC, 2010b: 60). These individuals became 'important powerbrokers' in Somalia with links to political actors; some directly channelled profits or aid to armed groups, in many ways replicating the financial role that aid played in Somali politics before the collapse of the state (*ibid.*: 7). The revelations of the 2010 UNMG report about the diversion of WFP aid were not a great surprise to actors engaged in Somalia. However, the report made official what many people already knew and created an impetus for response (see Section 3.2.1 for a discussion).

A great deal of service provision from Somali businesspeople, including money transfers, transport and property rental, are legitimate and essential links in the aid delivery chain. However, leakage and diversion of aid funds through loss, taxation and fraud are common. One of the factors that may help explain why there is such a high level of abuse of international funds is that aid money is not seen as belonging to Somalis and so in some ways it is considered to be 'free' (see Hammond et al., 2011: 89). The long-established rules about clan ownership and protection which oblige people to respect the property of a clan or pay restitution typically are not as binding on money provided from foreign sources. There is, therefore, a level of impunity that means that businesspeople may not feel compelled to be as responsible with funds from international sources as they would be with money provided by Somalis, particularly those with whom they have clan ties. With the possibility of making so much money, it is perhaps not surprising that getting or maintaining access to humanitarian aid resources has become a central objective of both the political and business communities. It also becomes a tactic of war: in the 2011 food emergency, both the TFG and al Shabaab have been accused of diverting aid resources in order to lure people to areas under their control or to prevent people from seeking assistance in areas outside their control (see e.g. IRIN, 2011c; Shil and Odowa, 2011; Menkhaus, 2011; Houreld, 2011). All of these uses and abuses of aid resources make it even more difficult to disentangle international political and humanitarian engagements and political and humanitarian space.

The operational independence of humanitarian programming in Somalia has been limited not only by external influences but also by local political dynamics. This includes the influence of clans and local authorities over organisations working in a given area. Access can be facilitated or limited by the clan affiliation of staff or security conditions in a particular area, thereby further directing aid so that it is not provided exclusively on the basis of need (OCHA, 2008a:

6). Participation of the beneficiary population in community targeting exercises is one of the means by which needs are generally assessed in other countries. Historically in Somalia (as in many countries in crisis), community representation in these processes has often been unbalanced, with community elders and self-appointed community leaders participating more, and more disenfranchised groups having little or no involvement. As a consequence, aid programmes have often benefited the more powerful community members over those most in need of assistance and protection (*ibid.*). Access often depends on 'gatekeepers', locally known as 'black cats', who control information, access and resources in specific locations and displacement camps (Jaspers and Maxwell, 2008). In doing so, they take over the role of deciding who should receive aid, or insist that recipients should hand over a portion of the relief they receive. These may be businessmen, political actors, senior members of the community or clan or other powerful individuals or groups. As a result of these influences, humanitarian aid may not be distributed solely on the basis of need (the humanitarian imperative) or impartiality.

The financial scaling-back of the mid-1990s was accompanied by a scaling-back in the physical presence of agency staff inside Somalia. The post-UNOSOM era saw UN agencies and many international NGOs relocate to the relative safety of Nairobi, where, with their large salaries bolstered by hardship allowances and generous per diem payments, they were seen by Somalis to be living extravagantly, using funds that should have gone to programming inside Somalia. Distrust was compounded by the fact that many Somalis see the international community's political agenda as meddlesome at best, dangerous at worst, and its humanitarian work as a half-hearted effort to convince Somalis of the benefits of the state-building plan. This has contributed to a belief that accountability to donors is optional, and that misuse of aid will not be punished (Harvey, 1998: 210). With worsening security conditions, there has been greater reliance by international organisations on LNGOs to act as implementing partners. Not all of these have the capacity (see later discussion of remote management) and relationships with donors required for effective collaboration. Whether distrustful Somalis' suspicions are well-founded or not is hardly relevant: the fact that such perceptions are widespread makes demonstrating that aid is being targeted on the principles of neutrality and impartiality extremely difficult, and makes targeting based on the principles of neutrality and impartiality virtually impossible. The mistrust further constrains actual and potential humanitarian space.

The redirecting of aid has also had indirect political effects. The 2011 UNMG report observed that, in 2011, many UN agencies and NGOs shifted their activities to central and northern regions where there are fledgling and developing local authorities. Although a relatively easier environment in which to operate in terms of security and funding regulations (as compared to the south), this increase in central and northern operations was also subject to efforts by local authorities to

control assistance, including imposing conditions on access and delivery (UNSC, 2011: 348). By casting themselves as the link between aid agencies and beneficiaries, local authorities sought to enhance their legitimacy by demonstrating a capacity to provide basic services to the populations within their areas of control.

This behaviour has given rise to a culture of opportunistic aid, both on the part of Somalis and as part of the response. As discussed in the following section, because of the potential political and economic benefits of humanitarian assistance there is an incentive to create opportunities for humanitarian actors to provide assistance; the invitation, withdrawal or denial of access are also used as political tools. At the same time the political and security environment has meant that assistance has been dominated by an access-oriented approach, rather than a purely needs-based one, making humanitarian assistance more susceptible to political manipulation.

Chapter 4
The politicisation of aid in Somalia: state-building and counter-terrorism enter the mix

Events since 2006 in South Central Somalia have substantially changed the political and security environment for Somalis and for the international community, including humanitarian actors. These years have been characterised by the return of all-out war, Ethiopian occupation from 2006 to 2008, the introduction of a UN-backed African Union peacekeeping (and now peace enforcement) mission (AMISOM) in 2007, the rise and radicalisation of armed opposition groups (most notably al Shabaab), a fragile, divided and predatory TFG, a growth in the number but not the strength of regional authorities and renewed international interest in Somalia both for humanitarian and security reasons. The increased politicisation (perceived and actual) of humanitarian assistance since 2007 is linked to these developments, and stems from two overlapping avenues of international intervention: state-building and counter-terrorism.

Driven by the international community (individual Western donors and the UN), the state-building enterprise has been embodied in political, security and financial support for the TFG and funding for AMISOM, which is tasked with protecting the TFG and helping to take ground from al Shabaab. Essentially, since 2007 state-building has been a partisan project supporting one side of the conflict in a confrontation in which the opposition controls the majority of the territory under dispute.[9] The UN has operated both as the implementing hand of the political project and as a supposedly impartial humanitarian assistance provider. The various offices charged with providing political and security support and the development and humanitarian communities all co-exist in the same operating environment, with overlapping and sometimes contradictory missions, strategies and approaches. While the UN supported the IGAD-led peace and reconciliation processes of 2000 and 2002–2004, it was not until 2007 that it took the political lead in Somalia. This was coupled with financial, logistical and political support for AMISOM.[10] UNDP has also been engaged with the TFG in developing a new constitution; this and the embedding of the Office of the High Commissioner for Human Rights (OHCHR) within UNPOS

has further contributed to the impression that the entire UN is deeply politicised, a view held by many staff of the UN's humanitarian agencies, international NGOs and perhaps most importantly Somalis inside and outside the country. Specialised agencies such as the United Nations Children's Fund (UNICEF), the World Health Organisation (WHO) and the Food and Agricultural Organisation (FAO) are not seen as separate from the more politically-oriented UN agencies (see Bradbury, 2011: 14–15).

As noted earlier, the international humanitarian community fought against the proposed structural integration of the UN mission in 2010. NGOs have also tried to distance themselves from UN agencies, especially those most closely affiliated with the political programme. While there is still extensive humanitarian coordination by the UN (e.g. through the sectoral clusters and the Consolidated Appeal Process (CAP)), NGOs argue that humanitarian leadership from the UN has been negatively affected by its overall political stance, and that this has limited the ability of NGOs to negotiate access and promote humanitarian principles (see e.g. Duboc, 2007). Within the UN, some profess a desire to uphold humanitarian principles, while others promote peace-building. For example, the 2008 UN Strategic Assessment reported that 'humanitarian assistance will continue to be provided based on humanitarian principles and therefore cannot be subjugated to political imperatives', while at the same time it should 'ensure an overall positive contribution to peacebuilding' (see UNSC, 2008).

The contradictions in mandates within the UN Country Team are replicated in the wider Western-dominated international community. The same donors driving and supporting the state-building initiative are also the lead supporters of the humanitarian operations that are attempting to respond to urgent humanitarian needs. There are concerns among donors (especially the US) that the humanitarian resources they provide are supporting the opposition, whom they hold to be terrorists. This has meant that support in al Shabaab-controlled areas has not been permitted, even though it is these areas that have been experiencing the greatest need. Al Shabaab has made matters worse by expressly refusing to allow WFP and many NGOs to distribute food in areas under its control, saying that such assistance would encourage dependency and undermine local agricultural production (Wallis, 2010). The International Committee of the Red Cross has taken the lead in providing food assistance inside Somalia.

9 While donors have been paying increasing attention to regional authorities in the last year and regional and international actors have supported anti-Shabaab groups operating in South and Central Somalia, at times materially, the state-building enterprise and associated security operations are focused on Mogadishu and a few other areas in South Central Somalia not under al Shabaab control.

10 UNMAS is also supporting the TFG and AMISOM in addition to general humanitarian mine services.

It has been able to do so in large part because of the links that the Somali Red Crescent has been able to maintain with local communities and authorities throughout the conflict. Maintaining a presence in local communities is an important element in determining whether an aid organisation is able to work in al Shabaab-controlled areas.

Before this impasse, aid agencies typically worked with local authorities to negotiate access to areas in need. This sometimes entailed making payments through an informal system of taxation, and some amount of aid diversion was considered the cost of doing business in Somalia. This is not particularly unusual for a conflict situation, and indeed similar practices have been reported in Sudan, Afghanistan, Sri Lanka and Iraq (see Minear and Deng, 1992; Office for the Special Inspector General for Afghanistan Reconstruction, 2011; CNN, 2011; Savage et al., 2007; Sison, 2005; Hedgpeth, 2008). While voicing their displeasure, donors and UN diplomats 'acquiesced to this humanitarian pragmatism' (Menkhaus, 2010: 16). However, in 2009, concerned that aid could benefit al Shabaab, which would have violated US legislation prohibiting contact with listed terrorist organisations, the US Treasury Department's Office of Foreign Assets Control (OFAC) ordered over $50 million of US humanitarian assistance to be suspended. Under this legislation, any assistance found to benefit al Shabaab constitutes a criminal offence for which both the agency providing assistance and individual staff can be held to account. This essentially criminalised a standard operating practice in Somalia, but one which was not in line with counter-terrorism and state-building objectives. It also meant that humanitarian programmes which depended on US funding were not able to operate in areas controlled by al Shabaab, as they could not ensure that no funds would fall into the hands of al Shabaab operatives. Other countries followed suit in prohibiting the organisations they funded from working or communicating with listed terrorist organisations (see Charity Commission for England and Wales, 2011). In the space created by Western governments suspending their operations in areas controlled by al Shabaab and the latter's refusal to allow most food aid from the former to be distributed, vulnerability to food insecurity worsened.

Bowing to intense pressure from aid actors working in Somalia, and in response to the first declarations of famine and a public statement from al Shabaab that it would welcome humanitarian assistance that came 'with no strings attached', the US relaxed the OFAC restrictions in July 2011, saying that

it would not investigate cases in which payments or relief supplies unintentionally made their way into the hands of designated terrorist groups (OFAC, 2011). The UK issued a similar statement (Charity Commission for England and Wales, 2011). Al Shabaab countered this move with a clarification that aid provided by the US, as well as by WFP, was not considered neutral, and would therefore continue to be banned (BBC, 2011). As a result, at the time of writing the US and WFP are able to distribute relief supplies only in areas not under al Shabaab control.

While the relaxation of US restrictions is a welcome development, the regulations have not been formally rescinded and enforcement can be reinstated at any point. In addition, agencies can still be prosecuted under US criminal law for providing material support that benefits designated terrorists (see Pantuliano et al., 2011). This leaves diaspora organisations, which tend not to have powerful political allies and are often the target of suspicion, vulnerable. Some aid agencies are also concerned that they may not be protected from prosecution even if part of their funding comes from a non-government source (IRIN, 2011b).

The absence of many Western aid agencies from al Shabaab-controlled areas, both because of their own restrictions and because of al Shabaab's refusal to grant them access, has led to increasingly important roles for emergent actors: donors such as Saudi Arabia, Brazil, Tanzania, Turkey, China, Kuwait, the United Arab Emirates and the Hamas government in the Occupied Palestinian Territories, as well as NGOs funded by the public (including the Somali diaspora) in these and other countries. According to a draft UN report, 'non-Western' donors contributed approximately one-third of the funding for Somalia in the second half of 2011 (Provost, 2011). Many Islamic countries are also working through the Organisation for Islamic Cooperation (OIC), providing assistance to both the TFG and al Shabaab-controlled areas. By the end of 2011, the OIC had pledged $350 million for Somalia; most of these funds were not channelled through multilateral mechanisms such as the UN-administered CAP (IRIN, 2011a; FTS, 2011). The proliferation of non-traditional donors and assistance providers has made assistance available in some areas that Western-based organisations are not able to access. However, a new or different voice for greater protection of civilians affected by conflict and hunger has not emerged. There is also a potential that new actors who do not know how to navigate the humanitarian and conflict terrains in Somalia may be co-opted by conflict actors.

Chapter 5
Risks and operational responses

Somalia has long been considered one of the most insecure environments for humanitarian personnel. Although aid agencies have become accustomed to providing their own protection through hiring of or payments to armed guards and militia, between 1991 and 1995 some security came from US troops and then UN peacekeepers, who were able to provide protection for ports and airports. When these forces withdrew, most members of the humanitarian community moved their operational headquarters to Nairobi or closed their missions. Those missions that remained or returned in later years did so through variations of remote operations, with agencies largely substituting Nairobi for Mogadishu as the headquarters location, and there are very few permanent international staff on the ground.

Agencies that resumed their operations in South Central Somalia in the late 1990s and early 2000s considered the security risks to be manageable. Still, humanitarian principles were compromised in favour of maintaining access, and aid was subject to political manipulation. Some agencies targeted areas for programming on the basis that they could access them, even if they were not identified as being most in need. This is not to suggest that there were not needs which would require a humanitarian response, rather that the action was not guided purely by the humanitarian imperative. Regarding impartiality and neutrality, a political and financial web has developed around assistance in Somalia over the last four decades. Wittingly or unwittingly, directly or indirectly, for many aid agencies working in Somalia in the post-UNOSOM period humanitarian access has often not been compatible with a strict interpretation of humanitarian principles.

Until 2007 the risk of security incidents did not disrupt programming significantly. However, the number of security incidents affecting aid workers rose dramatically between 2007 and 2009, with a record high in 2008. According to the Aid Worker Security Database, of the 274 security incidents in Somalia between 1997 and 2010, more than half (139) took place between 2007 and 2009, with 86 incidents in 2008 alone. The vast majority of these security incidents involved national staff of UN agencies or INGOs: of the 71 aid workers reported killed during this period, all but four were national staff.[11] Attacks on humanitarian personnel declined after 2008, probably as a result of the withdrawal of most aid agencies, but attacks on humanitarian assets have continued.

Many international actors have explained the assaults on humanitarian personnel and assets as a consequence of the politicisation of humanitarian assistance, though as there is limited reporting on many of these incidents a full analysis of the motivations behind them has not been possible. It should also be noted that the post-2006 period has been marked by an increase in civilian casualties, peaking in 2007–2008.

Increasing insecurity has led to the adoption of several non-traditional operational tools. Here we consider three main types of operational adaptations: remote operations, the use (and non-use) of coordination mechanisms and the adoption of common operating principles.[12]

5.1 Remote operations and organisational security management

Given the high risks faced by humanitarian personnel in Somalia, particularly since 2007, organisations have increasingly adopted 'remote management' tactics to provide assistance in areas considered unsafe for international staff. This approach involves 'reducing or restricting movement or withdrawing internationals (or non-local nationals) while shifting responsibilities for programme delivery to local staff or partners' (Egeland, Harmer and Stoddard, 2011: 25). When it first appeared, it was often referred to as 'remote control'; however, adaptations in the model and agency experiences have modified the approach to 'remote management', the specific methods of which vary between individual agencies.

Underlying this approach are a set of assumptions: that the risks facing national staff and/or partners are less than those for international staff; that national staff and local partners are more willing to expose themselves to risk than their international counterparts; and that, if national staff are attacked, the financial and reputational costs to the organisation are substantially lower. The idea that national staff face fewer risks than expatriates is often flawed: in Somalia insurgent groups have increasingly targeted Somali aid workers, civil society activists, health workers, teachers and others (Stoddard, Harmer and DiDomenico, 2009: 3). In recognition of the high risks that local staff may face, some organisations have adopted a variant of the remote management approach so that national staff are in place in the implementing area but are not actually given more decision-making responsibilities. This is justified as a way of protecting them from those who might try to induce or force them to engage in unscrupulous activities involving granting of

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11 The Aid Worker Security Database compiles reports of major security incidents affecting aid workers (defined as employees and associated personnel of not-for-profit aid agencies that provide material and technical assistance for humanitarian relief). The definition does not include UN peacekeeping personnel, human rights workers, election monitors and staff of 'purely political, religious, or advocacy organisations'. See www.aidworkersecurity.org.

12 Codes of conduct and coordination mechanisms for operations in Somalia are not a new phenomenon; for example the Somalia Aid Coordination Body (SACB, 1993–2005) had various codes of conduct and policy frameworks.

contracts, hiring of staff or distribution of resources. However, in at least some cases it seems that this approach reflects mistrust in the ability of national staff to manage resources and take decisions independently.

Another avenue of remote management has been through the sub-contracting of programmes and projects to implementing partners, typically LNGOs. While selected agencies may operate through 'co-implementation', whereby the main agency is closely involved, typically in this type of arrangement the international agency acts as a donor, providing funds and expecting reporting and some monitoring of partner activities; in areas difficult for internationals to access, this monitoring is conducted by national staff.

Where international organisations operate directly or through partners in al Shabaab-controlled areas, national staff and/or local implementing partners are the face of the NGO, and must undertake all negotiations to create access. This can be a very sensitive task, and places staff in extremely vulnerable positions. Some NGOs use diaspora returnees as international staff in their operations. The benefit of this is that staff may have valuable technical skills and may be more acceptable than non-Somali expatriates. However, they face a disadvantage in that they may be resented by locals for being paid large salaries by their Western employers and for being out of touch with realities on the ground. The use of remote management amounts to a shift in secure agency space from Somalia (where the need is) to Nairobi (where the majority of the actors are); risks are transferred outwards to the field and to local staff.

While remote management may reduce risks for some staff, there are important questions to be asked about whether the dangers that national staff face are adequately taken into account. There are also questions about the extent to which maintaining decision-making authority in Nairobi undermines what in other contexts has become best practice in terms of promoting the empowerment, capacity-building and authority of national staff. Such practices may also contribute to the negative feeling on the part of many Somalis that most of the resources earmarked for assistance to Somalia are actually spent outside the country, on expatriate salaries and logistical support.

5.2 Coordination

Over the years several attempts have been made to improve the coordination of humanitarian action. These include the EU-chaired Somalia Aid Coordination Body (SACB) from 1994 to the mid-2000s, the Somalia NGO Consortium, founded in 1999, and the cluster approach, which was initiated in Somalia in 2006. Although these mechanisms have at times provided a platform for consolidated action, many actors have pulled away from conventional coordination mechanisms and are seeking to work independently. While this has in some cases improved access, it has also meant that NGOs have not been able or willing to speak out on protection issues, have used different tactics

when negotiating with al Shabaab and have different views about whether to accept the demands for taxation and other forms of payment that are made of them. It has also meant that there is no thorough understanding between humanitarian actors about what others are doing to respond to needs, and no common standard on how to deal with demands that may compromise humanitarian activities or principles. Whether this 'go it alone' strategy has resulted in duplication of services or has allowed needs to go undetected is unclear.

5.2.1 Joint Operating Principles

Since 2007, there have been discussions within the humanitarian community about which operating principles and policies might be used to respond to the changing operational environment in Somalia. In 2007 and early 2008, the focus was on the development of Joint Operating Principles (JOPs) for humanitarian actors to 'ensure principled humanitarian action and a "do no harm" approach' (see OCHA, 2008a). Initially proposed by OCHA, the JOPs were intended to enable the wider humanitarian community to 'apply the over-arching humanitarian principles of humanity, neutrality and impartiality to day-to-day humanitarian work in Somalia'. The 2008 CAP argued that the JOPs constituted 'a statement by humanitarian actors that they will attempt to bring their own practices in Somalia into alignment with global humanitarian principles; it aims to avoid fuelling the system of coercion and violence perpetrated in the past by so-called gate-keepers' (OCHa, 2008b). However, the JOPs were never formally operationalised, perhaps because NGOs and UN actors could not agree on the principles without compromises that would potentially undermine their purpose. One observer noted that the JOP debate constituted an admission by humanitarian actors that, if they followed international humanitarian standards in Somalia, they would not be able to operate.

As the discussion over the JOPs faded away, in 2008 and early 2009 attention turned to the introduction of 'Negotiation Ground Rules' through the Inter-Agency Standing Committee (IASC).[13] Agreed in March 2009, the Ground Rules were intended to clarify the humanitarian community's position on taxation and other types of interference with humanitarian activities (e.g. interference in personnel recruitment or contract tenders, diversion of goods for non-humanitarian purposes). However, these 'are not consistently applied' (IASC, 2010: 1). In late 2009, two further guidance papers were released: the NGO Position Paper on Operating Principles and Red Lines and the UN Country Team (UNCT) Policy on Humanitarian Engagement. Both documents emerged following a raid on the UN compound in Baidoa in mid-2009; essentially the papers represented efforts by the humanitarian community to understand and respond to the changing operating environment in Somalia. However, there was no

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13 Donor concerns shifted to problems in monitoring and evaluating programmes, some of which have been addressed by new Common Humanitarian Fund guidelines for Somalia.

agreement on how the papers should be used. In 2010, the IASC observed how, as with the Ground Rules, the UNCT Policy through which 'UN agencies would jointly review decisions and suspend activities' was 'not consistently applied' (*ibid.*). The NGO Red Lines identified three methods of taxation that should be proscribed, while also highlighting the importance of staff safety and information-sharing on security and access negotiations. Yet the guide is supplemented by a note on 'how to read' the document, which clarifies that the term 'red line' does not necessarily imply that signatories would never cross or modify the stated principles, but that the policy is intended to convey the commitment of NGOs to following a principled approach in their Somalia operations and remaining conscious of their responsibility to the humanitarian imperative. With these caveats, and given the fact that it has been signed by only a portion of the NGO community, it is unclear what strength the document holds, if any. The limitations of the Red Lines document are generally acknowledged; moreover, observers generally agree that all the red lines have been breached at one time or another.

Alternatively, agencies have continued with their individual internal arrangements to respond to operational challenges. This individualistic approach has been reinforced by the current system of limited collaboration; information-sharing and coordination are constrained by a lack of trust and competition between multilateral agencies as well as between international and national NGOs. The result has been mixed. On the one hand it has been easier for local actors to take advantage of organisations' lack of coordinated positions to negotiate access arrangements that best suit them. On the other hand, because they can negotiate individually some organisations have been able to work in areas that they believe would be closed to them if they had operated in a more coordinated manner.

Chapter 6
Conclusion

The history of humanitarian aid in Somalia is not one of political neutrality and impartiality, but rather is the story of how external resources have been used as one of the primary economic and political prizes in a resource-scarce country. As mentioned at the outset, historically humanitarian space in Somalia has been constrained by the political economy of aid, the manipulation of assistance for political purposes (by domestic and international actors), insecurity and a lack of trust between the international community and Somalis, among other factors. The combined effect has been a curtailing of humanitarian principles, the protection of which is at the centre of the current debate on humanitarian space.

In this paper, we have attempted to show how discussions about humanitarian space have been dominated by an overriding concern with trying to depoliticise humanitarian action, rather than responding to the protection needs of the most vulnerable civilians. However, opening up and preserving humanitarian space – which may be better thought of as pursuing better access – is, in the Somali context, an inherently political act. It involves negotiating with power brokers of various types and delivering resources that are in great demand, both to achieve humanitarian ends and to further the political ambitions of conflict actors on the ground. This means that humanitarian aid is always political, even if it seeks to keep its distance from the overtly political act of state-building. Rather than insist that humanitarian action should be somehow cleansed of politics, a task which is surely impossible, we advocate here for a better understanding of how humanitarian action is political in its own right, and how it can, deliberately or not, influence political outcomes, from the very

local to the national. Only with this nuanced understanding of the political economy of conflict and humanitarian action in Somalia can agencies begin to work to enhance civilian protection as well as better protect their own staff.

Even if it is accepted that humanitarian work is political, in that it influences and is influenced by political power structures, this is not to say that its use as a political tool is advisable or even defensible. The provision and withholding of humanitarian assistance for political outcomes (to punish one side, to lure civilians from one side's territory to that of another, to demonstrate the viability of one side over another, etc.) is at the root of the current humanitarian crisis. These tactics have enabled extreme hunger to take hold and to claim thousands of lives.

What is needed is a dialogue about access and protection of civilians that is rooted in a realistic vision of the political aspects of humanitarian action, without allowing humanitarian action to be a proxy for political state-building action. Dialogue on the nature of humanitarian action necessarily involves those who are in a position to grant or block access, and these are very often political figures whom those in the business of state-building find it difficult to talk to (an argument could be made, elsewhere, for a broader-based, separate, approach to this process as well). Dialogue about access and protection should start by considering the needs and priorities of civilians before those of agencies, and a realistic assessment of the limits of humanitarian engagement in this highly politicised context. Such an approach may lead to different ways of working, and different outcomes with hopefully more positive effects

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