scope for building further resilience among Moyale’s poor pastoralists. Concern’s future plans include the introduction of drought-resistant crops such as cassava, millet and sorghum and further livestock diversification, with the introduction of Gala Goats to smallholder herders. Goats’ milk and meat is relied upon heavily during droughts as a food and income source, and Gala Goats are more drought-resistant than the common East Africa Goat and have higher milk and meat yields. Despite the existence of water resource management systems in northern Kenya, effective management of water sources in pastoralist areas remains a challenge. Building on what we know of pastoralist movement and culture, Concern is exploring alternative management systems that exploit public–private partnerships.

**Humanitarian response in conflict: lessons from South Central Somalia**

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The scale and scope of the humanitarian crisis in South Central Somalia challenges the humanitarian system’s capacity to deliver assistance. More than two decades of conflict, combined with cyclical, slow- and fast-onset disasters, have displaced millions of Somalis. In the absence of a central government, the few basic services available are mostly provided by humanitarian aid organisations (mainly through local staff and partners) and food crises are recurrent. Many of the lessons from this crisis can also be applied to other complex emergencies where the humanitarian response capacity has been overstretched, and where security and access constraints make it difficult for agencies to establish a regular presence on the ground.

**The humanitarian response**

This article highlights the key findings from the report of the Inter-Agency Standing Committee (IASC) evaluation of the humanitarian response in South Central Somalia between 2005 and 2010. These findings and recommendations have been validated by the Humanitarian Country Team, and the evaluation is considered ‘one of the most comprehensive evaluations of aid in Somalia ever conducted’.

Despite critical access and security constraints the overall response was successful in key areas such as food distribution, health, nutrition, water and sanitation. From 2005 to 2010 there was no large-scale disease outbreak even though millions of people fled from their homes in a very short period. There were a number of innovative features in the response, especially around remote management (monitoring, participation and accountability). The Somali diaspora and the population in IDP-influx areas and in the region as a whole played a major role in the response.

Despite successful lifesaving efforts, most assistance focused on responding to short-term emergency relief needs, with much less attention to recovery and mitigation, including sustainable livelihood programmes and disaster risk reduction. The response was often reactive, utilising supply-driven approaches focused on short-term humanitarian objectives. Funding cycles were too short-range. While pooled funding mechanisms allowed more organisations to access financial resources, the slow screening and approval procedures prevented them from providing more timely assistance. Insecurity and access constraints were major problems. Conditions imposed on humanitarian aid made it difficult for humanitarian actors to respond impartially and proportionately. By 2010, increasing insecurity and funding constraints had forced most UN and international aid organisations out of South Central Somalia. Data is limited, but there are indications that being based in Nairobi and working remotely through local partners has increased transaction costs for humanitarian organisations. While diversion of humanitarian assistance has been reported in recent years, the international community is taking steps to improve risk management and reduce waste. However, monitoring is hampered by lack of access and presence on the ground, and joint monitoring and reporting mechanisms are generally missing.

**Strategic lessons and conclusions**

**Humanitarian space**

From 2005 to 2010 control over South Central Somalia was consistently disputed and humanitarian space shrank dramatically. Some key donors blended security
and humanitarian agendas, and parties to the conflict have repeatedly violated international humanitarian law by conducting indiscriminate attacks against civilians and impeding humanitarian access. As a result, neutral and independent humanitarian action has lost ground and humanitarian organisations have faced increasing difficulties in gaining access to populations in need. Ways need to be found – through dialogue – to ensure that combatants are distinguished from civilians and that warring parties accept and facilitate the provision of humanitarian assistance according to need, regardless of clan or political affiliation.

Needs-based response

Humanitarian assistance to South Central Somalia has focused on relief activities, particularly food aid, with limited support to recovery activities. Insufficient investment in livelihood and disaster risk reduction programmes has contributed to a continuing need for relief aid.

Box 1: Causes of GAM

Global acute malnutrition (GAM) was widely considered to be a consequence of persistent poverty caused by recurrent crop failure, very scarce rainfall, food price inflation and severe local shortages of supplies. Drought, conflict and displacement also contributed to high malnutrition rates. Droughts in 2006 meant that GAM rose to 30% in some areas.³

Joint approaches

Joint efforts, such as health and education activities implemented during a polio immunisation campaigns, have been more effective than individual cluster activi-

ties. Similar approaches should be used in other sectors, such as livelihoods, agriculture and disaster risk reduction. Successful joint approaches may also help reduce internal displacement if provided equitably and in people's places of origin. Geographically unequal aid distribution and contracting humanitarian space have acted as 'pull factors', increasing the number of displaced people moving to Mogadishu and the Afgooye corridor, as well as other urban areas.

Differentiated assistance

Few organisations adequately analysed the needs of IDPs according to place (urban or rural), cause of displacement (drought – pastoralist; conflict) or length of time displaced. According to local authorities and aid recipients interviewed the specific needs of displaced populations in host families, as well as host family needs, were largely overlooked. The diaspora has played a significant role in helping communities to cope with otherwise unsustainable stresses. While initiatives have been taken to foster stronger links between the humanitarian community and private actors, further steps are needed to ensure that humanitarian efforts are coordinated more closely with the support received from the diaspora and other private sources.

Operational lessons and conclusions on efficiency and effectiveness

Funding

Funding mechanisms, including the Common Humanitarian Fund (CHF), are still too slow despite efforts to speed them up. There is an urgent need to make the process more efficient to ensure that aid reaches affected populations in time. This is particularly critical for lifesaving assistance and aid intended to prevent life-threatening situations from worsening. Funding cycles are also too short, creating a significant additional workload for OCHA and cluster leads and reducing the time available for project implementation. Longer-term and more flexible funding would permit quicker responses, which could be adapted to changing needs and provide opportunities to strengthen resilience. Unfortunately, donor rules often do not allow humanitarian funding to be used for preparedness, recovery and development.

Management and transaction costs

The humanitarian response to Somalia has largely been managed from Nairobi; decisions made, and those making them, have been removed from the field. This adds to the transaction costs of humanitarian operations as intermediary levels have been introduced to channel or administer funding and projects. Although most
agencies agree that remote management is far from ideal, some organisations have accumulated knowledge and experience that others could usefully learn from, given that remote management appears to be here to stay. One important challenge of remote management in South Central Somalia is the heightened exposure of national staff to risks. There is considerable scope for humanitarian organisations to provide national staff with adequate security resources, support and capacity-building.

**Box 2: Monitoring – lessons learned**

Monitoring, including through remote structures, depended on local capacity and establishing the technological means to verify whether work had been done. Those organisations that have managed to continue monitoring activities in Somalia have:

- instituted regular field-based reporting (weekly and monthly);
- developed simple action plans and checklists;
- maintained regular contact with ground staff by phone, Internet and video (mostly used as part of remote management);
- increased recruitment and training of monitoring staff or use of third-party private monitors;
- developed standards;
- regularly dispatched local staff to visit project sites;
- made field visits when 'access windows' were open;
- conducted peer-to-peer reviews;
- used third-party mobile monitors to verify deliveries;
- used photographs and videos to supplement written reports; and
- improved vetting of implementing partners with a contractor database under the auspices of the office of the Resident Coordinator/Humanitarian Coordinator.

### Assessments, monitoring and accountability

Lack of access meant that humanitarian organisations were not always able to conduct assessments or implement and monitor their assistance safely and effectively. There has been an increasing (and positive) tendency to undertake more joint (or coordinated) assessments, which can reduce costs for humanitarian organisations as well as easing the burden on affected populations. However, individual assessments were still carried out, with the result that affected populations often felt over-assessed and too much data was produced at cluster levels.

Assessments have been characterised by a general absence of predefined standards governing the type of information to be gathered, by whom and where. The fact that relatively little assistance arrived despite the many assessments carried out created distrust among the population, and very few organisations told people what assistance they should expect. Overall, accountability towards beneficiaries has been very limited. Monitoring could be improved substantially and more rigorous use of indicators is needed, particularly for measuring activities beyond output level.

#### Box 3: Engaging with communities

Understanding perceptions of affected populations and clearly explaining programme objectives and inputs is vital. People must see that consultations are transparent and that aid is distributed fairly between communities without any suggestion of bias. By involving beneficiaries and stakeholders it is possible to achieve this. As the evaluation team was told by a local NGO representative in Mogadishu: ‘you have to be transparent with the community, telling them what you do and letting them know what the outcome is. You must call the people and explain what you are going to do and agree on selection criteria’. Some NGOs stress the importance of open dialogue and consultation with local elders, community leaders and women.

### Recommendations

- Donors should always ensure the provision of unconditional funding that is independent from political objectives and consistent with Good Humanitarian Donorship Principles.
- Humanitarian access to civilian populations can be denied by parties to the conflict for political or security reasons. Humanitarian agencies must maintain their ability to obtain and sustain access to all vulnerable populations and to negotiate such access with all parties to the conflict through sustained dialogue and principled approaches. The HCT should immediately foster dialogue to address fundamental challenges related to humanitarian assistance, with special emphasis on access, protection of civilians and impartiality. The Humanitarian Coordinator, OCHA and cluster leads should ensure that only activities aligned with ‘Do No Harm’ principles are funded.
- The humanitarian community should immediately strategise and actively promote more timely, integrated responses that are adapted to local realities on the ground. The strategy should prioritise areas of origin to prevent further displacement, promote the return of displaced populations, target host communities and IDPs and include contingency planning for likely scenarios (such as changes in lines of confrontation).
- The HCT members should ensure that experience of remote management and good practice for protecting national staff is documented and shared with other HCTs using similar management modalities in places such as Afghanistan, Iraq, Pakistan, Sudan and Yemen.
- Humanitarian organisations should position senior managers in the field and give them sufficient decision-making authority to ensure that operations run smoothly and flexibly. If this is not possible, humanitarian organisations should put in place a capacity-building strategy for field managers to enhance their decision-making capacity.
- Humanitarian organisations should seek to lower transaction costs by reducing the number of intermediary

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4 Many of these recommendations have already been implemented and taken into account in the Consolidated Appeal, the humanitarian strategy for Somalia in 2012.

Neutrality undermined: the impact of counter-terrorism legislation on humanitarian action in Somalia

Sara Pantuliano and Victoria Metcalfe, HPG

Counter-terrorism laws and other measures are having a significant impact on humanitarian action in Somalia. Research by the Humanitarian Policy Group (HPG) suggests that they have increased operating costs, slowed down administrative functions and operational response, curtailed funding and undermined humanitarian partnerships. They have also prevented access and altered the quality and coordination of assistance, making it more difficult for humanitarian actors to operate in accordance with the principles of neutrality and impartiality.

Counter-terrorism legislation

The development of counter-terrorism legislation and measures relating to Somalia must be seen in the context of global counter-terrorism efforts. Although there is no legal definition of terrorism, in practice the term has been used to describe politically motivated violence intended to cause death or injury to civilians, with the aim of intimidating a wider audience. What constitutes terrorism is however highly subjective: states tend to characterise violence perpetrated against them by non-state armed groups as ‘terrorist’, whereas similar acts perpetrated by groups politically or ideologically closer to them may be considered part of a ‘liberation struggle’. Today, there is a complex array of domestic, regional and international legislation and policy addressing specific acts of terrorism, or targeted at specific ‘designated’ groups or individuals.

Whilst the objectives of counter-terrorism legislation and international humanitarian law (IHL) coincide over the need to protect civilians from attack, in some instances this body of law is in contradiction with the provisions of IHL. In particular, counter-terrorism legislation considers one party to a conflict as criminal per se, whereas IHL regulates the behaviour of all parties to the conflict in equal fashion. While IHL balances the principle of military necessity with that of humanity, and places limits on the waging of war, counter-terrorism laws threaten to erode these limits, and make it more difficult for people affected by conflict to receive humanitarian protection and assistance. Although anti-terrorism laws do not prohibit discussions with designated terrorists, and IHL clearly provides for humanitarian actors to offer their services to all conflict parties, some humanitarian actors have been instructed not to engage with certain armed groups, even though this limits their ability to reach populations under their control.

Undermining neutrality: the operational impact of counter-terrorism legislation in Somalia

The sanctions regime in Somalia dates back to 1992, when an arms embargo was imposed under UN Security Council Resolution 733. Resolution 1844 in 2008 added targeted sanctions against listed individuals and entities. UN member states have implemented the resolution through a range of measures, including criminalising the provision of resources and material support to those named on the list, which currently comprises Al-Shabaab and ten individuals.¹

Resolution 1916, passed in March 2010, introduces a humanitarian exemption to the sanctions, but this applies only to ‘the United Nations, its specialised agencies or programmes, humanitarian organisations having observer status with the United Nations General Assembly that provide humanitarian assistance, or their implementing partners’. This excludes independent organisations like Médecins Sans Frontières (MSF), which are neither part of the UN nor an implementing partner. It also leaves diaspora organisations vulnerable.² In addition, the exemption is not mandatory. In the US, for example, whilst the substance of Resolutions 1844 and 1916 has been implemented, the humanitarian