



## State-building, Counterterrorism, and Licensing Humanitarianism in Somalia

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**The Feinstein International Center** develops and promotes operational and policy responses to protect and strengthen the lives and livelihoods of people living in crisis-affected and marginalized communities. The Center works globally in partnership with national and international organizations to bring about institutional changes that enhance effective policy reform and promote best practice.

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**Left: A displaced Somali woman is given cooked food during a distribution organized by the UN World Food Programme, USAID and other local and international NGOs, in Mogadishu Somalia in September 2008.**

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*Given the state of the war economy and our inability to account for aid, the politicizing influence of the UN, and the ideological nature of the opposition, and the security agenda of the US and the West, what chance does our skinny guy in Somalia have?<sup>2</sup>*

*My greatest concern is the very dangerous erosion of humanitarian principles in Somalia. They have been eroded by political decisions. It is possibly one of the worst examples of how the politicization of aid is affecting humanitarian work.<sup>3</sup>*



# Background: Implications of Recent Crises for the Future of Humanitarian Action

Since the fall of 2009, researchers at the Feinstein International Center (FIC) at Tufts University have embarked on a major two-year research project on Humanitarian Action and Politics. This project builds upon and expands on the earlier research on “Humanitarian Agenda: Principles, Power and Perceptions” (HA2015) which involved 13 country case studies of local perceptions of humanitarian action and a synthesis report. The earlier undertaking, which spanned the years 2006-2008, was widely disseminated and discussed by governments and aid agencies in a series of debriefings in North America, Europe, and the countries studied.

Our new research is in two separate but related phases. Phase I is policy-oriented: building on the HA2015 case studies and subsequent field work, it looks at the challenges faced by humanitarian actors in recent crises—Afghanistan, Sri Lanka, Somalia, Darfur, and Pakistan—and at the policy and operational implications for UN agencies, NGOs, and donors. Phase II will take a historical approach and analyze in depth a number of long-running crises, as well as some cross-cutting themes, with a view to gaining a better understanding of lessons relevant to the humanitarian present through a retrospective analysis of the past. Briefing papers on Afghanistan and Sri Lanka have already been issued (and are available at [fic.tufts.edu](http://fic.tufts.edu)). Papers on Darfur and Pakistan will be issued in the fall of 2010.

## Introduction

In 1992, in the wake of the collapse of the Somali state and at the height of the civil war, Somalia set a benchmark for humanitarian crises in the immediate post-Cold War world. War and famine claimed the lives of a quarter of a million people.<sup>4</sup> More than 1.5 million Somalis fled the country and an estimated two million were displaced internally. Two decades later, as international efforts to restore a functional central government continue, Somalia is again being described as one of the worst humanitarian crises in the world, with over 1.5 million people internally displaced, over half a million Somalis living as refugees in neighboring countries, and humanitarian access extremely restricted.

Since the research for this paper was undertaken, the conflict in Somalia has worsened: on July 11 over 70 people were killed in twin bombings in Kampala, which the Somali militia al-Shabaab claimed responsibility for;<sup>5</sup> regional governments have pledged to increase the size of the African Union peace-keeping force in Somalia;<sup>6</sup> humanitarian access has declined further, with al-Shabaab issuing a ban on three more international agencies operating in south central Somalia;<sup>7</sup> and intensive fighting

recommenced in the capital Mogadishu after Ramadan, in late August, as al-Shabaab threatened a final assault on the Somali government, causing further civilian displacement.

This paper explores the policy and operational implications of the current crises and the challenges to humanitarian action in Somalia. It examines how international state-building and counterterrorism objectives in Somalia have compromised the ability of international humanitarian actors to assist and protect vulnerable populations.

## Somalia—a Country Apart

A number of factors make the humanitarian crisis in Somalia uniquely complex:

- Somalia is the longest case of complete state collapse in modern times and is fragmented into several polities with overlapping claims to sovereignty.
- It currently has one of the largest internally displaced populations in the world.
- South central Somalia has some of the world’s worst social indicators, with over 43% of the population living on less than \$1 per day, some of the worst rates of under-five (142/1,000) and maternal mortality (1,400 /100,000), and under-five acute malnutrition consistently above 19%.
- In the past decade, Somalia has been among the top ten recipients of humanitarian aid, with the most UN consolidated appeals.
- South central Somalia is currently the most dangerous place in the world for aid workers; two-thirds of all aid workers killed worldwide in 2008 were in Somalia.
- Humanitarian space has shrunk to the extent that since March 2010 there have been no international aid workers based in south central Somalia, and all aid operations have been managed remotely from Kenya.
- Some donor governments are belligerent in the war. The UN is aligned with the government and supportive of its military plans, which impacts on the delivery of aid and the security of aid agencies.
- The designation of individuals and organizations in Somalia as “terrorists” by the UN and donor governments and moves to license humanitarian assistance are affecting the ability of aid agencies to deliver aid to the people who most need it.



## An Endless War

Somalia is the most enduring example of modern state collapse in the world and one of the longest-running humanitarian crises (see the appendix for a brief chronology of key political events in the past two decades). Since the regime of Mohamed Siyad Barre was overthrown in 1991 and the Somali state collapsed, the policy of the international community towards Somalia has revolved around the provision of humanitarian assistance to meet recurrent humanitarian need and the establishing of a viable government in order to restore internal order and address international security concerns. These two objectives have been in conflict with each other.

In 1992, the United Nations belatedly responded to the conflict and escalating famine with a multi-mandated peacekeeping and humanitarian operation—the United Nations Operation in Somalia (UNOSOM). This was reinforced in late 1992 by a UN-mandated military taskforce (UNITAF) led by the United States that enlarged UNOSOM to 30,000 foreign troops. Global media coverage of the crisis saw international NGOs flood into Somalia and there was a massive proliferation of Somali NGOs in a country where few had existed before. There were reported to be 40 INGOs working in south central Somalia in 1995. The scale of the intervention and poorly regulated system led to criticisms that the aid agencies were fuelling the war economy, prolonging the conflict, and undermining the emergence of Somali leaders.<sup>8</sup>

Despite its unprecedented scale, UNOSOM failed to restore a national government and withdrew in 1995. With crises in Rwanda and the Balkans claiming the attention of the international community, and with Somalia being of no strategic interest, political engagement diminished. With no “acute” emergency and no peacekeeping forces, foreign aid declined, from a budget of US\$1.5 billion for UNOSOM II in 1993, and overall aid fell to below pre-war levels by 1997.<sup>9</sup> Many international agencies contracted or closed their operations. After the failures of the UN-led mission, international leadership in Somalia passed to donor governments, coordinated through the Somalia Aid Coordination Body (SACB) and chaired by the European Commission (EC). As the largest donor to Somalia, the EC exerted considerable influence on the direction of aid policy in the mid-1990s. In the absence of famine or large-scale conflict, the country was judged to be moving towards recovery and Somalia’s problems were redefined in developmental terms. The focus of international aid switched from “relief” to “development” and “local solutions” to avoid the feared pitfalls of so-called “relief dependency.” Indeed, the humanitarian response capacity declined to the extent that the international system in Somalia was unprepared for the El Niño-induced floods in 1997.<sup>10</sup>

Diplomatic responsibility for managing the crisis passed to neighboring countries, who initiated a series of dialogues to mediate the conflict: Ethiopia through the 1996 Sodere peace conference; Egypt through the 1997 Cairo conference; Djibouti through the 2000 Arta peace conference; and the regional Intergovernmental Authority on Development (IGAD) in the 2002-2004 Somalia National Reconciliation Conference in Kenya.<sup>11</sup>

International disengagement from Somalia coincided with a period of diminishing conflict in large parts of the country, as warring factions consolidated territorial gains, new forms of economic activity took root,<sup>12</sup> and autonomous administrations became established.<sup>13</sup> Nevertheless, the country remained deeply impoverished. With assets severely depleted by war and the vicissitudes of climate, humanitarian needs remained perennial in many parts of south central Somalia. The widespread flooding in 1997 demonstrated how vulnerable the country had become to natural disasters.<sup>14</sup> Despite the strategic shift from relief to development, donors proved unwilling to commit adequate funds to address these structural vulnerabilities in the absence of a political settlement.

The period of incremental recovery and consolidation ended in 2000, when a national peace conference facilitated by the Djibouti government and backed by the UN produced the Transitional National Government (TNG), the first internationally recognized government of Somalia since 1991. A year later, the events of 9/11 forced Somalia back onto the agenda of Western governments which, for the second time in a decade, became exercised by the phenomenon of “collapsed” or “failed” states. After the 2002 US National Security Strategy concluded that the biggest threat to American security came from “failing states,” Somalia—a country without a functional government for a decade and with a large proportion of its population existing in a state of chronic humanitarian distress—became identified as a potential breeding ground or safe haven for transnational terrorism. The presence in Somalia of a militant Islamist organization (Al Itihad Al Islamiya), which was accused of links to al-Qaeda, and the fact that Somalia was thought to have been a conduit for materials and personnel involved in the bombings of the US embassies in Nairobi and Dar es Salaam in 1998 all seemed to support this thesis.<sup>15</sup>

The events of 9/11 changed the premise for international engagement in Somalia, from a humanitarian imperative to protect the security and rights of war-affected civilians, to one primarily concerned with “international,” and specifically American, security from transnational terrorism. Some analysts suggested counterterrorism could provide “a door through which longer term international re-engagement in peace, reconciliation and state reconstruction ... should take place.”<sup>16</sup> This has proven highly problematic. First, it has shifted the international lens from a concern with the humanitarian protection of Somali civilians to concerns with international security. Programmatically, this has led to a prioritization of investment in security services over humanitarian assistance. Second, the emphasis on reviving a central government has simply served to perpetuate a violent conflict over control of the state. Third, linking state revival and counterterrorism has alienated parts of the Somali population and polarized Somalia’s Muslim community into “moderates” and “extremists.” Nevertheless, the melding of foreign assistance and counterterrorism and the view that security can only be restored in Somalia through a strong central government persist, despite the failure of the approach and the catastrophic consequences.

In 2004, a two-year national reconciliation conference, convened in Kenya under the auspices of IGAD, produced a successor to the TNG—the Transitional Federal Government (TFG). Although it had only limited acceptance among Somalis, the dogged donor support to the peace process meant that international policy towards Somalia was geared to turning the TFG into a viable government. A catalogue of military and diplomatic blunders by Western governments failed to stem the growing influence of

Islamist organizations in south central Somalia.<sup>17</sup> In 2006, these came together as the Islamic Courts Union (ICU) against an alliance of “warlords” financed by the US. The ICU succeeded in removing the “warlords” from the capital, which they had controlled since the early 1990s. This signalled a momentous change in the politics of Somalia. Within a year, Ethiopia, which felt threatened by the growing influence of the ICU, intervened with force, backed by US airstrikes, and ousted the ICU.

## Box 1. Key Political and Military Forces

### Governmental Authorities:

- The **Transitional Federal Government (TFG)** of Somalia was established in 2004 as a successor to the Transitional National Government (TNG). The first TFG president, Abdulahi Yusuf, resigned in 2008 and was succeeded by Sheikh Sharif Sheikh Ahmed in January 2009, the former chair of the Islamic Courts Union (ICU).
- **Puntland State of Somalia** was established in August 1998 as a non-secessionist federal state and claims authority over the northeastern regions of Somalia.
- **The Republic of Somaliland** was founded as a secessionist state in May 1991 and claims sovereignty over the northern regions of Somalia. It is unrecognized by any state but has been one of the most stable areas of the former Somali state. It has a popularly elected government and in June 2010 held presidential elections for the second time since 2003.

### Non-Government Military Forces:

- **Ahlu Sunnah Wal Jama'a (ASWJ)** is an umbrella for traditional Sufi orders in Somalia that were the dominant religious group before the war. Although formed as early as 1992, it has only emerged as a military force in the past two years in response to the desecration of Sufi shrines by al-Shabaab and with the backing of Ethiopia. It currently has a fragile alliance with the TFG.
- **Harakat al-Shabaab al-Mujahideen**, a Salafist jihadist organization, has its origins in the Shari'a courts that emerged in Somalia in the late 1990s. It played a significant role in the victory of the ICU over the warlords and won support for its opposition to the Ethiopian insurgency. Its leadership, said to be Takfiri Jihadists, proffers support for al-Qaeda's agenda. Its radical agenda means that it has developed as a force that is largely autonomous from clans and moderate Islamist voices. It was first listed by the US as a terrorist organization in 2008, followed by Australia, Norway, and Sweden and in 2010 by Canada, the UK, and the United Nations. It is the main military threat to the TFG and in early 2010 controlled large areas of south central Somalia, including parts of Mogadishu.
- **Hisbul Islam** is a Salafist-inspired organization led by Sheikh Hassan Dahir Aweys. An architect of the revolutionary Islamist ideology in Somalia since the 1990s, and the main leader of the Union of Islamic Courts in 2006, he is driven by a nationalist vision to unite the Somali-inhabited regions of the Horn of Africa. This threat to Ethiopian sovereignty has won him the backing of Eritrea. Briefly allied with al-Shabaab in a united offensive against the TFG in 2009, the alliance collapsed when the offensive failed. Hisbul Islam subsequently lost control of the southern port of Kismayo to al-Shabaab in 2009, and its influence has since declined. Sheikh Aweys is listed as a terrorist by the US and the UN.

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### **International Military Forces:**

- **AMISOM** is a small African Union peacekeeping mission deployed to Somalia in early 2007 to allow Ethiopian forces to withdraw. Sanctioned by the UN Security Council, it is mandated to protect the Transitional Federal Institutions (TFIs) and has played a key role in defending the TFG against the Islamist insurgency. Originally planned to reach a maximum deployment of 8,000 troops, after three years the mission has 6,300 troops from Uganda, Burundi, and Djibouti, who are confined to Mogadishu and its environs. In July, regional governments pledged to boost this by a further 2,000 troops. In defending itself and the TFG from insurgents, AMISOM is routinely criticized by Somalis for indiscriminate shelling of civilian areas of Mogadishu.
- **Other forces:** The US military maintains a base in Djibouti that carries out surveillance in Somalia and occasional missile strikes against individuals there. Several regional and European governments provide training for TFG security forces. A flotilla of US, European Union, NATO, and regional navies patrol Somalia's coastal waters to protect shipping from piracy.

In January 2007, the TFG was installed in Mogadishu and an African Union peacekeeping force (AMISOM) was deployed to protect the government institutions in advance of an envisaged UN peacekeeping mission. However, the TFG's attempt to disarm and pacify Mogadishu ignited a violent conflict between the Ethiopian-backed TFG and elements of the former ICU and clans opposed the Ethiopian occupation, led by an Islamist militia, Harakat al-Shabaab al-Mujahideen (Mujahideen Youth Movement) (see Box 1 for key political and military forces in Somalia). Fighting in April 2007 caused the displacement of some 700,000 civilians from Mogadishu.

When the TFG was installed in Mogadishu in early 2007, the UN and foreign governments decided to extend support to the TFG to strengthen its capacity and legitimacy. This brought them into a clash with humanitarian agencies who came under pressure to seize the "window of opportunity" and respond to the humanitarian and development needs in south central Somalia.<sup>18</sup> This was a time when the international community could have sought to reinforce humanitarian principles. Instead, the Ethiopian invasion (unsanctioned by the UN), US airstrikes, the rendition of suspected Islamic militants, the closure of the Kenyan border to Somali refugees, the indiscriminate shelling of civilian neighborhoods in Mogadishu by Ethiopian forces, the mass displacement of civilians from Mogadishu, assassinations, and arbitrary detentions all elicited very little reaction or condemnation from foreign governments and multi-lateral agencies. The TFG condemned the displaced as terrorists and international and Somali NGOs who sought to assist them were suspected of aiding the enemy.<sup>19</sup> Aid was blocked, and personnel harassed, arrested, and, in some instances, assassinated. The international backing for the TFG and muted international response to abuses committed by it, illustrated the extent to which "the global war on terror" had taken priority over human rights, humanitarian principles, and international law.

US backing for the Ethiopian military intervention and several missile strikes against suspected terrorist targets only served to generate support for more militant Islamic forces, such as al-Shabaab and Hisbul Islamiya (Islamic Party). In March 2008, al-Shabaab, which expressed affiliation to al-Qaeda, was designated as a terrorist organization by the US government. By May 2008, its reclusive leader Aden Hashi "Ayro" was dead, killed by a US missile. Al-Shabaab responded by declaring American, Western, and UN officials and organizations to be legitimate targets. The direct involvement of foreign forces, including AMISOM, internationalized the crisis in Somalia to a level not seen since the troubled UN peacekeeping operation in the early 1990s. And the renewed war in south central Somalia has also produced the most severe humanitarian crisis since that time.

A UN-brokered deal in Djibouti to accommodate opposition forces and to facilitate the withdrawal of Ethiopian forces produced a reformed TFG in January 2009. The appointment of a moderate Islamist head of state, Sheikh Sharif Sheikh Ahmed, who three years earlier had headed the ICU, and the accommodation of some of the opposition appeared to offer a route out of the conflict. The new administration was received with cautious support among Somalis and internationally, although with only limited financial backing. However, elements of the opposition who felt marginalized from the Djibouti talks rejected the new government and in May 2009 al-Shabaab and Hizbul Islam launched an offensive against the TFG in Mogadishu. The TFG survived with the support of an expanded AMISOM force and some arms provided by the US government.<sup>20</sup> Since then, Mogadishu has suffered continuous fighting and further population displacement. Outside the capital, al-Shabaab has consolidated control over large parts of south central Somalia, while in the central regions of Somalia a third significant military force has emerged—Ahlu Sunnah Wal Jama'a (Followers of the Prophetic Way and Consensus). Backed by Ethiopia and loosely allied with the TFG, it has stemmed the advance of al-Shabaab to the north.

## The Humanitarian Crisis

Two decades after the Somali state collapsed, the country is gripped by a second generation of war that pitches a foreign-backed government defended by a small African Union peacekeeping operation against a “complex insurgency” involving foreign-sponsored, ideologically-driven movements, such as al-Shabaab, and clan-based militia fighting over political power, territory, and the economy. This “hybrid war” is characterized by a combination of conventional military fighting, indiscriminate violence, criminal disorder, and military engagement by regional and Western military forces.<sup>22</sup> The growing reach of al-Shabaab outside Somalia, the influx of foreign fighters, many from the diaspora, attacks on TFG and AMISOM, proclamations of support for al-Qaeda and a global jihad, and the threat that al-Shabaab is deemed to present in Western countries has led several countries to proscribe al-Shabaab as a terrorist organization.

Since February 2010, there have been persistent rumours that the TFG is preparing a counteroffensive to extend its territorial control and authority, backed by Western and regional governments and Somali forces trained by them. The rumors of an offensive have themselves caused civilians to move from Mogadishu.<sup>23</sup> The nature of the war and the political context has seriously hampered the ability of humanitarian actors to deliver assistance to populations in need in Somalia. There has been no significant food distribution since November 2009 to the “Afgooye corridor,” which has the highest concentration of internally displaced in the world. Some argue that the UN, donors, and aid agencies actually need a successful TFG offensive to enable them to continue operating. Others warn that such a strategy would compound an already disastrous humanitarian situation, and that the TFG would be incapable of holding onto any territory it gained.

If the intention behind state-building in Somalia has been to restore internal order, the result has been the opposite. The escalation of violent conflict since 2006 has turned Somalia’s chronic humanitarian crisis into an acute one. Over 18,000 civilians have been killed in the fighting since 2006. The number of displaced people has risen from some 500,000 before 2006 to 1.4 million in 2010,<sup>26</sup> including two-thirds of the population of the capital Mogadishu. By December 2009, there were an estimated 366,000 displaced people living in the Afgooye corridor. Between January and March 2010, a further 169,000 civilians were displaced by fighting and the fear of a government military offensive, the biggest displacement in six months.<sup>27</sup>

Tens of thousands of people have also fled the country, producing over half a million refugees in neighboring countries.<sup>28</sup> The majority of these are in Kenya, where Dadaab refugee camp in the northeast of the country houses over 270,000 Somalis.<sup>29</sup> This is the largest refugee camp in Africa and one of the largest settlements of Somalis anywhere in the world.

Somalis are not only fleeing the war, but also a livelihoods and food crisis caused by perennial droughts and floods, frequent hyperinflation precipitated by the printing of money and global food prices, and a downturn in remittances due to the global recession.<sup>30</sup> The crisis has escalated dramatically in the past three years. In August 2007, 1.5 million people were estimated to be in need of humanitarian assistance.<sup>31</sup> By early 2010, this had risen to 3.2 million people, about 42% of the population in Somalia.<sup>32</sup> Some 75% of those are located in south central Somalia,<sup>33</sup> where one in



**Somali Red Crescent volunteers distribute relief goods supplied by the ICRC to families displaced by fighting in the Galgadud region of Somalia. ©ICRC/P. Yazdi**

five children is malnourished and 19% of under-fives acutely malnourished, a 2% increase since 2007.<sup>34</sup> In some IDP populations in the Afgooye corridor and Galkaiyo in the northeast, acute malnutrition rates as high as 23.7% have been reported.

The massive displacement of civilians is a mark of a severe protection crisis in Somalia. Much of the recent fighting has taken place in Mogadishu and, according to the International Committee of the Red Cross (ICRC), urban conflict is often more dangerous for civilians.<sup>35</sup> Several major reports since 2006 have detailed the violations of international human rights and humanitarian law.<sup>36</sup> Not only have these been ignored with impunity by the warring parties, but, in the eyes of many Somalis, the lack of response by international organizations and foreign states also make them complicit, a view that accorded with other analysts.<sup>37</sup>

## The Humanitarian System and Diminishing Access

In the past two decades, the response of the international community to the crisis in Somalia has been multifaceted and often incoherent. The imperatives to meet, on the one hand, recurring humanitarian need and, on the other hand, to stabilize the crisis through state-building, peace-building, or military intervention and counterterrorism have often been in contradiction with each other. International aid has also waxed and waned, reflecting regional and global interests in the country.

In the early 1990s, the international community responded to the civil war and famine with the first major post-Cold War humanitarian and peacekeeping operation, of an unprecedented scale. As international interest declined in the second half of the 1990s, so did the aid. Between 1993 and 2000, annual assistance raised through the CAP fell from \$200 million to less than \$50 million.<sup>38</sup> Humanitarian assistance also declined as a proportion of overall aid, as more was expended on rehabilitation and aid was used as a “peace dividend” and made conditional on security and good governance. Consequently, as insecurity persisted in south central Somalia an increasing proportion of assistance was spent in Somaliland and Puntland.

The events of 9/11 provoked a renewed interest and engagement in Somalia, reflected in revived levels of aid. In 2000, for example, funding through the CAP was just \$36 million. By 2009, this had increased to over \$500 million (although this was only 60% of requirements), the largest proportion of which was food aid.<sup>39</sup> Development aid was greater than humanitarian assistance, but the trend towards more investment in the north was reversed. In 2004, for example, Somaliland received 37% of aid compared to 41% for south central Somalia.<sup>40</sup>

Currently, the international aid system in Somalia comprises a range of development, humanitarian, and military actors, including the UN political office, UN technical agencies, donor governments, the EC, ICRC, INGOs, Somali NGOs, and Islamic charities. AMISOM also contributes to aid operations by securing the

Mogadishu port and airport and also provides some limited humanitarian assistance. International and Somali NGOs include a spectrum of agencies, from those solely delivering humanitarian assistance to multi-mandated relief and development agencies and peace-building organizations.

Humanitarian coordination in Somalia is structured around the Inter-Agency Standing Committee (IASC) and the Inter-Cluster Working Groups (ICWG). The IASC is the humanitarian policy body for Somalia that brings together the UN and NGOs. Another important forum is the NGO Consortium, which has over 60 members, both foreign and Somali. All of these coordination structures are located in Kenya, from where the great majority of international aid agencies (including those in Somaliland) have operated cross-border programs since UNOSOM’s withdrawal in 1995. This is not only extremely costly (according to some estimates, only 40% of assistance is actually spent in Somalia) but also means that many aid operations are managed remotely from Kenya.

There were reported to be 40 INGOs working in south central Somalia in 1995 when UNOSOM withdrew. By 1997, there were some 26 operating in south central Somalia.<sup>41</sup> Currently, some 15 international agencies provide assistance there.<sup>42</sup> But, since January 2010, there have been no international aid workers present in south central Somalia. There are also very few in Puntland (northeast Somalia) due to a spate of kidnappings in the past few years. Most international aid workers located in Somali territory are in Somaliland.

As Somalis in south central Somalia face the worst humanitarian crisis in two decades, humanitarian agencies have found it increasingly difficult to deliver assistance to them. Indeed, the ability of humanitarian agencies to respond to the emergency in Somalia has declined in inverse relation to growing humanitarian needs. Due to the severe environmental constraints, one leading humanitarian agency reports that they have changed their approach from “needs-based programming” to “constraints-based programming”; that is, they will respond only to those needs which are feasible to address.<sup>43</sup> Diminishing access is the main obstacle to effective protection. This problem has not been due to a shortage of foreign aid, but to “the disappearance of ‘humanitarian space’.”<sup>44</sup>

The decline in humanitarian access and the erosion of humanitarian space is a symptom of a changed operating environment that has involved both the rise of militant Islamist movements in Somalia and the politicization of foreign assistance. As violence between the UN-backed TFG and armed insurgents has escalated since 2006, the neutrality and impartiality of Somali and international NGOs has not been respected. Aid agencies themselves have become increasingly concerned at the way aid has been politicized and instrumentalized by Somali factions, the UN, and donor governments. The delivery of assistance to affected populations in south central Somalia, and Mogadishu in particular, is regularly impeded by hostilities and military operations, but a combination of operational and political factors also account for the erosion of humanitarian space and declining humanitarian access.

# Operational Constraints to Humanitarian Action

## Violence against Humanitarian Aid Workers

Violence against aid agencies led to a total absence of international aid workers in south central Somalia in early 2010. There were very few instances of targeted killings and hostage takings of humanitarian aid workers in Somalia in the early 1990s, but, since 2006, international and Somali aid workers and their agencies have been increasingly subject to violence. In 2008, Somalia accounted for two-thirds of aid workers killed worldwide.<sup>45</sup> In 2008 and 2009, 45 aid workers were killed in Somalia and 24 abducted. As of January 2010, ten aid workers were being held hostage. The attrition rate has declined since 2008, due to the reduced presence of international UN and NGO staff in south central Somalia and stricter security measures.

The increase in attacks on aid workers is due to several reasons. First, ransoms paid by donor governments for the release of their foreign nationals have created an internal market for hostage-taking.<sup>46</sup> Although violence against aid workers and agencies has declined since 2009, there has been a reported increase in looting of the property and assets of humanitarian agencies.<sup>47</sup> This also suggests that attacks on aid agencies are, in some instances, motivated as much by financial as by ideological interests.

Second, humanitarian aid workers and aid operations have become victims of the conflict between Islamic militants and counterterrorism operations of Western governments. In 2008, in response to the assassination of the then-leader of al-Shabaab, Aden Hashi “Ayro,” by a US missile and other US air strikes against Islamist forces,<sup>48</sup> al-Shabaab accused aid officials of collaborating with foreign forces and gave notice that they would be considered legitimate targets in the war. In 2009, threats against agencies forced two large INGOs to withdraw from south central Somalia, in one case ending a decade-long food aid pipeline. The food aid pipeline was further cut when WFP suspended its delivery of food to south central Somalia, reportedly for a mixture of security and funding reasons (as discussed further below). This has also led to the suspension of humanitarian air services managed by the UN, further reducing access for aid agencies.

Third, attacks against aid workers have been linked to political processes in Somalia. The highest number of attacks in 2008 occurred at the time of the Djibouti peace talks, a period when splits occurred within the warring factions and old scores were being settled. A fourth factor contributing to attacks on aid workers has been the “accountability-free zone”<sup>49</sup> created in Somalia by the silence of donor governments and the UN over the human rights abuses perpetrated by the TFG in 2007 and 2008. A fifth reason is the lack of political or humanitarian dialogue with groups proscribed as terrorists, which limits any possibility for reinforcing humanitarian principles.

## Bureaucratic Restrictions on Operations

As Islamist forces have extended their control over territory, aid agencies’ relations with communities have changed. Instead of working with known clan institutions and nascent government administrations, agencies need to engage with ideologically-driven authorities who have introduced new regulatory procedures for aid agencies. The rules and their enforcement vary from one district to the next, but can require agencies to submit lists of staff and vehicles hired, to obtain travel clearances, and to pay “registration fees” and “taxes.”<sup>50</sup> The latter has been a long-term practice that agencies have had to negotiate over for years with whatever administration is in charge. The most difficult places are, according to some agencies, those where an alliance of factions is in control, rather than those under al-Shabaab’s authority. Since 2009, however, the stance of an increasingly “hard-line” al-Shabaab leadership has led to the introduction of more stringent regulations against hiring female staff, the sharing of compounds, and direct communication with parties in the community. National staff are also subjected to increased pressures, and in some cases are threatened with violence unless they resign from an agency,<sup>51</sup> and, in many places, are subjected to systematic taxation.<sup>52</sup> It is also reported that in some places the local community and local employees of aid agencies are pressured to pay armed groups in order to allow the agency to continue to operate in their community.<sup>53</sup> This all requires agencies to engage in time-consuming negotiations to maintain or open access, which can delay the delivery of assistance.<sup>54</sup>

## Checkpoints and Taxation

The use of checkpoints to assert territorial control and raise revenue has long been an obstacle to the delivery of humanitarian assistance in Somalia.<sup>55</sup> Islamist authorities have generally been against them. During their brief period of control in Mogadishu, the ICU cleared most checkpoints from the city, but these proliferated again after they were ousted. When the TFG took over Mogadishu in 2007, there was a proliferation of roadblocks created by freelance militia. Some 336 were recorded, 15 alone along the 15 km. Afgooye corridor, where the displaced from Mogadishu are concentrated.<sup>56</sup> As al-Shabaab has gained territory, they have removed most checkpoints, easing the movement of both aid and trade; livestock traders in Kenya report that transaction costs have diminished because of fewer checkpoints. The exception is Mogadishu, where checkpoints demarcate zones of control by the warring parties.

## Attitudes towards Humanitarian Agencies

Negative attitudes among Islamist authorities towards humanitarian organizations have affected access and the delivery of certain types of assistance. Some aid agencies have been confronted by al-Shabaab over their association with foreign governments and their political agendas. Several recipients of US and UN funds were forced to withdraw. Food aid carrying a US flag has been barred, while in some places school textbooks delivered by the UN have been banned. An assertive nationalism is

apparent in the rhetoric of some al-Shabaab statements. For example, when explaining the rejection of WFP assistance, it declared:

*Communities from South of Somalia should wake up and start helping themselves to avoid dependency on humanitarian support.<sup>57</sup>*

Some aid workers believe that the negative attitude towards aid agencies is compounded by the multi-mandated nature of those agencies that do not separate development and advocacy from humanitarian action and become politically engaged by attempting to work on the causes of conflict as well as responding to its consequences. They assert that aid agencies with a singular focus on humanitarian assistance, such as medical care, have been more successful in protecting their access.<sup>58</sup> The evidence for this is difficult to substantiate. Some forms of assistance, such as medical care, may be perceived as less “value-laden” than education, but, in the last few years, medical agencies have experienced threats, attacks, and killings. Other agencies that work in more than one sector and engage in public advocacy have been able to maintain access, although care is taken in weighing up the potential impact of advocacy. The key factor would appear to be the association of agencies with donor governments and their actions in Somalia, which may mean that agencies that have independent sources of funding are less vulnerable.

### **Security Management**

When UNOSOM withdrew from Somalia in 1995, the security architecture that had facilitated international aid operations was dismantled and replaced by a civilian-managed system under the UN Security Coordination (UNSECOORD) (later renamed the United Nations Department of Safety and Security—UNDSS). When UNOSOM ended, many international agencies established offices in Nairobi, where, over time, they have also become bunkered behind elaborate security structures. Since 9/11, the growing bureaucratization of security management among humanitarian agencies—which is a worldwide phenomenon—has given UNDSS great influence over humanitarian access. For UN and for donor agencies in particular, it has served to restrict, rather than facilitate, access in Somalia. After the UNDSS was banned by al-Shabaab from areas it controlled, WFP stepped in to maintain a security service until it too withdrew. Since then, the UN has been unable to send internationals outside TFG-controlled areas. International staff have been able to visit Mogadishu and stay in UN compounds and AMISOM-protected areas, but UN international staff have not been able to access the Afgooye corridor for two years.

International NGOs, who have relied on their own security assessments or those of the NGO Consortium, have been less constrained and more able to respond to shifting dynamics and needs. However, many have relied on UN or ECHO (European Commission Humanitarian Office) flights to Somalia for their cross-border operation. Since WFP withdrew, these have ceased flying to south central Somalia, so that by March 2010, INGOs were dependent on chartering their own flights.

### **Remote Management**

The loss of humanitarian space has forced agencies to withdraw from Somalia or adjust their strategies, from short-term “hit and run” interventions to forms of “remote management” through national staff or local organizations. Remote management (called “shared management” by some) involves national staff or local partners implementing a program managed by international staff from the safety of Kenya. The dependence on local partners has stimulated a growth in Somali NGOs, which had declined in the late 1990s. This can complicate funding, accountability, and transparency. It also transfers risks to national staff and makes it harder for agencies to ensure that standards of assistance are maintained.<sup>59</sup> But several agencies, including those that would normally insist on the presence of international staff, report satisfaction with the quality of work of national staff.<sup>60</sup> Some have concluded that remote management is likely to become more common practice among humanitarian agencies in the future in environments other than Somalia and are taking the opportunity to embrace this way of working and to learn from the experience.

## **Political Constraints to Humanitarian Action**

The international community’s preoccupation with restoring a government in Somalia took on greater urgency after 9/11, when unruly, fragile, and collapsed states and territories that were deemed “ungoverned” were seen as a principal threat to US security. Since then, international diplomatic and security policy has focussed on utilizing available resources and policy instruments to re-establish a Somali government. In the view of many aid agencies, the erosion of humanitarian space and the operational constraints faced by them in Somalia are directly linked to the instrumentalization of humanitarian assistance to meet this security agenda, often at the expense of humanitarian needs. This has several aspects: the failure of donors to hold warring parties accountable under International Humanitarian Law (IHL); the integration of humanitarian assistance with political processes; the use of aid to support military strategies; the licensing of humanitarian aid; the centralization of humanitarian funding; the lack of robust humanitarian diplomacy; and the failures of humanitarian accountability.

### **The Failure of Protection and Erosion of International Humanitarian Law**

Throughout the twenty years of conflict in Somalia, the warring parties have shown no regard for humanitarian principles and IHL. In recent years, international donors have also failed to demonstrate support for IHL. When fierce fighting erupted in Mogadishu in 2007, reports by Human Rights Watch and Amnesty International that detailed repeated violations of humanitarian law by all parties elicited little response from international bodies and donor governments, who were themselves complicit in fuelling the fighting by backing the TFG.<sup>61</sup>



**A soldier from the Somalia's transitional government pushes back a crowd that awaits much needed medical treatment on the edge of the African Union (AU) peacekeeping military base in Mogadishu.**

©Siegfried Modola/IRIN

The unbalanced response by the UN and donor governments to the military action of the parties and lack of regular calls for a ceasefire is evidence that the international community has taken sides in Somalia. International condemnation of assassinations of members of the government and attacks on AMISOM by the insurgents is not matched by criticism of the behavior of TFG and AMISOM. The latter's retaliation has at times involved the collective punishment of civilians, such as the indiscriminate shelling of Bakara market in Mogadishu.<sup>62</sup>

Underlying the lack of criticism of the TFG is an unwillingness among the international bodies and governments that created it as a successor to the TNG to accept that it could fail or to conceive of an alternative. Foreign governments and international governments have need of a government in Somalia for reasons of regional and international security. The TFG is treated as a fully sovereign authority rather than as a transitional administration. Diplomatic resources and foreign aid is tied to it and it provides a legal justification for a continuing foreign military presence in Somalia.

### **Using Humanitarian Assistance to Support Political Processes**

Humanitarian action has been subjugated to Western government's priorities of state-building, in pursuit of stabilization and the "war on terror." Since the TFG was installed in Mogadishu in January 2007, aid agencies have regularly come under pressure from the UN and donor governments to support the TFG in its different manifestations. In January 2007, following the overthrow of the ICU, the UN Humanitarian Coordinator called on humanitarian agencies to seize the "window of opportunity" to re-engage in Mogadishu.<sup>63</sup> International NGOs responded by

insisting instead on the need to draw a clear distinction between humanitarian aid and political agendas in Somalia. The following extract from an open letter to the incumbent UN Humanitarian Coordinator reflected the position taken by aid agencies:

*Humanitarian aid must be solely based on the needs of the population and strictly guided by humanitarian principles, especially impartiality and independence. One could expect that, given its specific mandate, OCHA and the Humanitarian Coordinator could strengthen the necessary distinction between humanitarian activities and any political agenda.<sup>64</sup>*

In 2008, humanitarian NGOs again resisted attempts by the Special Representative of the Secretary General (SRSG)<sup>65</sup> to engage humanitarian agencies in support of peace talks between the TFG and the opposition Alliance for the Re-liberation of Somalia (ARS); some nonhumanitarian Somali and international NGOs did engage.

Humanitarian agencies continue to feel pressure from donor governments to work with the TFG, who criticize them for their unwillingness to engage with political and development agendas. In part, this appears to arise from the ignorance of donor governments in their capitals and the UN headquarters about the realities in Somalia. Most aid agencies, however, have no confidence in the TFG's ability to control territory. Moreover, the TFG has shown no interest in providing assistance to the people it claims to govern. Such collaboration would leave agencies open to attack from opposition elements. Furthermore, the emphasis on state-building also means that priorities are driven by donor priorities of security and reconstruction, rather than humanitarian need. For

example, while donors fund the salaries of MPs, ministers, and assistant ministers, teachers and health workers go unpaid.

### **Using Foreign Aid to Support Military Action and Stabilization**

Since the TFG was formed in 2004, the international community has sought to turn the TFG into a viable government that controls territory and provides security as a bulwark against anti-Western Islamist forces. This has involved supporting the training of TFG security forces, backing the Ethiopian intervention, the provision of weapons<sup>66</sup> and training, and support for AMISOM.<sup>67</sup> There is no accurate record of the number of TFG security forces that have been trained since 2004 with international support. Despite credible criticisms since 2007 of the transparency and accountability of such support and doubts about the loyalty of trained forces, the international training of TFG security forces continues.

The US government has denied reports<sup>68</sup> that it has been directly involved in planning and supporting of an anticipated TFG counteroffensive. However, the European Union and some Western and regional governments have been providing training to TFG forces; in May 2010, Spanish, German, Irish, French, and Hungarian military trainers began training 2,000 Somali troops in Uganda on behalf of the European Union.<sup>69</sup> Furthermore, the SRSG made little secret of his support for a TFG military counteroffensive. In March, he was described as doing “event planning,” briefing donors on the TFG’s plans, and encouraging aid agencies to prepare quick impact projects (QUIPs) to stabilize and win “hearts and minds” in areas that would be secured by the government.<sup>70</sup> In Somalia, the offensive is also perceived as an AMISOM offensive.<sup>71</sup> Securing Mogadishu would be of great symbolic as well as practical value and clearly demonstrate the authority of the TFG. Some donor governments also rationalize a counteroffensive on humanitarian grounds, that gaining control of the city and the surrounding region would allow aid to reach many of the displaced people. At the same time, antiterrorism legislation has been used to prevent the delivery of assistance to opposition areas.

With donors providing both military and humanitarian aid, the boundaries between military and humanitarian assistance become increasingly blurred. Some belligerents view aid agencies simply as extensions of Western governments. Al-Shabaab monitors international news and has demonstrated an awareness of the relationship between aid agencies and donor countries. For their part, aid agencies are acutely aware of the impact that foreign military support for the TFG can have on their access; following US air strikes against terrorist targets in Dhobley and Dusamareb in 2008, INGO staff were accused of coordinating the airstrikes. European NGOs voice concern about the impact that the training of TFG soldiers by their governments will have on their operations. As one manager noted, “they [al-Shabaab] are looking to find fault with us, so it is dangerous for staff and community interaction.”<sup>72</sup>

In 2005, a review was undertaken of how donors were applying the Organisation for Economic Cooperation and Development-

Development Assistance Committee (OECD-DAC) Principles for Good International Engagement in Fragile States in Somalia. It found consensus among donor governments that state-building should be the central objective of their assistance, but no agreement on a common approach.<sup>73</sup> It also concluded that a comprehensive approach to the principle of “do no harm” was “vital.” However, there has never been a comprehensive evaluation of donor humanitarian and development assistance to Somalia.<sup>74</sup> Furthermore, while there are ongoing discussions about the coordination of humanitarian financing, there has been no review of the extent to which donor governments in Somalia are upholding the Principles and Good Practice of Humanitarian Donorship.<sup>75</sup> Given that some donors have become belligerents in Somalia, such a review is overdue.

### **Muddying the Waters with “For-profits”**

To further complicate the situation, USAID tenders for QUIPs have attracted the attention of for-profit contractors and private security companies, as well as INGOs. Donor funding of nontraditional aid actors to undertake developmental and nation-building activities has become commonplace in Iraq and Afghanistan, but is new to Somalia. The increased number and variety of organizations involved in delivering assistance increases competition, uncertainty, and insecurity. The for-profit agencies are not bound by humanitarian principles and their objectives are less focused on meeting need and more on winning hearts and minds through aid provision. Humanitarian NGOs have expressed concern that the presence of for-profit agencies could affect local perceptions of humanitarian actors and that their unprincipled and uninformed behavior could jeopardize the operations and security of already existing programs. If humanitarian principles are compromised further in favor of stabilization, some INGOs believe that the presence of for-profit contractors will make Somalia more dangerous for aid workers.<sup>76</sup>

### **The Licensing of Humanitarian Assistance**

Perhaps the most challenging development for humanitarian agencies in Somalia—and one that potentially will have consequences beyond Somalia—is the increased regulation of humanitarian assistance through more stringent licensing regimes, as a consequence of the designation of organizations and individuals in Somalia as terrorists.

In 2009, US humanitarian assistance to Somalia fell afoul of US domestic antiterrorism legislation. Over US\$50 million of US humanitarian assistance programmed for Somalia through USAID and the Office for Foreign Disaster Assistance (OFDA) was suspended on the orders of the US Treasury Department’s Office of Foreign Assets Control (OFAC), out of concern that it was at risk of benefiting al-Shabaab, which had been proscribed by the US government as a terrorist organization.<sup>77</sup> US legislation prohibits any contact with a listed terrorist group, regardless of intent, thereby making the distribution of food to people living in regions controlled by such a group impossible.<sup>78</sup> Any individual, including the USAID Administrator, could, in theory, be held accountable

for assistance that was diverted by or seen to benefit al-Shabaab. The informal taxation and diversion of aid that was tolerated by donors and aid agencies for years as the “price of doing business” in Somalia therefore became illegal where those proscribed as terrorists were seen to be benefiting.

US-funded humanitarian agencies therefore face a new constraint to access in parts of south central Somalia where al-Shabaab has gained control. In order to distribute assistance, they have to work with local authorities, but by doing so they risk criminal prosecution under US antiterrorism laws. This applies not only to the primary contractors but also to sub-contractors and local partners. The suspension of USAID impacted particularly hard on WFP, because the US government was its biggest donor and food diversion was difficult to stop entirely.

USAID attempted to obtain a waiver for humanitarian assistance, but was reportedly rejected by the US State Department. As one aid worker remarked, “Political considerations outweigh needs.”<sup>79</sup> International agencies have found the new conditions for grants drawn up by USAID with enhanced due diligence practices to be impossible to work with. One aid worker commented:

*It is not possible to work with OFAC funding conditions in south central Somalia. Whatever group is in control of an area requires some payback. The problem arises when they [the US government] say they are a terrorist group.<sup>80</sup>*

The UN Humanitarian Coordinator has also pointed out that listing al-Shabaab as a terrorist organization politicizes humanitarian assistance,<sup>81</sup> because US legislation effectively limits the delivery of humanitarian assistance provided by the US government to those populations in areas controlled by its allies.

USAID has long been one of the biggest donors in Somalia and the main donor to WFP.<sup>82</sup> The suspension of US assistance in 2009 therefore left a serious funding gap that threatened to undermine humanitarian relief efforts. In January 2010, while OFAC negotiations were ongoing, WFP suspended food distributions in most regions of south central Somalia, reportedly due to escalating threats and attacks against its staff and unacceptable demands by armed groups.<sup>83</sup> Al-Shabaab rejected the claim that WFP had left for security reasons or that they had been ordered to leave, asserting that they had simply asked WFP to purchase grains from local farmers.<sup>84</sup> Subsequently, they did issue a ban on WFP operations in Somalia and warned Somalis working with WFP to terminate their contracts.<sup>85</sup> Some aid workers, however, believe WFP’s decision to suspend assistance was the direct consequence of a US government strategy to weaken al-Shabaab:

*The view among Hawks in the [US] administration is that humanitarian assistance is part of the war economy, and if you cut aid you deprive al-Shabaab of income. This is an economic war against al-Shabaab.<sup>86</sup>*

The status of humanitarian assistance became more precarious in March 2010 when the UN Monitoring Group on Somalia

delivered its report to the UN Security Council (UNSC). After investigating acts prohibited by UN resolution 1844 (2008) that “obstruct the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia,”<sup>87</sup> the Monitoring Group reported that the diversion of humanitarian aid was fuelling a war economy in Somalia. Specifically, it reported to the UNSC that substantial quantities of food aid delivered by WFP through a cartel of local contractors had been diverted and that one of these contractors had links to Hizbul Islam, a group fighting the TFG and proscribed by the US government.<sup>88</sup> In response, UN Security Council resolution 1916 in March 2010:

*“...condemned the misappropriation and politicization of humanitarian assistance by armed groups in Somalia and called upon all Member States and United Nations units to take all feasible steps to mitigate such practices.”<sup>89</sup>*

Unusually, the resolution requires the UN Resident and Humanitarian Coordinator in Somalia to report every 120 days on the delivery of humanitarian assistance, to assure the UNSC that it is not being misused or misappropriated or is benefiting listed individuals or entities. The implication is that if this is not the case, humanitarian assistance could be suspended.

A month later, on April 13, 2010, the US president signed an executive order “Blocking Property of Certain Persons Contributing to the Conflict in Somalia,” and introduced sanctions against designated individuals considered a particular threat to US interests. At the same time, the UN designated al-Shabaab as a threat to peace and security in Somalia and urged member states to establish sanctions against them.<sup>90</sup> The British and Canadian governments had proscribed al-Shabaab in early March 2010, following similar actions by the Australian, Norwegian, and Swedish governments. Aid agencies are fearful the licensing regime on humanitarian assistance will be further tightened if humanitarian assistance becomes subject to the domestic terrorist legislation of these states. Canada has reportedly followed the US by suspending further humanitarian assistance to Somalia, while the UK Department for International Development is examining the implications for UK humanitarian assistance in Somalia.<sup>91</sup> If this policy is replicated in Germany and France, EC funding may similarly be affected.

The new regulations on humanitarian assistance have had the affect of eroding humanitarian space and restricting humanitarian access. WFP’s suspension of assistance in south central Somalia affected other humanitarian actors who relied upon it for supplementary food and on the UN air services and security infrastructure it managed. Aid agencies with independent sources of funds are not directly affected by donor’s suspending assistance, but may be indirectly affected by other agencies reducing or ceasing operations. Of most concern will be the impact on the well-being of 3.2 million people identified by the UN to be in need of food aid in 2010. WFP’s suspension followed the earlier withdrawal of CARE from Somalia, leaving ICRC as the only agency distributing food aid in south central Somalia, and in much smaller quantities than either agency. Better- than-expected

harvests in 2010 may offset the loss of food aid in the short term. In the longer term, it may well have serious livelihood and nutritional consequences in regions such as Gedo, which depend greatly on food aid. In March, food prices are reported to have risen and there were high numbers of children in feeding centers.<sup>92</sup> Curbs on funding and the uncertainty of longer-term funds also forced other agencies to adjust their programs, thus depriving more people of assistance. Oxfam reported that they have cut family rations for children attending therapeutic care centers due to the unreliability of the food pipeline.<sup>94</sup> At the same time, very little assistance is going to TFG-controlled areas because there are few people living there.

The restrictions on humanitarian funding are causing consternation and divisions among aid agencies. While some have voiced concern that they have become an impediment to independent humanitarian action, others take the view that donor money raised from US taxpayers should not benefit anti-Western groups.<sup>95</sup> Some agencies have responded by opting to negotiate new contracts with USAID. Others prefer to assert their independence by not taking US funds, arguing that it is impossible to work in many areas of south central Somalia without negotiating with al-Shabaab commanders and that the urgent needs of the population outweigh US concerns over collaboration with proscribed groups.<sup>96</sup>

### Humanitarian Funding

Humanitarian agencies in Somalia have rarely lacked resources. Available data shows that “levels of aid to Somalia since the late 1970s have remained consistently high compared with other emergencies.”<sup>97</sup> Although the UN consolidated appeals (CAP) have never been fully funded, Somalia between 2000 and 2008 was among the top ten recipients of humanitarian aid and has been the subject of eight CAPs, more than any other country. As noted, the possibility that donor governments may follow the examples of US and Canada in restricting humanitarian assistance to Somalia is causing uncertainty about future humanitarian funding. Furthermore, the preference among donors for pooled funding mechanisms to channel resources to Somalia—such as the Humanitarian Response Fund (HRF) and UN Central Emergency Response Fund (CERF)—makes it more difficult for INGOs to access humanitarian funds. The UN has been consultative in the design of the CHF (Common Humanitarian Fund) but, given its political positioning, some NGOs question whether they should seek funding through UN common funding pools at all. As an INGO member of staff commented:

*Are we selling our souls to cover our core costs? If you are a partner with the UN you compromise your right to say anything.<sup>99</sup>*

Furthermore, as the UN has now designated al-Shabaab as a terrorist organization, NGOs operating in areas controlled by them may be unable to take funds from the UN.

Antiterrorism legislation in donor countries also has an impact on other sources of assistance for people in Somalia, including

overseas remittances and assistance from Islamic charities, that are, in many respects, more critical for sustaining livelihoods than humanitarian aid. In 2001, such legislation was used to freeze the assets of the Somali money transfer company Al Barakat and it continues to influence this critical pillar of the economy. In times of acute humanitarian stress, the flow of remittances from overseas increases. But the possibility that remittances could inadvertently benefit armed groups like al-Shabaab, or be perceived as support for them, is reportedly making Somalis more cautious in remitting money to Somalia.

### Humanitarian Leadership and Diplomacy

Humanitarian NGOs link the erosion of humanitarian space and diminishing access in Somalia to the absence of robust humanitarian leadership from the UN to negotiate access and promote humanitarian principles. Many INGOs would not want the UN to negotiate on their behalf for fear of association, but the absence of such leadership from the UN, they argue, has allowed the warring parties and foreign governments to manipulate and politicize humanitarian assistance.

Others argue that the problem does not lie with the UN, but that the nature of the conflict in Somalia makes it very difficult to promote humanitarian principles. The Humanitarian Coordinator is not barred from negotiating with proscribed entities, and the fact that the UN in Somalia is not an integrated mission preserves some distance between the UN technical agencies and the UN Political Office. However, the nature of the belligerents and the lack of clear leadership and command and control structures limit the opportunities for meaningful humanitarian diplomacy. It is unclear that the “hard-line” leadership of al-Shabaab would have any interest in dialogue. Thus, according to one UN employee:

*In Somalia we are less able to promote principles than anywhere in the world.<sup>100</sup>*

The UN Humanitarian Coordinator’s room for manoeuvre in negotiating humanitarian space is constrained by the political positioning of the UN. The stance taken by the UN SRS in Somalia in the past two years means that the lines between the humanitarian, military, and political objectives of the UN are blurred. As one aid worker interviewed commented:

*The UN is seen as biased. It is unable to lead on humanitarian negotiations, side with the humanitarian community and advocate for humanitarian principles in a more robust way because of the political process.<sup>101</sup>*

Furthermore, some INGOs argue that the combined office of Resident and Humanitarian Coordinator does not allow for a sufficiently clear distinction to be made between the development and humanitarian roles of the UN; roles that would become more blurred if an integrated mission were to be established. How, it is asked, can the office that supports government security forces be independent and impartial? INGOs are not convinced by the argument that the belligerents in Somalia do distinguish between

the UN political and technical agencies. Some point to the bombing of the UNDP offices in Somaliland by al-Shabaab in October 2008 as evidence that the agency is viewed by Somalis as a political player.

### **The Absence of a Coherent Humanitarian Framework**

The community of humanitarian actors in Somalia is divided and relations between them can be acrimonious. This is not new. It is debatable whether there has ever been a “humanitarian system” or a “community” of humanitarian actors with shared goals and principles. If it did ever exist, then it has dissipated with the global proliferation of aid agencies in the two decades since the end of the Cold War—a period that coincides with the crisis in Somalia.

Aid agencies are split on the need for a coherent framework and the means to create one. Some agencies argue for stronger coordination and collaboration, although there is no shortage of formal and ad hoc coordination forums for Somalia. Some humanitarian actors believe that collaboration and coordination leave them less vulnerable to manipulation by the warring parties and donors. The OFAC issue, for example, is being negotiated on a bilateral basis by agencies and some argue that the lack of collective negotiation weakens the humanitarian community. Other agencies, however, see efforts to enhance coherence as challenging the integrity of humanitarian action. Efforts by donors to bring coherence to the system have created new tensions around the politicization of aid.<sup>102</sup>

International humanitarian NGOs are divided on their relationship with the UN. Some have sought to constructively engage with it in the belief that it should take a leadership and coordinating role in humanitarian response. However, the criticism that the UN has failed to uphold basic principles of impartiality and neutrality, the lack of humanitarian leadership, the unswerving support to the TFG, coupled with the impact of UN reform, have created an adversarial relationship with the UN. These INGOs report that they spend more time lobbying the UN rather than working with it and are increasingly choosing to act independently of it.<sup>103</sup> They criticize the UN and donors for prioritizing the survival of the TFG over humanitarian needs. Consequently, as one aid worker commented:

*The UN or donors never ask what they can do to ensure that we can keep operating here.*<sup>104</sup>

While they accuse the UN of failing to hold the TFG to account, these INGOs are also criticized by the UN for being insufficiently critical of antigovernment forces.<sup>105</sup>

Other INGOs who have their own sources of funds choose to reinforce their neutrality by establishing their distinctiveness and avoiding association with the UN and the numerous coordination forums that exist.<sup>106</sup> They prefer to undertake their own humanitarian diplomacy in Somalia and in the Somali diaspora.

Some humanitarian aid workers in Somalia bemoan the lack of a basic comprehension of humanitarian principles among aid actors and call for a more robust adherence to the principles to re-establish the distinctiveness and neutrality of humanitarian action.<sup>107</sup> However, establishing agreement on a common set of operational principles among humanitarian agencies has historically proven to be difficult in Somalia.<sup>108</sup> In the mid-90s, for example, the Somalia Aid Coordination Body (SACB) drew up a “Code of Conduct” that made security for aid agencies a precondition for assistance. While the pressure of this may have improved conditions in some locations, its application was inconsistent and it was not sustained by the SACB. Ground rules were also developed to ease access negotiations during the 1997 floods in Somalia, but were rarely applied. Most recently, agencies have sought to improve humanitarian access and reinforce humanitarian principles through agreements on operational standards. In 2009, the UN produced the “IASC Ground Rules: Advisory Note on Practical Considerations for Negotiations” as a step towards shared principles on access negotiations in Somalia. However, many INGOs were sceptical about collective action and instead agreed to a series of “red lines” beyond which INGOs were not prepared to continue working in the country.

There are two weaknesses with these operational agreements. First, they have been negotiated among humanitarian agencies only and have not been discussed or agreed with belligerents, who need to provide guarantees of acceptance and safety for aid workers in all parts of the country. Second, maintaining the agreements just among the aid agencies has proven difficult. The suspension of WFP’s activities in south central Somalia in December 2009, for example, provoked a complaint from the NGO consortium that WFP’s failure to consult with “either the UN Country Team or the Inter-Agency Standing Committee (IASC) Somalia prior to its suspension in South/Central Somalia transgressed the most fundamental and jointly agreed operating principle—that of sharing information.”<sup>109</sup>

### **Lack of Shared Analysis**

The different political agendas in Somalia mean there is a lack of shared analysis among humanitarian agencies on the nature of the crisis and what to do about it. Although the sophisticated analysis, mapping, and tracking units that exist for Somalia (such as the Food Security and Nutrition Unit) are among the best in any emergency, it remains hard to gauge the scale of the humanitarian crisis. Agency staff who manage operations remotely from Nairobi rarely visit the country and therefore gain little understanding of it.

There is general consensus among humanitarian agencies that the difficulty of access is a crucial obstacle to humanitarian action in south central Somalia. But views differ on how severe the problem is. UN agencies are largely restricted to government-controlled or allied areas, while INGOs can work in some opposition-controlled areas and endeavor to distinguish their operations from those of the UN. The number of parties to the conflict and the inconsistencies within each group means that much analysis is localized and varies in quality depending on the

agency. Some INGOs report that it has become easier to work in al-Shabaab areas; others report that their work is at an all-time low.<sup>110</sup> Agencies have different theories as to why some find it easier to negotiate access than others, noting such variables as the type of assistance provided, the level of independence of the agency, the historic relationship with the community, and the quality of staff. Without a shared analysis between the UN and INGOs, the possibilities of identifying common workable strategies are slim.

### Humanitarian Accountability

There is a long history of misuse, misappropriation, and obstruction of humanitarian aid in Somalia that dates back to before the war.<sup>111</sup> In the early 1990s, aid—and the intended beneficiaries of that aid—became resources that were fought over by rival factions and led to criticisms that humanitarian agencies were fuelling a war economy.<sup>112</sup> Two decades later, in March 2010, the UN Monitoring Group on Somalia exposed how foreign aid remains entwined with the conflict.<sup>113</sup> Investigations by the Monitoring Group concluded that humanitarian assistance had been obstructed by the substantive diversion of food aid, some of which had been used to support the efforts of armed groups opposed to the TFG. The largest Somali NGO in south central Somalia, which partners with several INGOs, was also accused of being complicit in the diversion.

Humanitarian agencies are, again, divided over the implications of the Monitoring Group's report. The WFP, the UN Resident and Humanitarian Coordinator, and some INGOs have refuted the accuracy of the Monitoring Group's findings on the scale of food aid diversion. In March, the Humanitarian Coordinator also expressed concern that the report was "adversely affecting flows of humanitarian assistance and will inevitably make it more difficult to sustain a humanitarian lifeline to central and Southern Somalia at a time when there are increasingly high levels of child malnutrition."<sup>114</sup> The humanitarian consequences of the suspension of WFP assistance for the 3.2 million people identified by the UN to be in need of food aid is yet to be seen. Indeed, it may be difficult to demonstrate impact empirically because numerous variables such as remittance flows, food production, climate, and security can positively or adversely affect livelihood vulnerability.

For other humanitarian actors, the Monitoring Group report is a wake-up call for all humanitarian agencies in Somalia, for while WFP is singled out for investigation, the report raises questions about the entire humanitarian system in Somalia. As one aid worker commented:

*For NGOs the arms Monitoring Group has broken the shell of presumptive accountability that agencies are operating honestly in Somalia...It is incumbent on us to explain what we are doing.<sup>115</sup>*

Aid agencies differ in their views on the extent to which all forms of aid are diverted and what is acceptable. Some take the view that:

*Any agency delivering aid in Somalia has to pay for access—indirectly through contractors, directly through extortion, or by commanders taking a cut from local aid worker's salaries.<sup>116</sup>*

Others are adamant that they rigorously monitor the assistance that they deliver and do not "pay for access." It is likely, however, that the UNSC will deal with aid diversion more harshly than it has done so with arms flows to Somalia, because humanitarian aid remains within the control of individual member states of the UN. Since the arms embargo on Somalia was established in 1992, it has had little or no impact on containing arms flows to Somalia. Suspending humanitarian assistance on the grounds of domestic security is much easier. Some humanitarian agencies are therefore concerned that the Monitoring Group may have seriously damaged humanitarian action in Somalia:

*Humanitarianism as an abstract concept of compassion is in tatters in Somalia and the Monitoring Group report is the latest shot at that.<sup>117</sup>*

## Conclusions and Recommendations

The resurgence of conflict in south central Somalia since 2006 has created one of the world's worst humanitarian crises. At the same time, humanitarian agencies have experienced a catastrophic deterioration in access. This paper has highlighted reasons for this and some of the challenges and dilemmas faced by the humanitarian community.

For two decades, the international community has responded to the crisis of state collapse and war in Somalia with a mixture of diplomacy, humanitarian assistance, and state-building programs. Since 2001, Somalia has often been described as "the next Afghanistan," being a collapsed state and "ungoverned" land from where militant groups and individuals espousing militant Islamist ideology threaten regional and international security. As the interests of both al-Qaeda and the West in Somalia have grown, it appears that the country is becoming a site where Western military strategies and aid policies developed in Afghanistan and in Iraq are being transferred to Africa.<sup>118</sup> Counterterrorism and counterinsurgency strategies combining military force and aid stabilization packages and the use of "for-profit" companies to deliver assistance are being deployed in Somalia. This has not proven effective in Afghanistan, where there has been no shortage of funding.<sup>119</sup> Transferring such template approaches to Somalia, which takes no consideration of the context and is backed by fewer resources, seems unlikely to be any more successful.

Having sponsored the creation of the TFG in 2004 as Somalia's "legitimate authority," the international community is locked into supporting it, seemingly at any cost. Primacy is given to security and "transitional" issues of recovery and state-building over international legal and human rights accountability and protection—a move that is indicative of a wider policy shift in the context of the "war on terror." Some governments have become

belligerents, either through direct military action or indirectly through support for TFG security forces. The use of humanitarian assistance to further political and security agendas is a further manifestation of this and suggests that some donors have lost sight of the principles of Good Humanitarian Donorship which they signed up to.

The “with us or against us” mentality of the war on terror has affected the nature of the security threats faced by Somali civic actors and foreign aid workers, leaving them vulnerable to attacks from both pro- and anti-TFG elements. In response to diminishing humanitarian space, the UN and INGOs have sought to reaffirm the principles that are seen to underlie their work through agreed-upon operating standards and “red lines.” But their defence of humanitarian space is on somewhat shaky grounds.

First, the UN is not perceived as neutral or impartial in Somalia, due to its support for the TFG. Second, there are difficulties in monitoring the delivery and uses of aid, and “pragmatic” solutions to aid delivery have allowed humanitarian assistance to become part of the war economy. Third, the concept of a “humanitarian space” is difficult to operationalize in Somalia, where the distinction between political, military, and civil actors is blurred, and notions of neutrality and impartiality sit uneasily with espoused ideologies. Humanitarian actors in Somalia have become targets of kidnapping and killing, partly because of the resources they control and partly because their neutrality and impartiality is not respected. Groups such as al-Shabaab are knowledgeable about the national origins of aid agencies and their sources of funding, and, in the eyes of many Somalis, these agencies are linked to the policies of Western governments.

In this context, the biggest challenge to independent humanitarian action in Somalia is, arguably, the moves towards greater regulation and licensing of humanitarian aid by donor governments. This has implications for humanitarian action beyond Somalia because it opens the door for increased political management of humanitarian aid and its use to further political ends. Globally, humanitarian aid has become one of the policy tools—alongside diplomacy, military intervention, and trade—that Western donors can deploy to contain the threat of fragile states, to transform conflicts, and to establish stability and global security. In order to deliver assistance to populations in need in south central Somalia, aid agencies have to negotiate with local authorities, who, in many places, are allied to antigovernment forces such as al-Shabaab or Hisbul Islam. Through legislation, donors can enforce greater policy coherence. Actions by humanitarian actors that would previously have been considered good “fieldcraft” or essential humanitarian diplomacy, involving some compromise for the greater good, can be determined to be illegal under some forms of antiterrorist legislation. For aid agencies, the danger in the licensing of humanitarian assistance is that it removes any pretence of independence. It contractually binds agencies into a “with us” relationship with donor governments. Assistance that is policy-driven, rather than provided on the basis of need, is no longer humanitarian.

## Recommendations

**Humanitarian Principles:** In Somalia, where humanitarian access and humanitarian space is being eroded, it is essential that humanitarian agencies seek to hold a neutral and impartial humanitarian line. Humanitarian agencies should continue to restate and raise awareness among all actors about humanitarian principles and international humanitarian law and work towards a consensus on humanitarian “ground rules.” These need to be agreed with the belligerents, not just among the aid agencies. Ideally, UNOCHA might be expected to take a lead on this. In the absence of this leadership, humanitarian principles should form the basis of individually negotiated local-level access agreements.

Donor governments should reaffirm the distinction between humanitarian action on the one hand, and development aid and political engagement on the other, and support the principled and impartial delivery of humanitarian aid. For this reason, an integrated UN mission in Somalia should be avoided.

**Protection:** Civilians are under fire by all sides in the conflict, as evidenced in their mass displacement. The imperative to protect civilians during conflict means that every effort should be pursued to end the armed conflict in Somalia through peaceful means. Donor governments and the UN should not be silent on abuses by military forces in Somalia. They must apply the same standards to all in respect to IHL and be prepared to comment on TFG and AMISOM actions that do harm to civilians. Silence by political actors reinforces a culture of impunity.

**UN leadership:** The humanitarian crisis in Somalia requires strong humanitarian leadership from the UN to forge a humanitarian consensus. For the UN to play this role effectively, there needs to be a clearer distinction between its political, developmental, and humanitarian roles. Separating the UN Resident Coordinator and the Humanitarian Coordination functions would be one way to create this distinction.

**Licensing of Humanitarian Aid:** Humanitarian assistance to Somalia should be exempt from sanctions against individuals and entities proscribed by the UN and the domestic antiterrorism legislation of member states. Proscriptions themselves are a blunt instrument for resolving the crisis in Somalia. Stopping humanitarian action to avoid giving succor to such groups risks being counterproductive by denying the right to assistance and protection to hundreds of thousands of civilians in need in Somalia, and strengthening the hands of those being targeted.

Humanitarian actors need to develop a consensus around the issue of the licensing of humanitarian assistance in Somalia. Evidence of its humanitarian impact should be monitored and the issue addressed through common advocacy at the UN and in donor capitals.

**Accountability:** International military, political, and aid interventions in Somalia have lacked accountability. Criticisms by the Monitoring Group on Somalia of humanitarian agencies in Somalia should be taken as an opportunity for all humanitarian agencies to review their operations and as a platform around which to elevate the importance of impartial humanitarian action.

**Good Humanitarian Donorship:** The starkest accountability gap, however, lies with donor governments. There have been evaluations by individual donors of programs they have funded, but in two decades there has never been a comprehensive review of donor assistance to Somalia, similar to those undertaken in other countries such as Rwanda or Afghanistan. Such a review should also assess the efficacy of assistance provided by the UN and NGOs. Such a review is long overdue.

## Footnotes

- 1 This paper draws on a series of discussions with staff of international humanitarian agencies in Kenya in March 2010. For reasons of confidentiality, the names of those individuals and agencies have been withheld, but I acknowledge and thank them for their time and insights. I am grateful to Robert Maletta, Rosemary Heenan, and Antonio Donini for their comments on an earlier draft of the paper. Responsibility for the final analysis lies with the author.
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## About the Author

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# Appendix

## A Brief Chronology of Two Decades of State Collapse

- 1988** In May, the Somali National Movement, which has been fighting the regime of Mohamed Siyad Barre since 1982, briefly capture Hargeisa and Burco in the north. The government retaliates by bombing Hargeisa and over half a million civilians flee to Ethiopia. Over the next two years, civil war spreads as numerous clan-based military factions are formed.
- 1991** In January, Mohamed Siyad Barre is ousted from Mogadishu by a coalition of armed factions. The state collapses as the factions fight over it, territory, and the economy. In May, following a peace agreement among the northern clans, the SNM proclaims the secession of the northern regions as the Republic of Somaliland.
- 1992** In April, following a UN-mediated ceasefire between rival warlords Ali Mahdi Mohamed and General Mohamed Farah “Aideed,” the UN Security Council approves Resolution 751 to establish a limited unarmed observer mission in Somalia, known as UNOSOM. In December, amidst alarm at the growing famine in Somalia and attacks on aid convoys, the UN authorizes the deployment of a US-led UN International Task Force (UNITAF) in support of UNOSOM, and to create a safe environment for the delivery of humanitarian relief.
- 1993** In March, building on a political agreement between Somali factions to form a Transitional authority, UN Security Council resolution 814 authorizes the establishment of a large civilian and military peace support operation, UNOSOM II, to oversee the reconstruction of Somalia. In October, the US announces it is withdrawing from Somalia after the UN becomes embroiled in a conflict with Mohamed Farah Aideed, leading to US casualties.
- 1995** In March, the last UNOSOM troops leave Somalia having failed to restore a government.
- 1998** People of northeastern Somalia establish the non-secessionist Puntland State of Somalia, with Abdullahi Yusuf as president.
- 2000** The Djibouti government and IGAD convene a national peace conference that, in August, establishes a Transitional National Government, headed by Salad Hassan. This is the first internationally recognized Somali government since 1991. But it receives little international backing and is undermined by Ethiopian support for factions who felt marginalized by the Djibouti talks and opposed the TFGs.
- 2002** In October, a National Reconciliation Conference facilitated by IGAD starts in Kenya to produce a successor to the TNG. In December, Somaliland holds the first multi-party elections for 30 years for district councils.
- 2004** In August, a Transitional Federal Charter for Somalia is adopted and transitional parliament is inaugurated. In October, it selects Abdullahi Yusuf as the president of Somalia.
- 2006** In April, fighting erupts in Mogadishu between an alliance of warlords, backed by the US, and Islamic court militias and the general public who are tired of years of warlord rule. The Islamic Courts Union emerges victorious, with Sheikh Sharif Sheikh Ahmed as its chair. It rapidly extends its authority to much of south central Somalia, threatening the TFG. In December, after talks between the TFG and the ICU fail, Ethiopia invades Somalia in support of the TFG and captures Mogadishu.
- 2007** In January, the TFG is installed in Mogadishu. Defeated ICU leaders flee towards Kenya, pursued by the TFG and Ethiopia, while the US carries out airstrikes against suspected al-Qaeda operatives. In February, the African Union deploys a limited peacekeeping force of Ugandan soldiers to the capital to protect the Transitional Federal Institutions and secure Mogadishu airport and port. In March, fighting erupts in Mogadishu between the combined TFG and Ethiopian forces and a mix of clan and Islamist militias opposed to the Ethiopian presence, causing mass displacement from the capital. In September, leaders of the ICU in Eritrea establish the Alliance for the Re-Liberation of Somalia (ARS).

- 2008** In April, the EU calls for international efforts to tackle piracy off the Somali coast. That month, US missile strikes kill the leader of al-Shabaab, Aden Hashi “Ayro.” Al-Shabaab declares all foreigners are legitimate targets. In June, talks between the TFG and the ARS begin in Djibouti, facilitated by the UN, reaching a formal agreement in August that allows for the withdrawal of the Ethiopian army. In October, suicide bombers hit government, UN, and Ethiopian premises in Somaliland and Puntland. In December, Abdullahi Yusuf resigns the presidency.
- 2009** In January, Sheikh Sharif Sheikh Ahmed, former leader of the ICU, is selected by parliament as the president of Somalia. In May, al-Shabaab and Hisbul Islamiya fighters attack the TFG in Mogadishu. They fail to defeat the TFG, which is supplied with arms by the US and defended by AMISOM, but al-Shabaab extend their influence over much of south central Somalia.
- 2010** In January, WFP announces that it is suspending operations in much of south central Somalia. In March, the TFG forms an alliance with Ahlu Sunnah wal Jama’a, in anticipation of a much-rumored government counteroffensive.

## Acronyms

ACF	Action Contre La Faim
AMISOM	African Union Mission to Somalia
ARS	Alliance for the Re-liberation of Somalia
ASWJ	Ahlu Sunnah wal Jama’a
CAP	Consolidated Appeal (United Nations)
CERF	Central Emergency Response Fund
CHF	Common Humanitarian Fund
EC	European Commission
ECHO	European Commission Humanitarian Office
HPG	Humanitarian Policy Group
HRF	Humanitarian Response Fund (UN)
IASC	Inter-Agency Standing Committee
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
ICU	Islamic Courts Union
ICWG	Inter-Cluster Working Groups
IDP	Internally Displaced Person
IGAD	Inter-governmental Authority on Development
IHL	International Humanitarian Law
INGOs	International Non-governmental Organizations
IRIN	Integrated Regional Information Network
NGO	Non-governmental Organization
ODI	Overseas Development Institute
OFAC	Office of Foreign Assets Control (US Treasury Department)
QUIPs	Quick Impact Projects
SACB	Somalia Aid Coordination Body
SNM	Somali National Movement
SRSG	Special Representative of the Secretary General
TFG	Transitional Federal Government
TFIs	Transitional Federal Institutions
TNG	Transitional National Government
UNDP	United Nations Development Programme
UNDSS	United Nations Department of Safety and Security
UNHCR	United Nations High Commission for Refugees
UNITAF	Unified Task Force
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNOSOM	United Nations Operation in Somalia
UNSC	United Nations Security Council
UNSECOORD	UN Security Coordination
USAID	United States Agency for International Development
WFP	World Food Programme