THE BROOKINGS INSTITUTION

THE POLITICS OF PROTECTION

Washington, D.C.
Monday, April 11, 2011

PARTICIPANTS:

Introduction and Moderator:

MICHAEL O'HANLON
Senior Fellow, Director of Research, Foreign Policy
The Brookings Institution

Featured Speakers:

ELIZABETH FERRIS
Senior Fellow and Co-Director, Project on Internal Displacement
The Brookings Institution

ANNE C. RICHARD
Vice President, Government Relations and Advocacy
International Rescue Committee

* * * * *

P R O C E E D I N G S

MR. O'HANLON: Good afternoon, everyone. Welcome to Brookings. Thank you for coming. I'm Michael O'Hanlon, a Senior Fellow at Brookings, and I've had the honor of reading this book in draft form and enjoying the process along the way and learning a great deal from Elizabeth Ferris in the course of her research, her writings and her activities that many of you I know collaborate with her on, and this fine book.

It's a provocative book. It's a history in some ways and a good backgrounder and primer for people who don't know the field very well. But it's also an effort to make sense of how things have shifted in the international humanitarian world, and also as you know from the title, to underscore the limitations of humanitarian intervention and of the effort at impartial humanitarian intervention at a moment in world history when the humanitarian side of disputes and conflicts is becoming more and more central in whether and how we decide to intervene. In other words, there are plenty of tensions and paradoxes that the book wrestles with and challenges that it sees ahead for the policy community, and of course that's what we're here to discuss today.

Very briefly I'll say a couple of words about Elizabeth. She will speak for about 15 minutes. Anne Richard will then also speak for about 10 minutes and then we'll go straight to a discussion with you unless I have one or two clarifying queries for them en route. We'll have about a half-hour therefore with you to discuss the broad issues in the book as well as of course any specific questions you want to raise and get at regarding challenges or dilemmas like the current Libya crisis and anything else that's on your mind.

One more thing I would substantively highlight from the book that struck me in reading this and in talking with Elizabeth is the fact that of course so much of her work centers today on internally displaced persons, and as she pointed out, many of whom are not just internally displaced within their country of origin, that's the definition of the term of course, but interposed within urban populations or other populations that make it difficult in a sense to treat them and help them directly because they are still part of their country's politics, still part of their country's broader demographics which raises all sorts of challenging political and operational questions about how we can try to help them. These are again many of the challenges that Elizabeth wrestles with.

As you know for those of you who are familiar with her work and her career, she has been getting at these issues from many different directions for many years. She spent virtually her entire career in the broader world of international humanitarian response, much of it before coming to Brookings in 2006 in Europe and a previous position at the World Council of Churches. Again, the broad issue of international humanitarian response, and then within that internally displaced persons has been her area of expertise so that she is capable of taking a broad perspective as well as getting at the specific challenges that people face in the field today. Without further ado, please join me in welcoming the author of this fine book, "The Politics of Protection: The Limits of Humanitarian Action," Elizabeth Ferris.

MS. FERRIS: Thank you, Mike, for your kind words, and thanks to all of you for coming. I'm especially grateful to see some representatives of the U.S. government here because on Friday we weren't quite certain what was going to happen. And thanks to family and friends and those of you who know a lot about protection and those of you who perhaps don't know very much at all.

When I first began my work in humanitarian affairs way back in 1985, I was a protection person from the first day. Other people could deal with the nitty-gritty of logistics and nutrition and setting up therapeutic feeding centers and I didn't have those technical skills, but I could certainly figure out the relationship between the kinds of assistance provided and the way in which people were protected, where a latrine is placed in a camp for example can make a difference in whether or not women get raped or attacked in the middle of the night. So I spent years along with many others urging that protection not be considered as a separate department, but that it be mainstreamed into everything that humanitarian actors do. That was my life as a protection person.

Then in the 1990s we had Somalia and Bosnia and Rwanda where terrible dilemmas emerged for humanitarian actors trying to protect people on the ground through humanitarian assistance when those with the power to make things happen, to stop the violence or the genocide or the massacres, were not present or unwilling or very late in responding. These were terrible humanitarian ethical dilemmas if you will. Do you help somebody escape and thereby save their lives even if you're contributing to ethnic cleansing for example? I remember a young man who I had cheerfully advised in March 1994 to by all means go to Rwanda. It's a beautiful little country. As a U.N. volunteer he went and the next month genocide broke out. He eventually ended up working with UNHCR, and I remember him with tears in his eyes and his voice shaking as he said to me, "You know, I was outside of Kisangani with a group of UNHCR staff. We stood on one side of the river and we heard the screams and the moans and the cries of hundreds of people being massacred. We could not stop it." And he looked at me and he said, "I work for a refugee protection agency but we could not prevent, we could not protect, those being slaughtered at Kisangani."

So I should be happy that in these days certainly over the last decade that everybody is doing protection. In my world, the humanitarian world, there are guidebooks and manuals and handbooks and terms of reference and training courses and standards and indicators, and this is a wonderful thing. When you step back from the humanitarian world, protection has moved to the center stage. Since 2000 the U.N. Security Council has said protection of civilians is central to everything we do. With one exception, every peacekeeping operation has had protection of civilians as part of its mandate; a long process to develop the concept of responsibility to protect and understanding that it was the responsibility of the international community to act when governments fail to exercise their sovereign responsibility, a concept developed here at Brookings by my predecessors.

Within the military, protection of civilians became central to the whole counterinsurgency strategy. Everybody was doing protection. Everybody was talking about protection. This should have made me happy. But instead I felt a profound sense of unease. If everybody is doing it, if all actors are involved in protected people, if everything is protection, have we in fact lost something very precious? One of the problems is perhaps the definition that was developed originally by the International Committee of the Red Cross and endorsed by their Interagency Standing Committee and most humanitarian actors which defines protection as, "All activities to ensure the full respect for the rights of individuals in accord with the letter and spirit of the relevant bodies of law." All activities, full respect for the rights. If everything respecting all rights was protection, it almost put everything on the same level. Educating kids is protection because you're preventing them from being recruited by armed gangs. Developing livelihoods or income-generation opportunities are protection strategies because it keeps

women from being forced into prostitution. Voter registration and participation of communities and distribution of seeds, all often presented in the context of protection.

That's the reason I wrote this book. As Mike said, I began as most books do with an historical background and traced the development of three strands of international law: international humanitarian law, which really began its roots perhaps in the 10th century when there were agreements that women and children and orphans and widows should be spared the vicissitudes of battle and also the property of the Roman Catholic Church very early in the development; through chivalry with certain norms that some categories of people were to be protected; through the development of modern international humanitarian law with its injunctions against attacking or harming those soldiers who were not combat roles at a particular moment in time.

International humanitarian law also gave us some basic humanitarian principles, principles of impartiality and independence and neutrality, that humanitarian action was to be a neutral action and not to take sides, but to offer assistance to those on the basis of need and the basis of need alone. I think look at refugee law which many of you know international human-rights law, and in all three of these areas you see an expansion starting relatively narrow and then expanding to include other groups and other issues of concern. In human rights, an initial focus on civil and political rights, changing into economic, social and cultural rights really paralleling and contributing to the development of protection as an all-inclusive concept.

I look at the relationship between these humanitarian principles and protection. The word protection is a nice word. It's a noble word. It's a word that has a little paternalistic overtone; the strong protect the weak, if you will. But when it's put together with humanitarian principles, sometimes it's difficult to protect people and still be

neutral. I've often used the analogy for example of a woman who comes to a doctor with a broken arm. Her husband has beaten her. She's a victim of domestic violence. Her arm is broken. The doctor sets her arm. That's a neutral act, a humanitarian act. But the minute the doctor says to her, "Have you thought about getting a restraining order? Or there is a safe house over here. Or maybe you should do something to address the causes of that violence." The minute he tries to protect her and not just set her arm, he's crossed a line in terms of neutrality. He is no longer neutral. He has taken sides. His side is the woman and not her husband. And that dilemma I think is one that's played out in a thousand different ways in humanitarian work today.

The book then looks at actions by the Security Council, peacekeeping operations, the development of this wonderful but today very much stalled concept of responsibility to protect. And looks particularly at the intersection with humanitarian dilemmas. Sometimes the people most in need of protection and assistance are the most difficult to reach and present the greatest threat to humanitarian workers trying to access them. I spend a chapter on natural disasters and protection. This is a relatively new field. It wasn't really until the tsunami of 2004 that we began to realize that people displaced or affected by natural disasters also had protection needs. Then there's a chapter on who pays for protection because if you follow the money and see the extent of which protection programs are supported particularly in comparison with others, there is a revealing conclusion.

Finally I look at some of the future challenges. One is changes in the nature of conflict. Most conflict now and likely in the future will be protracted; it will last for a long time. I think the era of quick wars if they ever existed has come to an end. Most humanitarians are much better are responding to emergency situations than to

situations where refugees and internally displaced people are displaced for decades. A couple of years ago somebody calculated that the average number of years a refugee had been a refugee, not counting the Palestinians, was 17 years. And you look at Palestinians and you see 60-plus years of refugee status. Comparable figures for internally displaced persons have not been compiled because it's so much more difficult to count if you will IDPs, but certainly there could be similar figures. Increasingly we're seeing conflict being carried out by groups motivated by personal economic gain. There have always been gangs and people trying to profit from conflict situations, but what seems to be different is that there are exclusively criminal gangs. It isn't just people kidnapping a few to raise money to fight the cause, but kidnapping a few people to get money for money's sake.

A second theme I look at is the urban nature of conflict as Mike said. What we see is a convergence of some of these armed groups. They're drug traffickers and terrorists and insurgents and groups motivated by greed all operating in the same environment and affecting the same urban population and it's difficult to respond in urban situations than in rural ones. Yesterday I went to the Newseum with my sisters and we saw a film on Katrina and seeing the difference between what happened in New Orleans and the equal devastation on the Gulf Coast illustrated quite starkly the difficulties of responding to different layers of government authority, more players, more congestion than in rural areas.

Finally I look at climate change and its potential to displace large numbers of people, unknown large numbers of people, over coming decades. While there is a lot of uncertainty about the particular effects of climate change, it does seem certain that the severity and intensity and frequency of natural disasters is increasing.

We saw last year how the international system found it very difficult to respond to two mega disasters, Haiti and then Pakistan. The prospect of the number of disasters increasing and perhaps intersecting not only with conflict but also playing out in urban settings creates various nightmare scenarios of the context for future humanitarian action.

In my conclusions I think that the definitions we use of protection are out of synch with the current challenges we face. I don't think we're well served by the expansive definition of the IASC and the International Committee of the Red Cross. I suggest that we look at different orders of protection. We've done this in the case of natural disasters. It's hard because human rights by definition are interconnected and hard to set priorities where is the right to education more or less important than the right to food and so on. But I'm suggesting that at least in the humanitarian realm that we look at physical security or physical protection as different.

When my kids were little I had a friend who had a teenager going through a terrible spell, drugs and alcohol and dropped out of school. She would say to me, "I've just got to get him to survive. If we can survive these years, we can fix everything else. We can fix the bad grades and the lack of interest in university, but he's got to survive first." So I'm suggesting that physical survival, physical safety needs to be prioritized.

Secondly, protection in terms of access to essential lifesaving goods. Third, the broader category of human rights. Just as we've learned that when you're digging people out of the rubble after an earthquake you don't get too concerned about voting rights in those initial days, so too we need to be aware that there are different levels of rights. I make a number of recommendations what humanitarian actors can and

should do. Much of what they're doing and calling protection is wonderful work. There are good programs. It needs to continue. But the problem with calling it protection is that first of all that lets governments off the hook. It isn't directed to those who could provide the physical security necessary such as police and sometimes the military. And it may create expectations, we've got a protection program going on in our camp, we'll be safe, so that there are some things that humanitarian actors could do differently. I think we need to look much more about how communities protect themselves. Communities are the first line of defense. We should look more at natural disasters and the intersection with conflict. I think that humanitarians need to break out of their comfort zone and work more with police and military forces. Many humanitarian actors kind of wish the military weren't involved in these areas, but they are and they will be and the kind of dialogue to work out who does what in terms of protecting people is important.

The unique role of the International Committee of the Red Cross which is perhaps the only actor that's been able to maintain its neutrality while protecting people needs to be upheld and respected. The concept of protection of civilians needs more definition both at the conceptual level and at the level of operational guidance to peacekeeping operations. UNHCR is already in the process I believe of repositioning itself as a displacement agency and not just a refugee agency and that's a positive trend.

Donor governments have an especially important role to play. Donor governments drive the international humanitarian system. The policies and priorities they set, they emphasize and they fund has a direct impact on the lives of people so I think that with donor governments to reconceptualize what they mean by protection and the limits of protection would be helpful. In sum, I believe that by acknowledging the limits of

humanitarian action and protecting people, perhaps we can protect more people better. Thanks.

MS. RICHARD: Thank you very much everyone for coming and thank you, Elizabeth, for writing this marvelous book.

When I first joined the International Rescue Committee I went to a new-employee orientation along with some of my colleagues and I noticed that some of our staff were talking about protection and some were talking about a separate thing, security. To me these things meant the same thing but it turned out that they have very specific meanings in our community and I came to realize that security means the safety of aid workers. Protection was what the beneficiaries of our aid programs needed. In the case of refugees they needed to have their rights protected in the case of some internally displaced persons, they need protection from their own governments, and poor and vulnerable people in all sorts of settings where they aid need protection from being preyed on or exploited.

When my colleagues say protection they mean programs to enhance the safety and promote the rights of vulnerable people. Later in speaking to the then director of the Office of Foreign Disaster Assistance about training in protection for staff, he said, "When NGOs say protection programs, these programs are not providing protection for anyone" and his point is correct. These programs do not guarantee protection the way a bodyguard might aim to protect a Hollywood celebrity of the way the Secret Service protects the President.

In her excellent book, Elizabeth explores the ways protection has been defined and applied by different actors and the development of the protection regime, and she describes as she has just said how protection has been stretched to include all

manner of important activities. If we look at the International Rescue Committee's activities in terms of protection in Haiti right now in response to a natural disaster with some very vulnerable people, you will see that we have hired and seconded to the cluster system, the coordinating system that the international community has a person to help co-lead that cluster and that we have undertaken family tracing and reunification programs. We have also done programs to prevent violence against women. We have had quick-impact projects like solar lighting in high-risk areas and have consulted with communities on where to place latrines so that there is less risk to women using them in the evening and at night. And in terms of guaranteeing people's rights, we've worked with them to safeguard their legal documentation that so many lost in the earthquake. That can include things as simple as making sure they have a zip-lock bag and plastic cases in anticipation of Hurricane Thomas. We worked with the National Archives in the Office of National Identification to facilitate replacement documents. Information boards. Bulletins sent out. Making sure people know what's going on. Camp management and camp leaders' protection training. IRC also tries to combat stigma, rumors and misunderstandings especially around the time of cholera and work undertaken to counter beliefs about poisonings, curses and voodoo.

I'm also reminded of our work in Darfur before we were sent out of that area by the regime in Khartoum. IRC was helping survivors of rape that included gatherings to bring together, and we had to call them health programs, but they were really intended to protect women and enhance their protection going forward, and this was one of the things that helped us get invited to leave that part of the country.

Elizabeth's book mentioned that the lack of a common definition makes it hard to identify patterns of financing for protection and is harder to assess performance. I

think it's interesting that she could have titled the book "Protection and Humanitarian Action." But instead she says it's the politics of protection and the limits of humanitarian action so that already just from the cover you have a sense of how deep she's going to get into this. She's very clear on recognizing that humanitarian aid has been used instead of taking political steps to address, stop and end war, conflict and political strife. Political and diplomatic action is often required to provide real protection.

The book is fantastic. I recommend it to everyone starting out in this field because it provides so much. It provides a history of conventions and organizations that today create those elements of the international community that are charged with protecting the vulnerable in one way or another. It's a very important reference. She looks over the past 20 years the fact that there has been a growing recognition of the important roles that international organizations play in providing protection including international NGOs, nongovernmental organizations. She reminds us again and again that national governments have the responsibility to protect the citizenry and that communities are often in the lead in protecting themselves. This is a humbling reminder for an NGO representative to read and acknowledge. And Elizabeth is absolutely correct that communities are their own first line of defense.

The book does much more. The reader can get an understanding of who the major donor governments are, their priorities and aid trends, up-to-date analysis of military involvement and relief operations and tensions surround civil-military relations. There are descriptions of international humanitarian reform efforts initiated by the U.N.'s Emergency Response Coordinator and the reform effort's problems and progress to date. There is also a summary of general U.N. reform efforts and how these affect protection of civilians. She takes care to explain the differences between the movement calling for

greater protection of civilians in conflict and the actions of the U.N. to take up RTOP where the responsibility is to protect concerning when the rest of the world can intervene.

She exhibits a keen understanding of the strengths and limits of international and national nongovernmental organizations. I think this book is very timely. Just on page 2 it talks about the basis of international humanitarian law needed to distinguish between combatants and civilians in wartime which of course was the issue just last week in Libya. Many of her examples relate to issues that I have covered in my job just in the last half-dozen years and I have the sense she's been reading through my emails, it's a kind of spooky thing and they're right up to date too which is another nifty trick when you're writing a book. Elizabeth admits that her conclusions are likely to be controversial for humanitarians - notably that humanitarians have expanded the concept of protection so much that it's lost its meaning and we need to recognize that in spite of all of our good intentions and programs, we're often not able to keep people safe.

I think Elizabeth has a problem with this book. I think a book this well researched, informative and like the author, fair minded, is not going to garner any attention. She needs help to stoke more controversy and she needs to hype the scandals in here to sell it. Luckily in here there is mention of cover-ups, firings, double-dealings, undermining and even an outraged Frenchman. These are all in here. We just all have to help her to hype them. On page 26 is a dangerous reference to militarized refugee camps and on page 44 a double-standard that the U.N. acts to protect human rights in East Timor and Kosovo but not Chechnya, Tibet and Guantanamo. Page 60 has a big charity cover-up with humanitarian organizations piping down to avoid taking sides in conflicts or politics to keep operating in dicey places. Page 69 includes hundreds of inexperienced NGOs flood Haiti. On page 77 the USAID administrator threatens to rip up

contracts and fire organizations that mention their own names even once in Iraqi villages because he wanted the U.S. government brand recognized. On page 154 -- the U.N. peacekeeping mission in Sudan, UNMIS is given robust authorities but is not equipped for robust protection. On page 168, French Foreign Minister Bernard Kouchner, here's the Frenchman, argues the right to help in Burma after Cyclone Nargis and invokes a responsibility to protect or RTOP. On page 240, betrayed. Donor governments are too cheap to live up to pledges and fail to follow through on promises to countries in need. Finally, page 247 gets really juicy and discusses paramilitary groups, drug traffickers and diamond smuggling. If we can just a really good-looking, hot couple for the love scene, I think we can have this made into a movie in no time.

I hope that's whetted your appetite. I learned a lot from reading it, but I also think it's a very important reference and I thank Elizabeth for writing it.

MR. O'HANLON: Thank you Anne, thank you Elizabeth. We're very quickly going to you but I am going to take the prerogative of the chair to ask one question and I'm tempted to get into specifics although I think we probably will in the course of the next half-hour of what the book means for what you might say are the A-B-C-Ds, Afghanistan, Benghazi, Congo or today also Côte d'Ivoire, an interesting case study, and then finally Darfur. If some of those don't come up in your questions and comments, and for comments by the way please keep them brief. We will allow maybe a one-sentence comment rule but only en route to a question. And please also identify yourself when you ask.

But before you do, my one question is the following. How would you explain where we are today in terms of the scale of the problem that you're grappling with, Elizabeth? In other words, what you've done in the book I think extremely

eloquently, succinctly and helpfully is to explain how the nature of conflicts have changed the dilemma facing those involved in protection and in humanitarian action? But taking it even a further step back and asking in the 1990s we heard about how the end of the Cold War had unleashed the world for civil conflict and we saw a lot of the world's worst tragedies that we had seen in years. Now we're two decades after the Cold War and I'm wondering how you would explain the magnitude of the problem. It's obviously still serious. Everybody in this room still takes the humanitarian stakes very seriously. I just mentioned four or five cases. But are we seeing any general progress toward a safer world in terms of threats to civilians from violence? If you could approach your subject in those terms, answer that question and then we'll go to the audience.

MS. FERRIS: Since the end of the Cold War, the number of conflicts in the world had decreased and the number and percentage of civilians dying or casualties as a result have decreased. The end of those proxy wars where the wars dragged on and large numbers of civilians has decreased. It's hard to grapple with that in light of the fact that civilians are still routinely killed, maimed, tortured, displaced, injured. Still tons of civilians are being hurt. But in the grand scheme of things, things are in fact better. In part I think that they're better because as a result of those conflicts in the mid-1990s which were a turning point, you see almost a yearning by the international community to figure out how to do things better, to prevent wars and civilian casualties.

On the development side you've got human security developing and in humans rights you've got an expansion and with these new concepts there's a yearning on the part of internationals to stop these atrocities, to prevent them from happening, and while they are certainly still going on in hundreds of other places that you mentioned, in the grand scheme of things, things are better than they were in 1990.

MR. O'HANLON: That's a hopeful note to begin on; although I'm sure we'll talk about many problems in the rest of the afternoon's discussion. Please if you'd like to raise your hand and we'll get a microphone brought to you. We'll begin with the gentleman here on the aisle and then the lady right behind him secondly. Please identify yourselves after you've gotten a microphone and then a brief comment if you wish, but a short, pithy question as well.

SPEAKER: My name is Alan and I did a Ph.D. dissertation -- my question is about military intervention because there are times that military action is needed. My question is about the leadership of the United States because in military invention, military interventions are actually very much on exclusive domain of nation-states because if involves sending of military forces across national boundaries, it's expensive and otherwise it's also dangerous.

My question is one of the pillars of U.S. foreign policy is the protection and promotion of human rights worldwide. In fact, several U.S. presidents have defended this concept. Clinton said the U.S. is willing to protect people from everywhere, yet Srebrenitsa, Rwanda and East Timor happened on his watch. And Bush also said that the United States is also willing to do that but still Darfur did happen. Now President Obama just a few weeks ago, the Obama Doctrine has become a byword in international relations now, in which he said that the United States is willing to intervene in places where there is massive violation of human rights even if U.S. national interests are not involved but U.S. values are. My question is in our opinion or analysis, is the U.S. ready to assume leadership in humanitarian intervention because it has abandoned the commitment if we see what it did throughout these years from the 1990s until now? Thank you.

MS. FERRIS: Do you want to take a couple of questions?

MR. O'HANLON: Let's do that. Why not?

SPEAKER: I'm Patty and I'm Interaction, though I have a lot of field experience so I'm bringing that to my question, which is it's excellent to talk about protection in humanitarian crises and of course humanitarian crises create new protection issues but they also exacerbate existing issues, they exacerbate existing rights violations. My question is how do we link it? As humanitarians how are we going to link better to what's going on in the development arena so that we're not creating a protection umbrella that isn't going necessarily be carried forward after or didn't exist before and how you looked at that?

MS. FERRIS: Let me start with the first question. If you look at the development of the concepts of humanitarian intervention back in the early 1990s around Somalia and the way it developed over the course of the next decade to become the responsibility to protect endorsed at the World Summit in 2005, you see a shift in terms of where the responsibility is placed. With humanitarian intervention the responsibility is on those who are doing the intervening. Responsibility to protect says that it's national governments that are responsible and the international community has the responsibility to support governments trying to protect their people, to react with a whole range of means if they don't protect their people and to help them recover.

Unfortunately I think most of the attention focuses on military intervention. I think that that's partly the fault of the U.N. and some of the proponents of RTOP to not see the full range of actions that can be taken short of sending in troops. If you look at the criteria spelled out in responsibility to protect, I think they're just about all met in the case of Libya. Are there serious widespread violations of human rights? Are

there intentions to stop the violence? Is it proportional? Is it avoiding civilian casualties? Have other nonmilitary means been tried? And where it falls short of some of the recommendations of the International Commission on Intervention of State Sovereignty to look at the operational level. What are the operational objectives, and there I don't think we've been really clear in the case of Libya. How long will this last? Who does what? That I think is probably where the shortcomings are rather than in terms of the broader issues of whether or not the international community should have done something in Benghazi. The gap between relief and development since I started work in 1985 has been an issue every year and we've never gotten it right.

The humanitarians go on, the emergency is over, development actors need to move in and there is always a gap. I can't even begin to list the number of conferences and books and papers and fervent admonitions that we will do better. Different terminology. Now it's called early recovery. But we haven't gotten it right, and until we do as some of these conflicts last longer than necessary, certainly displaced people and refugees can't go home in places like Southern Sudan even when the conflict has been brought to a formal end until the infrastructure is in place to support them. We need to keep on working on it and maybe somebody will come up with another term that will make it more palatable to the various actors.

MR. O'HANLON: Anne?

MS. RICHARD: On the first question, I think one of the issues in Rwanda, and if you wrote your Ph.D. on this perhaps you know this well, was that in the U.S. government there was a long checklist of questions that had to be answered before a decision to go in could be taken. Clearly that's not what's been used in making the decision to institute a no-fly zone in Libya. I think that's right. I think that in the first

instance in Rwanda that speed was essential and that looking for the perfect answer which is a domestic political requirement; you never have that if you're trying to save people's lives. I think that it is very hard within the U.S. government to be able to move quickly to plan and answer questions and anticipate all the myriad follow-on issues that come up from a crisis like this.

And I think the other issue that many of us are asking ourselves right now is why here and not here? I don't think the U.S. has good answers on that right now. I think there are answers but we don't always articulate them.

MR. O'HANLON: France and the U.N. may have come closer to an answer today with the arrest of Mr. Gbagbo from the Ivory Coast as some of you may have heard.

I want to make one quick comment on Libya which gets to the dilemma of the politics of protection and the limits of humanitarian intervention. I don't want to obviously speak for Elizabeth, but she has helped me crystallize this thought in my head: what should someone who's interested in humanitarian protection do if and when the Libya conflict seems to not only stagnate and stalemate as it seems to be right now, but perhaps even trend in the favor of the Gaddafi forces? Then what is the next step to recommend rather than perhaps face the possibility if not at some point the likelihood of Benghazi and other cities in the east being threatened? I'm not saying this is inevitable, but I think as a military analyst which is primarily what I am, it is possible. Then your options become watch them lose and be overrun, give them defensive arms perhaps with Special Forces and CIA operatives on the ground which aren't the kind of people who tend to make the humanitarian community feel comfortable about association. Or get more muscular in our own role, and I'll leave that as a set of unpalatable options that we

may have to face even though I obviously hope that we won't. Let's go to some additional questions.

MS. WILLIAMSON: My name is Sarah Williamson. I'm with the Global Emergency Group. Elizabeth, my question is do you think it's necessary as a humanitarian community for us to come up with one common definition of protection? If so, how do you think we would get there? How would that come about?

MR. O'HANLON: Shall we take one more?

MR. KATUZIS: My name is Thomas Katuzis. I'm a student at CSIS in human development and economics. After the Katrina catastrophe Cuba offered 1,500 medical staff which the U.S. government refused to host. And at the same time we're seeing in Afghanistan international NGOs with the financing of the Bill and Melinda Gates Foundation working with the Taliban to eradicate polio. What are some of the ethical questions about partnerships and how can you insulate humanitarian action from politics or low politics?

MS. FERRIS: Let me start with the first about how we get to one common definition. The humanitarian world now has thousands of actors, local NGOs and international and governments and militaries and bilaterals, all levels, and to get to some common definition took the International Committee of the Red Cross at least a decade with a whole series of consultations and talking through. Frankly, I'm not sure that that would be the most productive use of time given the humanitarian crises in the world to spend a lot of time working on definitions. If we could agree that different groups do different things well and if we could agree on the importance of physical safety and that not everything that we call protection is in fact protection, I think we'd be going a long, long way.

I participated in those consultations with the ICRC and they were torture. For me it is really awful to think about the protection cluster in Haiti given the horrible protection needs in the country spending 6 months talking about what do we mean by protection, and trying to come up with a common understanding of a concept is I don't think the best use of time. The larger question of how you begin to coordinate with these thousands of actors when there are 500 organizations participating in the regular meetings on the health cluster in Haiti, how do you about coordination that is anything more than just a brief tour of the room saying what we're doing? So I think the challenges of coordination are much, much greater.

Working with nonstate actors is a real challenge. Under international humanitarian law they have certain obligations. Nonstate actors are everything from the Taliban to drug dealers to groups that have a certain legitimacy in the community. Hamas and Hezbollah in their communities are known as social service providers and have provided tremendous amounts of resources sometimes in ways that the more established actors haven't been able to do. But in terms of engaging with them to enable humanitarian access and humanitarian assistance, some organizations do that much better than others.

The ICRC says we talk about all parties to the conflict, not good buys and bad guys. We don't make value judgments, but for many of us it's difficult not to make value judgments when you see the particular political agendas. Maybe Anne wants to say something about Katrina and the Cubans and so on.

MS. RICHARD: The U.S. wasn't going to accept the Cubans into the U.S. There was a propaganda story going on in both directions at that point, but also the Mexican military wanted to respond and they wanted to set up health programs in

Louisiana and they were invited instead to cook meals and serve them in Texas so that everybody got sort of less than the best treatment in that story. Clearly the U.S. government was clearly on the Cuban proposal, but the Cubans I think have responded in Haiti and some of the best responders in Haiti in Cité Soleil are from the slums of Rio. There are very interesting ways that offers from overseas can sometimes be accepted. The Canadians are very good at talking about they can sometimes offer things that Americans can't because they're a medium-sized country and you think differently and you have different expectations and you arrange your responses differently. Thanks for the asking the question.

Sarah was asking a question. What I was going to say is in listening to you before, Elizabeth, you were mentioning how important it was to save people's lives first and foremost and then also to make sure they were fed and given clean water and I completely agree with that. But you don't want to wait too long before you look at the types of activities that our folks do to enhance protection because I think of things for example in the spontaneous settlements in Haiti where our staff will help women in the community organize themselves to do the equivalent of a neighborhood watch. We could have argued that these spontaneous settlements are temporary so that that's not a priority, but now here we are well over a year later and people are still living in these situations. I think that that type of self-protection and as you said communities protecting themselves and helping them to do that, to think through what's needed to be done and to give them a little more wherewithal to get themselves organized to protect themselves is well worth the investment.

MS. FERRIS: Maybe if I could comment on community self-protection. I agree that there are important ways that communities can and do protect themselves, but

sometimes those are pretty bad ways. For example, we recently commissioned some studies and that very effective ways of protecting yourself or to become displaced to pay off a warlord, to pay taxes to an insurgent group, sometimes to give one of your children to a military group so that they leave the rest of you alone. Those may be effective self-protection strategies, but they're really hard for internationals to support. Yes, go ahead and pay those bribes to the warlord to keep you safe while we run our programs over here. I think we need to understand better how communities protect themselves. Some of the neighborhood watch communities in Haiti are providing much more effective protection than anybody else.

MS. FEMULA: My name is Melissa Femula and I'm a recent graduate from CSIS. I had a question about new media. I wanted to know if you thought that the existence of new media including Twitter and Facebook and the immediacy of what news is provided has either facilitated protection or hindered it. Thank you.

MR. SULLIVAN: Dan Sullivan with the Save Darfur Coalition Genocide Intervention Network. Elizabeth, you talked earlier about that fine line between being neutral and taking sides, but it also seems like once you go over that line there are different degrees. With Libya the purpose isn't helping the rebels to gain victory, but you are in effect helping them. Then in South Sudan and the new U.N. mission there, there's a lot of concern about having to work with the SPLA and helping them out in how you protect civilians and work within that when they're blocking access. Are there any general rules for how far you go or is that really just a case-by-case basis?

MS. WOOLSEY: Thank you. My name is Salia Woolsey. My question is regarding aid, specifically American aid, to two countries, Egypt and Israel. In the case of Egypt, that aid was used and turned against the people allowing a dictator to stay in

power for many, many years. In the case of Israel, military aid is given, plentiful, and then those weapons are then used to in the case of Gaza bomb the only flour mill and bomb necessary fuel facilities. How can you carry on providing military aid to dictatorships and then turn a blind eye?

MS. FERRIS: Let me start with the question about new media. I think that it is transforming humanitarian response because you can watch it unfold in real time. I'm not really a Twitter person, but I was captivated by the messages coming out of Tunisia by U.N. staffers saying we hear gunfire and 500 people arriving. This is what they're saying and these short little messages happening right now. I think that the immediacy is leading both to a generous outpouring of compassion in terms of being able to see what's happening, and it raises some difficult ethical issues particularly around tracing. In Haiti we found this child. Does anybody know this child? ICRC has for years done tracing but has safeguards. Not just anybody can claim a child. So there are some issues around that.

The media in general are actors in humanitarian response. It isn't just a group covering what the humanitarians are doing. They are in there. The rise of celebrity humanitarianism is certainly drawing more attention to issues but sometimes also oversimplifying conflicts and situations in ways that may be detrimental in the long-term. Some of the very controversial about Burma-Myanmar is raising questions for example about the extent to which celebrity activism has perhaps contributed to seeing issues of black and white that are actually much more gray.

Humanitarian assistance is a resource during conflicts. It can be used by various groups. You work through one local partner and that local partner standing in the community can increase. These are economic resources in places where there is a

scarcity of resources. I think that one of the things humanitarians have learned over the past decade or so is the principle of do no harm. Make sure you know who is getting food and how it might be used and who is actually distributing it or selling it or using it for political gain. It's a myth to think that humanitarian assistance is always apolitical. Putting large amounts of money into poor societies always has political consequences. Social relationships can change. Internationals come in a build a school that lets girls go to school. That's something we don't do in our culture. There are political consequences and I think the idea is not to say that they should all be apolitical, but to recognize what are some of the implications of this.

The question of aid to Egypt and Israel I think is a broader question of U.S. foreign policy in terms of where the money goes. But certainly in the case of Gaza, you have on the one hand UNRRA which is the U.N. agency set up to deal with Palestinian refugees which has over the years moved to incorporate a little bit of protection although it doesn't have a formal protection mandate in its work with Palestinian refugees finding spaces and ways of maneuvering to try to keep people safe.

But when Operation Cast Lead occurred in January 2009, UNRRA for all of its emphasis on protection was powerless to protect civilians from bombs that were falling. It was a political action that was necessary to have a cease-fire and to have an end to the bombing. All of UNRRA's great work in terms of protecting people really fell by the wayside when it came down to the overwhelming preponderance of power on one side.

MR. O'HANLON: One last round of questions if anyone has one or two more.

SPEAKER: Thank you. I want to thank Elizabeth for writing the book and Brookings for having somebody like this on their staff.

The challenge that you were talking about, all aid is political, all aid has impact, the question is when you look at what international aid is, international humanitarian aid for disasters is larger now than development aid. The total development budget for the U.S. and USAID is about $2.5 billion, whereas when you look at all of the humanitarian contributions, they're getting very close to that level as well with $800 million in disaster relief and $1.8 billion in refugee assistance. The question is how do we make these things better? You talked about the Sphere standards and about clusters and trying to improve coordination, but how do you think we get people to understand the impact of some of these things to tie some of our foreign policy and to get the real political and diplomatic attention that we need particularly to resolve situations of internally displacement and making it possible for refugees to go home? How do you make that part of a national humanitarian agenda?

SPEAKER: My question is regarding the protection of civilians from violence, particularly organized violence. To what extent can nongovernment groups play a role in that or is that something should, ought to be, must be reserved to sovereign military forces?

SPEAKER: My name is -- I'm in the Marine Corps. My question, is there a negative stigma attached to military involvement and humanitarian aid? If so, how do you improve it? Is there something that can be done about it?

MS. FERRIS: Lots of big questions. How do you get attention from foreign-policy actors to perhaps shift the balance? Something is wrong when we're spending so much money on humanitarian response in comparison with long-term

development when it's done right and there are tons of good examples. Long-term development assistance can help ease tensions in a community, can make conflict less likely and certainly your money goes a lot further with development assistance than humanitarian assistance. It's easier to work through local groups to get food and water sufficient for a community to be airlifted in or trucked in so that it makes a lot of sense.

I don't know, Don, how you get the attention of foreign-policy makers. One of the trends has been in looking at it over the years you see more and more money going to humanitarian work, a higher and higher percentage of that. Humanitarian politics used to be on the margins of the hard politics that works on. You have hard security, military defense and this humanitarian stuff was kind of soft on the margins. That's not the case anymore. What's driving the situation in Libya right now is humanitarian access and how do we get food in? Let's have a cease-fire. You see the importance of the humanitarian dimension for the political and security in ways that are new and that may be the answer.

I can remember meeting with a group of U.S. NGOs a few years ago saying asking, Can you please write an article saying that Iraqi refugees are a security concern? If you do that, we have a chance of getting more money from Congress. If it's just compassion, that doesn't go that far, but if it's security -- but there's a danger in securitizing humanitarian efforts in having you think that all refugees are terrorists because that is certainly not the truth. I think that grappling with those issues even if there aren't any easy answers is a solution.

In terms of the last question, the negative stigma around humanitarian work, I think it depends on who you talk with. A lot of humanitarian actors from civilian backgrounds who have worked in the field with the military have tremendous appreciation

for how quickly they get things done and how easy it is to work with them compared with the chaos of the NGO world. I remember being in Macedonia working with Albanian Kosovar refugees and NGOs being absolutely entranced that they could say to the military we need a road here and, voila, it was there. There weren't long discussions about what kind of road, where are we going to put it, who's going to do what. It just happened and relations can be quite good. Where it gets sticky includes principles of neutrality. If humanitarians go in and don't see themselves as an arm of U.S. foreign policy, they're independent neutral humanitarian actors, but because the U.S. is a belligerent in a country like Afghanistan, they're perceived as part of the U.S. effort in ways that may affect their security and their ability to access populations making blurring of the lines become quite difficult. In a way I think it's much easier if things can be clear, military you do this, you do a control tower in Haiti, civilians, you distribute water. I say in the book that I think a lot of times military efforts to distribute humanitarian goods isn't very good and a lot of civilian efforts to protect people isn't very good, but there ought to be some way of using the comparative advantage there in ways that are more helpful.

You talked about ownership. I missed the second question, protection of civilians, organized violence.

SPEAKER: The question was essentially in terms of protecting civilians from organized violence that must be done by sovereign military groups.

MS. FERRIS: Yes, protecting people from organized violence. The International Community of the Red Cross is doing some fascinating work these days, guarding of international humanitarian law, laws of conflict, they're working in the favelas of Brazil and in some of the tough urban neighborhoods of Medellin, Colombia, where are not overt conflicts going on at the national level. I think that in fact a lot of humanitarian

organizations are working in neighborhoods with organized violence and are doing so more or less effectively. Sometimes that means negotiating with them or there may be questions of access, at least understanding the dynamics of not being caught in the crossfire between different types of gangs if you will. But I think that's really the future of humanitarian work, that intersection between gangs and other forms of armed groups.

MS. RICHARD: Maybe I would add a couple of quick things. I think there are at least a couple of places where there is need for a lot more work in order to reduce tensions between aid workers and folks who are on the ground where we are also working. In terms of civil-military relationships, it's not an issue with natural disasters. It's an issue where there is combat going on or the fringes of combat. There we would call some of that the military does relief operations rather than humanitarian because as Elizabeth explains, the whole idea behind humanitarian principles is independence, humanity, impartiality and neutrality and that's not what's motivating as most militaries get involved in relief work on the edges of combat.

I think NGOs could do a much better job though of talking to the military here and overseas in capital cities, not necessarily outside capital cities, and we could do a lot better getting our story told in doctrine, leadership and ethics training, joint exercises because there's a lot more military, U.S. military especially, than there are NGO personnel. We have to be smart about it and look for those nodes where we can reach a lot of people before they deploy to places like Afghanistan and Iraq or as they come out through the service academies or officer training, and this is something that I'm talking to folks at the Joint Chiefs about because the tensions don't help us that much at all.

The other place in terms of this protection work is I think that NGOs have to do a better job describing what it is we're doing and the value of it to the public. The

public supports that traditional photo of the doctor in the jungle vaccinating the baby or the well being dug and the children drinking the fresh water. If you show a photo of protection work, it just be women sitting in a circle inside a room. That doesn't really illustrate it. So I think it's harder for people to imagine it, understand it and I think we could do a better job discussing it. What I have seen is that most aid agencies do now talk about aiding and protecting people overseas and not just aiding them.

MR. O'HANLON: Thank you, Anne, and I want to say briefly that it's been for me not only an educational afternoon and a very educational book and one that calls us all to action, but also one that's hopeful. I appreciate the hopeful tone in a lot of what you've written and said today as well. Please everyone join me in congratulating Elizabeth.

* * * * *

CERTIFICATE OF NOTARY PUBLIC

I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

/s/Carleton J. Anderson, III

Notary Public in and for the Commonwealth of Virginia

Commission No. 351998

Expires: November 30, 2012