Famine, Legitimacy, and Do No Harm

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Famines put extreme pressure on the legitimacy of formal and informal authorities. Food is more than just a commodity. It is life itself. Scarcity at the level of a famine is a serious breach of the social contract between people and authority. The breach can be sufficiently severe that it cannot be healed and the authority is often driven from power within a relatively short time span.[1]
The steep decline in legitimacy takes place regardless of whether the authority structure has any regard for the population under its aegis. Authoritarian or bandit groups can be subject to a loss of legitimacy as much as democratically elected authorities.

This paper elaborates on the implications of the Do No Harm concepts of "Legitimization" and "Substitution", two of the key *Resource Transfers* identified by the DNH Program. Aid agencies, by possessing and providing resources in the midst of scarcity, "transfer" power and authority along with food. As they work with local governing authorities they can reinforce (or undermine) the power and authority of those governing authorities. This paper identifies the components of legitimacy (as found by DNH), discusses the process of how legitimization and substitution take place in famines, and ends with three cases that demonstrate that there are always options.

Legitimacy

Legitimacy is important for governing authorities. Without it, an authority will have difficulty governing and will have to expend resources on repression. Ultimately, a loss of legitimacy tends to lead to the overthrow of the governing authority. Legitimacy is not mysterious. It is in fact quite practical. The Do No Harm Program has found that people regularly cite three specific pillars of practice for legitimacy.[2]

- Security: Defined by people as (a) not harming the people an authority claims to represent and (b) preventing harm from befalling them.
- Services: Defined by people as the active provision of services such as education, sanitation, transportation infrastructure, and health care.
- Voice: Defined by people as some culturally appropriate and relevant mechanism by which citizens can communicate with the governing authority.

Legitimacy is not the same as control. Control can be maintained even after the loss of legitimacy through repression and violence. But this is a fragile foundation upon which to rest authority.

[1] For example, Ethiopia's famines in 1973 and 1984 both led to regime change through loss of legitimacy. Both smashed the social contract with ordinary citizens and spurred elites and international allies to begin distancing themselves from the governing authority. Haile Selassie's government succumbed in a year, though Mengistu Haile Mariam's was able to hold on for seven years – longer than most rulers do following famines.

[2] The Do No Harm Program has asked hundreds of people in conflict zones, "What makes an authority legitimate?" The three pillars (security, services, voice) came up in conversations across the world. There were, to be sure, regional variations on precisely what services were important. Also, many individuals considered legitimacy to rest on more than three pillars. However, these three were cited everywhere.

Legitimacy, by contrast is characterized by an (often unspoken) agreement by the people to follow the mechanisms of governance.

The bar to meet legitimacy is in fact quite low. Yet authorities all over the world stumble over it.

Local governing authorities can demonstrate an appropriate and legitimate response to famine through providing accessibility to resources (services), including appropriate police presence (security) and local engagement (voice). They must be perceived by the people that they are in fact working directly to alleviate the population's hunger, which requires both policy and action.

Famine, Conflict, and the Co-opting of Humanitarian Response

Famines often occur in situations of conflict. They may be caused by fighting, when farmers are displaced from their land, crops are destroyed in the fighting, or distribution networks are interrupted. Where there is drought, conflict exacerbates a decline in food stocks. Armed groups, who are themselves not productive, turn to "taxing" or stealing from those who are still productive, often depleting both current production and food stockpiles. One result, frequently seen, is that farmers lose incentive to maintain production knowing that, if they continue, looting will put both their lives and livelihoods at risk. In some circumstances, this can lead to a paradox where otherwise fertile areas become more at risk for full blown famine than more marginal areas that are of less interest to fighters.

Humanitarian assistance brought into such situations is a lifeline for militias and fighters. Not only is it a resource that can preserve the lives of fighters, it can be distributed to people at risk and so bolster the militia's legitimacy with those they claim to protect. In such a situation, the militias' incentive to steal (or 'tax') humanitarian aid can be high.

This theft may not be seen as illegitimate or corrupt by the people who benefit from it. Humanitarian resources are often brought in from afar and do not represent the efforts of local people. It is distributed freely and so has no value in any sense beyond the existential. These factors allow it to be stolen with impunity – as long as enough of it gets to the people who need it to stave off starvation.

Thus humanitarian aid can support governing authorities who are either unable or unwilling to develop the capacity to serve their own people. If the international community will feed the people anyway, why should the governing authority use its own scarce resources to do so?

In a situation of conflict, this reasoning is exacerbated. The scarce resources of those in power are focused toward fighting (sometimes claimed by authorities to be necessary to "protect" those under their control). The humanitarian resources help to maintain one aspect of governing legitimacy (the provision of services), while the local authority focuses on military "security". In other words, humanitarian resources can make the fighting of war possible and sustainable.

There is an additional danger in this inadvertent support for war for the long-term that is seldom acknowledged. The governing authority that relies on external aid to meet the food and health needs of its population can lose any sense that their role should encompass more than fighting. Individual commanders become expert in war, but not in governance. They become habituated to using resources

for power, violence, and war. Peace and its responsibilities remain alien to them. Because these responsibilities (markets, food availability, health services, rescue services) are supplied by humanitarians, they see themselves as accountable only for ensuring that humanitarian assistance continues, but not for developing the capacities to provide these aspects of good governance themselves. As more and more of the responsibilities of governance are taken up by humanitarians, capacities for post-conflict governance by warring groups are increasingly undermined.

In the even longer term, when a governing authority turns over all services to NGOs or civil society, they undermine their own legitimacy by outsourcing two of the three pillars: services and voice. As the authority sees its control slipping away, it may turn to more authoritarian tactics until it sows the seeds of its own overthrow. Yet they will have poisoned the well of governance through their admittedly poor example. Their rivals will not have a sense of what appropriate governance entails, having been exposed only to reliance on NGOs. When a new governing authority takes over, it is often easier to allow the NGOs to continue doing what they have been doing. This terrible cycle continues.

How can NGOs avoid these traps? In a famine, the incentives for militias to evolve toward relying on (or preying on) NGOs are high and rational. But NGOs have been here before. Several experiences offer keys to unlock the traps. This paper concludes with three case studies of organizations working in conflict zones where efforts were made to directly address the legitimacy of groups that claimed governing authority.

Three Case Studies

Case I: ICRC in Somalia and creativity in crisis

The ICRC in Somalia during the crisis of 1991-92 developed several strategies to mitigate their potentially negative impacts. These were not wholly successful and were ultimately undermined. But their experience, in fact, is one that laid the foundation for DNH and some of what DNH has learned.

Key activities that point in the right direction:

- The ICRC partnered with the Somalia Red Crescent Society (SRCS). This gave the ICRC credibility on the ground with a large network of skilled locals who both spoke the language and practiced Islam.
- The ICRC actively solicited input from the SRCS and their own Somali staff on what to do and how to achieve it. This appreciation for and reliance on local expertise was in stark contrast to almost every other agency operating in Somalia.
- Where they could, they established “kitchens” rather than food distribution camps or points. The kitchens provided cooked food instead of dry rations in order to reduce the ability of militias and bandits to steal for their own later use.
- Where they had to distribute dry food, they made a practice of small, quick distributions with little fanfare or scheduling.

- They actively negotiated with as many clans and sub-clans in every region of the country as they could reach. Through this, they were able to get the best possible deals for access to those who were in need and they emphasized and reinforced local governance roles.
- In partnership with several other major NGOs, they set prices for hiring armed guards. This limited the monetary resources flowing directly to militias and defended all those NGOs from protection rackets.

How were they undermined?

- When more NGOS entered the context, so did the media. This led many NGOs to push their programs in front of the cameras, shaping the discourse. The ICRC's quieter and more respectful style, with limited media access and no trumpeting of accomplishments, was overwhelmed by the pictures being beamed out to the rest of the world. Those images led directly to the intervention by UNOSOM and the resulting heightened violence.
- Also, when more NGOs entered the context, many of whom had little or no experience in Somalia, they ignored previous negotiations that had taken place. In the most egregious case, they negotiated different rates for armed guards. The prices were pushed up and the group led by ICRC keeping prices down was overwhelmed. The militias also found they could change the terms at will with these inexperienced NGOs and "protection" turned into protection rackets.
- New NGOs ignored the lessons of the ICRC regarding effective provision of aid (recommended by Somalis). They brought in huge amounts of dry food rations which were more easily stolen than the food that needed to be cooked. They also decided to deliver in bulk to specific feeding locations and camps, thereby providing the militias with precise information about where and when the food (and sometimes vehicles and cash) could be looted.

These three undermining factors became standard practice in Somalia. Agencies attempting to operate in different ways were placed under great pressure (and under the gun) to conform in order to maintain their presence in Somalia. And the militias grew fat off the famine.

Case II: Operation Lifeline Sudan and the development of civil institutions

Operation Lifeline Sudan (OLS) was founded in 1989 to provide humanitarian relief across the embattled country. It was developed by the UN in consultation with the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM) to coordinate the efforts of humanitarian organizations. Participants in the creation of the OLS have discussed how its basic rules emphasized responsibilities on all sides and that created openings for further dialogue and opportunities for peace. While the early momentum in this direction was lost due to internal factional fighting in both North and South, the ability to discuss issues of importance to both sides had been opened up.

In 1992, following the murder of some aid workers in the South, OLS negotiated additional Ground Rules with the SPLM and the "humanitarian wing" of the movement, the Sudan Relief and Rehabilitation Agency (SRRA). These Ground Rules clarified the role of the SRRA and led directly to its strengthening as

an institution. The revision of the Ground Rules in 1995[3] acknowledged the changing nature of the SRRA and explicitly addressed its need for increased capacity. Through the following decade there were severe challenges to the agencies operating in Sudan and many inadvertently contributed to the conflict through their programmes. Nonetheless, the development of the SRRA provides important positive lessons that should not be ignored.

What was remarkable about the SRRA?

OLS successfully negotiated with a fighting party, in the middle of a civil war, to effectively create[4] a civilian agency to be staffed and funded by the SPLM. Though in practice the SRRA was largely funded by outsiders, the symbolism and implications of this effort were important.

First, this example shows that it is possible to negotiate with fighters to devote resources – especially competent and effective personnel – toward civil activity even in the midst of war.

Second, the creation of a civil agency shows that the command leadership themselves recognized the value and importance of civil structures for governance. No matter the stated rationale (freedom from oppression, self-determination, etc.) they recognized that fighting by itself is not enough to grant legitimacy.

Third, the SRRA provided a venue and opportunity for a change from a war mindset to a humanitarian one and from a military to a civilian one. Participants in the experiment of the SRRA have spoken of the importance of this. The Do No Harm Program itself had the experience of having SRRA members who attended workshops describing how, as men who had been soldiers for some years, they valued being able to work for the people rather than being violent.

Finally, the SRRA provided a rare venue for people to gain experience and training in providing services that could be an important aspect of preparing for post-conflict governance.

We are not naïve about the significant role the SRRA played in securing resources from NGOs for the SPLM. Nor do we ignore the serious substitution issues that arose in many locations with the SRRA "ordering" NGOs to provide services. While nominally civilian, they were still part of a liberation movement engaged in a civil war. Nonetheless, the larger point about preparing for peace remains.

This case highlights that even in the midst of conflict, negotiating civilian space and control over resources is possible. Further, there is an opportunity, not entirely realized in this case, to help people prepare for post-conflict governance in whatever government emerges.

[3] The 1995 A*greement on Ground Rules* was also signed by the Southern Sudan Independence Movement and the SPLA-United and obliged their humanitarian wings (respectively the Relief Association of Southern Sudan and the Fashoda Relief and Rehabilitation Association) to abide by responsibilities toward their populations and offered capacity-building in order to carry out their duties.

[4] The SRRA was founded in the 1980s, but until the Ground Rules its role was largely determined on an ad hoc basis from region to region.

Case III: Basic Operating Guidelines in Nepal and playing by the rules

In 2003, in order to defend themselves against what they saw as the constriction of humanitarian space, and to support the ability of NGOs to negotiate locally, several agencies partnered to develop Basic Operating Guidelines (BOGs). All agencies working in Nepal were asked to sign on to and uphold them.

The 14 principles[5] laid out clearly how agencies would operate with regard to the conflict. They suggested that if they were compromised by fighters, then the agencies in that area would have to close their programs and pull out. As suggested above, the legitimacy of fighters is often maintained by the presence of NGOs providing services. Losing those would also compromise the legitimacy of the side that forced the closing down of programs. In the context of a civil war for control of the state (and not just a breakaway region), neither side could afford to drive NGOs away.

Having just 14 principles on one page also allowed all the signatories to give copies to every staff member. Staff were encouraged to pull the principles out of their pocket whenever confronted by a fighter and point out the rules that the agencies were bound by. A fighter could be put on notice that the choice was not the NGO worker's, but rather the agency as a whole had made an agreement that would lead to certain actions in the face of violations by fighters. In other words, a fighter could jeopardize his side's war effort by violating an agreement the NGOs had made among themselves.

Conclusion

Food aid in a famine situation is the most precious resource. Experience has shown that governing authorities will attempt to co-opt it and turn it into a source of their own legitimacy.

Experience also shows that even in the most difficult and seemingly intractable and chaotic situations, it is still possible for organizations to negotiate ground rules with fighters and governing authorities that emphasize humanitarian values and actions. Experience further shows that fighters will willingly enter into negotiations and abide by their results – but only in as much as the organizations are willing to press for accountability.

There are no perfect success stories. Yet for each of the cases above, there are dozens more examples where aid workers took their context seriously, thought hard despite the pressures of time and money, and found ways to deliver aid so that the conflict was not worsened and recovery was hastened

[5] Fourteen is the current number of principles, as determined by the BOGs Group. In earlier iterations, there were fewer.

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