

# THE HUMANITARIAN AGENDA OF THE 00s

By Antonio Donini<sup>1</sup>

When historians, twenty or thirty years from now, write about the rise and fall of humanitarianism they may well divide the ideological and operational history of the movement that had its origins in the blood-soaked battlefield of Solferino into pre- and post-9/11 periods. The year 2001 was a crucial marker for the US and Afghanistan, of course, but it also signaled the emergence of a new hegemonic order centered around globalization and the anti-terrorism agenda. As such, Afghanistan was the first example of “world ordering” conducted by the remaining Superpower. It was a testing ground of sorts. Things have now gone to scale in Iraq. Such operations may well be followed by others, as events in Haiti seem to indicate. Interventions may be in a lower key or with a more multilateral cover, but the objective – protect and promote US dominance – is likely to remain the same. It is too early to tell whether world ordering operations will become the norm or remain as anomalies in the annals of international relations, but it is not too early to reflect on how interventions in Afghanistan and Iraq – and the wider revolution in international relations that is linked to them – are affecting humanitarianism.

The starting point of this paper is the malaise in the humanitarian community arising from the compromises of humanitarian principle in Afghanistan and Iraq. It argues that instrumentalization of humanitarian action by the Superpower and its allies has reached unprecedented heights. It then looks at some of the elements of the malaise and at the different positions taken by different segments of the humanitarian community. This is followed by a more speculative discussion of variables likely to affect the shape of the humanitarian enterprise in the years to come as well as the universality – or not – of the humanitarian endeavour.<sup>2</sup> Throughout the paper, bullet points highlight key questions that, it is suggested, could be usefully addressed at the Berlin conference.

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<sup>2</sup> This paper expands upon the results of a series of consultations within the humanitarian community conducted by the Feinstein International Famine Center (FIFC), Tufts University, in cooperation with a number of partners (Oxfam-UK, ODI, ICVA and the Brookings Institution). A report prepared by the FIFC presents the results of these consultations (“The Future of Humanitarian Action: Implications of Iraq and Other Recent Crises. Report of an International Mapping Exercise”, January 2004). The report and related materials are available at [famine.tufts.edu](http://famine.tufts.edu) and [hwproject.tufts.edu](http://hwproject.tufts.edu). Further iterations of the analytical work of the FIFC will appear in forthcoming articles in the *Journal of Refugee Studies* and *Disasters* (Spring 2004) under the signature of A. Donini, L. Minear and P. Walker.

## 1. The present context

The Iraq crisis has presented critical challenges to the humanitarian community. The essence of humanitarianism has been thrown into disarray by the political pressures and manipulations to which humanitarian agencies, UN and NGO alike, have been subjected. The future of humanitarianism as a compassionate rescue endeavour for endangered populations may well hinge on the lessons that humanitarian agencies, individually and collectively, will draw from Iraq and on the institutional choices they have made. In ways never before experienced, humanitarian action in Iraq has become functional to the security agendas that dominate the foreign policy concerns of the US and its allies. Humanitarian action runs the risk of becoming, in effect, a wholly owned subsidiary of the Superpower, able to function with some integrity only where the US and its allies have no major security or political interests. Iraq, coming on the heels of Afghanistan and various unresolved 1990s debates, has left the humanitarian community divided, weakened and in disarray. It is caught between the Scylla of cooption and the Carybdis of irrelevance – between Iraq and a hard place.

Unless urgent action is taken from within the community for its redress – or redefinition – humanitarianism as a philosophy, a movement and a profession may well go the way of other “isms” into the dust-covered filing cabinets of history. While the humanitarian community has never been a paragon of united respect of its stated universalist principles, positions have now become more polarized. If it does not reestablish its *bona fides*, the humanitarian community could fragment into different factions either intentionally or by default. A point could be reached where maintaining the fiction of humanitarianism as a single community of ideals and actors becomes counterproductive to the task of saving lives. Unable to coalesce around fundamental principles, or a common definition of what constitutes “humanitarian action”, the community could well splinter into its component parts: principled, pragmatic, rights-based, faith-based, “solidarist”, developmentalist, and the like.

Moreover, non-western humanitarian traditions – Islamic, in particular – are in ascendance and may make further inroads into an already crowded field. Diversification should not necessarily be viewed as a bad thing, although there would be opportunity costs for agencies associated with the decision to break away from mainstream humanitarianism. Practical effectiveness – the quantum of suffering alleviated and rights protected – may well trump ideological consistency. In the brave new world of GWOT – the global war on terror – different situations may require new and inventive approaches to life-saving beyond what copyrighted humanitarians are accustomed to propagating.

**Points for discussion:** The context of GWOT itself presents a number of new and critical challenges:

- Does the “you are with us or against us” doctrine of G.W. Bush - and its mirror image propounded by Al Qaeda – force humanitarian actors, US-based and others alike, to take sides?
- Independent and negotiated humanitarian space is rapidly shrinking; it is being “occupied” by military actors and their subcontractees as well as by aid agencies who accept to be “force multipliers” and are thus absorbed and managed directly by the military or by the latter’s political masters. Can this trend be countered? Should it be? Could it result in a more effective division of labour?
- Humanitarian space is now occupied territory. Humanitarian objectives – saving lives – are increasingly replaced by security objectives of “world ordering” and of making countries “safe for capital”. Does principled humanitarian action have a place in this context?
- In Iraq, the conflation of political, security and humanitarian objectives is exacerbated by the fact that the chief belligerent is also by far the largest donor; this in turn affects the aid marketplace and agency survival imperatives. Other than refusing belligerent funding or choosing not to be there, what options were open to humanitarian agencies?
- The functions performed by humanitarian agencies in the contexts of globalization and securitization have become suspect to many in the South who see these agencies as the “mendicant orders of Empire” as well as to some in the North, for whom humanitarians “maintain a secret solidarity with the very powers they ought to fight”.<sup>3</sup>
- Is there a causal relationship between the devaluation of principles and the devaluation of humanitarian emblems undercutting the safety of humanitarian personnel and, by extension, people in need?
- In many settings the social contract establishing the “acceptability” of humanitarian action can no longer be negotiated with belligerents. In fact, in the “new” new wars where militant combatants do not necessarily seek to control territory or conquer political power, international humanitarian law (IHL) and the Geneva Conventions may no longer provide an adequate and sufficient template for humanitarians to operate. Has the time come to revisit the Geneva Conventions?
- Away from the limelight, forgotten emergencies (e.g. DRC) and silent ones (AIDS, malaria) continue to fester. Does the neglect of these crises not challenge the very universality of the humanitarian discourse?

Some do not share the bleak assessment of the maladies affecting humanitarianism. Most analysts would agree that Iraq has been bad for humanitarianism but it has survived partisan political agendas in the past. Hugo Slim, for example, writes: “I have been hearing terrible things about the state of humanitarianism of late. Reports have emerged from Iraq, Afghanistan and the

<sup>3</sup> G. Agamben, quoted in Mark Duffield, “Human Security: Reinstating the State”, in *Disasters*, forthcoming 2004.

east coast of the United States which claim that ‘humanitarianism is in crisis’. Rumours have reached me that humanitarians are enduring a demoralising malaise and that humanitarianism is suffering a terrible and potentially fatal illness.”<sup>4</sup> What is happening, his argument goes, is nothing new: the basic parameters of humanitarian action have not changed, it is always caught up in politics and humanitarians are adept at weathering such storms and navigating between the shoals. After this storm is over, humanitarians will be able to return to more predictable environments and accustomed behaviours.

Hugo may have a point, but there is no denying that humanitarian action is taking place in what is demonstrably an increasingly murky landscape beset by manipulations and tensions between policy choices that are complicated by divergent philosophies of humanitarianism<sup>5</sup>. A feeling of powerlessness is also prevalent, reflecting the sheer intractability of some of the issues. The global war on terror casts a large shadow on the ability of humanitarians to be faithful to core principles. Moreover, the growing pressure to instrumentalize humanitarian action in the service of anti-terrorism and other non-humanitarian objectives is itself an ingredient in much more complex processes related to economic globalization, the privatization of the development aid regime, the weakening of nation states (at both ends of the socio-economic spectrum), the lifting of inhibitions on matters of sovereignty – whether for “ordering” interventions or in deference to the responsibility to protect – the flouting of IHL norms (Guantanamo, Chechnya), the blurring of the lines between military, civilians, mercenaries, private contractors and criminalized economic elements involved in internal conflict, etc.

## **2. Politicization and its consequences.**

*Have principles been overtaken by events?* There is a widespread sense among practitioners that, after Afghanistan and Iraq, principles (and the emblems that identify the agencies committed to them) no longer command the respect or elicit the restraint from belligerents that they once enjoyed. What is the relevance of a commitment to neutrality when the institutional exemplar of that commitment, the ICRC, suffered attacks on its premises in Baghdad no less pinpointed or lethal than those that targeted the UN’s sanctions-associated humanitarian presence itself? To some, the lesson is that even more scrupulous attention to principle and contextual savvy is required; to others, that traditional principles have outlived their usefulness and need to be revisited.<sup>6</sup>

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<sup>4</sup> “A Call to Alms: Humanitarian Action and the Art of War”, Centre for Humanitarian Dialogue, Geneva, March 2004.

<sup>5</sup> Paul O’Brien, “Old Woods, New Paths and Diverging Choices for NGOs” in A. Donini, N. Niland, K. Wermester (eds), *Nation-building Unraveled? Aid, Peace and Justice in Afghanistan*, Kumarian Press, Bloomfield, CT, 2004.

<sup>6</sup> For an ICRC perspective, see Marion Taroff-Havel, “Does it still make sense to be neutral?”, *Humanitarian Exchange*. No 25, December 2003, 2-4.

It is instructive to look back at Taliban times in Afghanistan. As those who were based in the region and having humanitarian portfolios can attest, the relationship between the authorities and the aid community was extremely polarized. Aid agencies were seen as vectors of westernization bent on promoting an alien and inferior set of values. Yet, the Taliban (and their Al Qaeda “guests” for that matter) never targeted foreign aid workers. When it came to saving lives, the social contract of acceptability worked: humanitarian space was largely respected. The Taliban did not necessarily like us, denied us access to certain areas and put all sorts of hurdles in our way, but they did not harm us. By and large, they understood that our principles required us to speak with and work with all sides, assess needs independently, and move across lines on occasion. Presumably, this was to their advantage as well.

Is there a direct link between recent attacks against the UN, ICRC, and NGOs in Iraq and Afghanistan and the perceived cooption of humanitarian actors into the Coalition’s strategy? Would greater distance from the Coalition have created enhanced security? From a “purist” perspective, the denigration of humanitarian principles in Iraq and in other high-profile conflicts has placed aid agencies in an ambiguous and dangerous position. Enormous pressure has been brought to bear on the UN, including its humanitarian wing, to perform in a subordinate role to US-led interventions. Financial and political pressure on US NGOs to act as “force multipliers” for US foreign and military policy objectives has also been tremendous, with some agencies keeping their distance and others accepting US funds. Some European NGOs, benefiting from their governments’ less prominent political-military roles, have had a less rough ride but are themselves voicing alarm about what the future may hold.

Not all principles are being eroded in the same way. Of the three core principles – neutrality, impartiality and independence – it is the first and the third that are in greatest jeopardy. Most organizations that see themselves as “humanitarian” remain solidly wedded to the principle of impartiality – assistance will be provided to all according to need.<sup>7</sup> Neutrality and independence, in contexts such as Iraq and Afghanistan, are much more difficult to uphold. This is where compromise has crept in. Some NGOs (and even parts of the UN) have acknowledged, more or less reluctantly, that they are not neutral. And of course, the acceptance of funding from a belligerent for activities that suit the belligerent’s agenda is a sure sign that “independence” is going if not gone. Similarly, the claims to neutrality and independence of agencies that receive an overwhelming proportion of their funds from bilateral government sources are doubtful at best even if such agencies are able to maintain a degree of impartiality.<sup>8</sup> The same applies to agencies that agree to become sub-contractors to governments or belligerents.

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<sup>7</sup> This may be true within a particular context, but, internationally, there are huge distortions in proportionality, e.g. in the allocations to Iraq vs. DRC.

<sup>8</sup> The degree of independence and impartiality such agencies are able to maintain is likely to be inversely proportional to the political capital invested by the donor in the crisis, i.e. in forgotten emergencies it will be easier to maintain more principled approaches.

Indeed, one of the more disturbing findings of the mapping exercise mentioned earlier in this paper is the view heard in some donor and NGO circles that in the brave new world of post 9/11 interventionism “principles are for reference only”.

In order to understand the challenges faced by humanitarian agencies, it is useful to look at the various positions in the community. Typologies are always arbitrary. Nevertheless four broad positions can be identified on matters of humanitarian principles and engagement with political agendas. These are not watertight separations as there is considerable overlap and the same organization may fall into one category in one situation and in a different one in another.

*(a) Principle-centered.* Some aid agencies and personnel, particularly those with a long history of operating in conflict settings and with deep roots in the “Dunantist” tradition, affirm the continued relevance of principles. “Neutrality remains as valid as ever,”<sup>9</sup> concludes a review by a senior ICRC official following an examination of prevalent misunderstandings of this key tenet of ICRC work. In fact, she observes, the more highly politicized the terrain, the more urgent is unswerving and unabashed fidelity to core principles such as neutrality, impartiality, and independence.

Some of those who share a continuing commitment to retaining the neutrality of humanitarian action caution against generalizing on the basis of events in Iraq, Afghanistan, and Kosovo. In many places such as the Occupied Palestine Territories, West Africa, the Sudan, and Colombia, agencies are still able to build trust with warring parties through their traditional practices of neutrality and impartiality. Organizations that continue to function as they have in the past in most settings around the world are asking whether it is possible to operate in Iraq today in such a way that all parties on the ground will trust them and respect their mission.

In general, the proponents of principle-centered action argue for a narrower definition of humanitarianism which is limited to life-saving assistance and protection of civilians, based on core principles of neutrality, impartiality, and independence. Many eschew engagement in more ostensibly political endeavors such as advocacy for human rights or reconstruction activities.

*(b) Pragmatist.* Another perspective, also compelling in its own terms, places a premium on engaging in highly politicized situations where principles are difficult to maintain rather than setting the entry bar so high as to discourage involvement. The pragmatist persuasion has many shades. It includes “Wilsonian” agencies<sup>10</sup> who broadly identify with the foreign policy objectives of

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<sup>9</sup> Taroff-Havel, cit.

<sup>10</sup> Abby Stoddard, “Humanitarian NGOs, Challenges and Trends” in J. Macrae and A. Harmer (eds), *Humanitarian Action and the Global War on Terror: A Review of Trends and Issues*, HPG Report 14, ODI, London, July 2003.

the governments of the countries in which they are based, and whose funds they often seek. There are also of course a large number of NGOs driven by opportunistic and institutional survival imperatives who follow the cash rather than principle.

International humanitarian law makes an occupying power responsible for providing assistance, protection, and security to civilian populations. If in seeking to fulfill that responsibility in Iraq, the U.S. (at once leader of the Coalition and chief holder of the humanitarian purse strings) wishes to enlist aid organizations in the task, why not collaborate? Is it not appropriate that if the American people, or peoples of other coalition countries for that matter, are associated with their countries' military activities overseas, they should participate in efforts by their governments to bind up Iraqi wounds? After all, say the proponents of this view, although collaborating with the Coalition or its member governments puts pressure on classical humanitarian norms, principles should not be an impediment to pragmatic action to save lives. Nor is neutrality a *sine qua non* for effective assistance to the victims of conflict and crisis. Circling the wagons around basic principles would represent, in the words of a pragmatic US NGO official, "a head in the sand approach that refuses to take into consideration new realities that may justify new practices not consistent with existing sacred texts." The pragmatist view, which holds sway among some US NGOs and some UN agencies, is seen as troubling by others, in particular European NGOs, which by and large rely less on earmarked government funding than their US counterparts and can therefore position themselves more independently.

(c) *Solidarist*. A third path, embraced by some NGOs on both sides of the Atlantic, is rooted in the historical tradition of the Red Cross. But, established humanitarian principles, their argument goes, are not enough. What is the point of applying band aids to a festering sore, of providing a bed for the night in a crumbling edifice? Agencies that save lives are obliged also to address the root causes of conflict, which are political at the core. Solidarist agencies – Oxfam and CARE see themselves as examples -- hold that it is necessary to engage in the political process, using justice and human rights as a template for action. Their agenda is much wider than the traditional humanitarian brief: an anti-poverty and social transformation agenda that mixes elements from humanitarian, human rights, and developmental world views, with heavy emphasis on advocacy. Solidarists do not view themselves first and foremost as humanitarian agencies but rather as rights-based agencies, though they may do humanitarian work in particularly fraught contexts where no other activity is possible.

Again, there are various hues of "solidarism", ranging from agencies that take their ideological cues from recognized universal texts – the UN Charter, the Universal Declaration of Human Rights, the UN Millennium objectives – and others with a more particularistic agenda who have no problems in taking sides politically (e.g. Norwegian People's Aid which often espouses solidarity with a

particular cause and has no qualms in stating that it is independent but not neutral or impartial<sup>11</sup>).

(d) *Faith-based*. The fourth category cuts across the other three. The Christian tradition is the oldest and is based on the core values of compassion, charitable service and mission. It has its roots in the succour provided to the destitute and the sick by monastic orders in the Middle Ages and in their missionary work in the European colonies. Again there are variations on the religious theme. The largest and most reputable faith-based organizations do not directly engage in proselytism, though religious values may well be at the core of their message. Some are directly linked to a particular church (e.g. CRS or Caritas) though they may not engage in evangelization per se. Others (for example Shelter Now whose activities ran afoul of the Taliban in Afghanistan) see evangelisation as an integral part of their mission. Others still are “non” or “trans-denominational” in the sense that they are not linked to an established church, work in partnership with secular and religious local groups and calibrate their religious message to the local context. A good example is World Vision in Afghanistan where most of its staff is Muslim and its programmes are indistinguishable from those of secular agencies.<sup>12</sup>

Another variant is constituted by Islamic NGOs. Although they are not part of the same tradition – and, in fact, are often shunned by official humanitarianism – they are playing an increasing if little recognized role. Some, like Islamic Relief for example, are modeled on Western NGOs; others, such as the plethora of NGOs in Somalia, are *sui generis* and have radically different standards of operation and accountability; others still are “islamist” or more militant in nature such as Hamas in the OPT, for example, which mixes a religious and irredentist message with the provision of NGO-type health and education services.<sup>13</sup>

Except for the Islamic tradition, which is largely ignored or marginalized by mainstream humanitarianism, the philosophical, operational and corporate roots of the four groupings outlined above are inescapably Western and Northern. We will return to the question of how the humanitarian endeavour is perceived by “the other” at the end of this paper.

There is no convenient way of plotting the diversity of the humanitarian community on a simple chart. The variables are too numerous. One arbitrary way of conceptualizing a typology, focusing only on the funding/principles equation, would be the following:

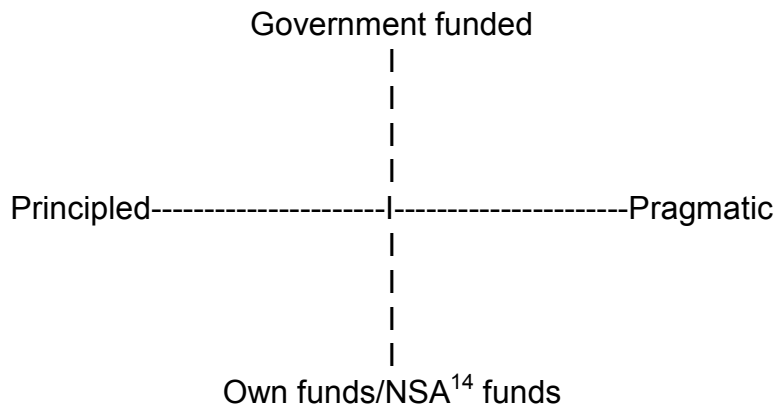
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<sup>11</sup> Eva Bjoreng, “Taking a Stand: Solidarity and Neutrality in Humanitarian Action”, *Humanitarian Exchange*, ODI, London, December 2003.

<sup>12</sup> Stoddard, cit.

<sup>13</sup> Jonathan Benthall, “Humanitarianism and Islam after 11 September” in, Macrae and Harmer, *Humanitarian Action and the Global War on Terror*, cit.





What are the implications of this extraordinary diversity for effective humanitarian action? Given the current type of conflicts and the accompanying politicization of aid, the present diversity of approaches to principle may be functional to the different types of situations that need to be addressed. The vastness of the humanitarian marketplace works against a common approach to principles. For some agencies, traditional principles remain important while others view them as an impediment to timely and effective action (or to expedient fundraising).

**Points for discussion:**

- Should a clearer definition of what constitutes humanitarian action be crafted and the humanitarian “label” applied only to activities and organizations that would meet a set of verifiable criteria? Or is it an illusion to think that principled humanitarian wheat can be separated from the multifaceted chaff?
- Should a protected niche for agencies embracing core humanitarian principles be created with its own dedicated funding sources and modus operandi?
- Conversely, is it not particularly ill-advised for a given donor to fund its national NGOs for activities in association with its own national military contingents (as in Kosovo) or for a donor or group of donors to fund organizations whose prime motivation is to support one side or another in a given conflict (as earlier in the Sudan)?
- Should donors and humanitarian agencies themselves come to recognize that there may be situations and activities where life-saving assistance can only be provided by, or in conjunction with, the military? Such relief assistance may well be justified and legitimate (if, for example, authorized by the UN under chapter VII) but not necessarily deserving of the humanitarian label.

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<sup>14</sup> E.g. unearmarked government of multilateral funds with “no strings attached”.

*Perhaps there is a more important question to be asked: Has the diversity of the humanitarian arena, and the nature of contemporary crises, undermined the possibility of concerted and principled action?* The humanitarian sector has shown phenomenal growth in the post-Cold War era. In the course of only a decade, ODA flows to relief and protection activities have tripled to the level of roughly \$US 10 billion in each of the last three years.<sup>15</sup> Moreover, a proliferation of entities has sought a piece of the action. These include, in addition to traditional aid agencies, a broader cast of characters not regularly or exclusively engaged in the humanitarian sector: for-profit private agencies and contractors, military engaged in delivery of relief or small scale reconstruction, and private security firms. The newly competitive humanitarian enterprise functions without benefit of clear ground rules regarding criteria according to which government grants and contracts will be awarded, deepening the confusion and suspicion that have come to characterize the sector.

An additional complicating factor is that the term “humanitarian,” as in humanitarian crisis, humanitarian emergency, and humanitarian intervention, is often defined opportunistically -- whether narrowly or elastically -- according to the institutional and political needs of the moment. Is there a serious “humanitarian crisis” in Iraq, or Afghanistan, or Haiti? Clearly there are significant numbers of civilians with urgent unmet needs and humanitarian agencies eager to step into the breach. But crises are essentially political; it is the consequences that generate humanitarian need, including the need to intervene. The arbitrary use of the term “humanitarian” for such crises is a useful figleaf to justify “humanitarian” interventions.

The increasing volume and complexity of activities related to the humanitarian sector has led to considerable hand-wringing among traditional humanitarian organizations. As indicated above, the ties that bind the humanitarian family have come under major pressure. Whereas interagency coordination has always been a desideratum (more often than not, however, eluding its proponents), unilateral action is still the preference of many. And this for two reasons: to safeguard the identity and promote the image of the individual organization and to distance the organization from the overt manipulation of humanitarian assistance under the banners of “coherence” and “integration”. Regrettably, the experience so far with integrated missions, as in Afghanistan, has demonstrated the vulnerability of humanitarian action to political subordination. NGOs thus tend to be ambiguous vis-à-vis UN humanitarian coordination: they like it when it provides a buffer, as in Iraq, from political or military agendas; they hate it when it incorporates them in a strategy over which they have little influence. Partnership around an agreed agenda is still an idea whose time has not come in UN-NGO relations.

The diversity of approaches is demonstrated in an exchange of views between senior staff of MSF and CARE. Both organizations subscribe to humanitarian

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<sup>15</sup> Development Initiatives *Global Humanitarian Assistance 2003*.

principles but interpret them quite differently. MSF argues for the insulation of humanitarian work from politics and therefore for a narrowly defined “humanitarian space” wherein the agencies would operate according to traditional core principles of neutrality, impartiality and independence. As in the past, the social contract with the belligerents – “we are here to save lives; our assistance comes with no strings attached” – is viewed as the best guarantee of acceptability and, by extension, access to people in need and the security of staff. CARE counters that this approach may well have worked in the “old wars” where there was a degree of predictability in the behavior of belligerents and some respect for the rules of war. Contemporary complex crises, however, require a more comprehensive response that addresses both the consequences and the causes of conflict, i.e. the more overtly political approach advocated by solidarists.<sup>16</sup>

Again, the **points for discussion** are:

- Does diversity matter to the victims? Does it matter who provides the bowl of rice? Is the WHO more important than the HOW? No doubt the US military will provide it differently to an Oxfam that works with communities, has a pre-existing relationship with them, is concerned about dependency, is sensitive to cultural issues and power relations within the community, etc.
- When does too much diversity become a problem? How to, and who could, regulate the alms bazaar when it is stricken by Klondike fever as in Goma or post-9/11 Kabul?
- Is there a process of natural selection that by and large ensures that agencies with reputable humanitarian credentials gravitate towards the contexts where one would expect to find them (e.g. ICRC and MSF in the midst of active conflict settings, Oxfam and CARE one step removed working in camps or in transition situations, etc.)? Can this process be assisted?
- Or, are we headed towards a more formal bifurcation in the humanitarian arena (a split between "Dunantists" who will try to stick to a narrow set of principles and independent humanitarian action and those who will accept, or be forced to become, "force multipliers" for the Superpower and its allies)?
- What is the scope for a politically savvy approach that eschews being a force multiplier and works from the ground up, strengthening communities, advancing rights?

### 3. The evolution of the humanitarian "ricebowl".

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<sup>16</sup> To appear in the forthcoming issue Number 17, Spring 2004, of the *Harvard Human Rights Journal*.

The entire aid industry is in turmoil, not just the humanitarian enterprise. The relatively slow movement of tectonic plates of the '90s seems to be morphing into tsunamis of devastating proportions that are now sweeping through the naughties. Fundamental changes are taking place in the profession, the industry and the marketplace. Some are dictated by the external environment; others relate to an internal process of evolutionary adaptation. It is either "go with the flow" or "gone with the wind".

A number of contradictory forces are at play. I have already mentioned the hegemonic forces unleashed by the security agenda of the Superpower and its allies and the politico-military occupation of humanitarian space accompanying it. At the same time, the nature of the North-South aid relationship has been deeply affected. The aspiration for social transformation inherent in the ideological mobilizing myth of development that characterized the Cold War era has collapsed. It has been replaced by the bronze law of the market and the managerial concepts that it has spawned: governance, privatization, accountability and the like. State-to-State North-South development assistance has been replaced by the mythologizing of civil society organizations. These organizations are increasingly tasked by northern States to provide state-like functions in weak states of the South thereby undermining the social contract between governments and their citizenry (while simultaneously providing employment for a multitude of expatriates who would otherwise be on the job market). The long-term effects of this transformation of the development enterprise are likely to surface in the coming decade. A violent backlash against expatriate aid workers, their values, and lifestyle cannot be excluded. Current attacks against humanitarian workers may well be harbingers of worse to come.

The erosion of the sovereignty of weak states is in turn accompanied by the banalization of Superpower intervention whether for military, world ordering or "shock into compliance" purposes. An example of the latter is the US arm-twisting of weak states to support the US position on the ICC. Another is the economic punishment threatened against countries reluctant to support the Coalition effort in Iraq. The UN, which used to have a role in defending or at least giving a hearing to Third World perspectives, is an impotent bystander. Multilateralism is in sharp decline, bilateralism in ascendance and conditionality rampant. The manipulation of human rights instruments (at the UN and elsewhere), including the lofty promise of human security and the "responsibility to protect" further serves, opportunistically, to punish or reward weak states or to shake them into compliance. Once again the promises of the UN Charter and of the UDHR are manipulated to further the imperial designs of ordering and containing.

Closer to home, the humanitarian enterprise seems to be beset by two contradictory trends: "act like a State" and "act like a business". On the one hand, large NGOs, particularly in the US, whether they act as subcontractors to the Occupying Power in Iraq or not, espouse Wilsonian foreign policy precepts

which are reinforced by the interchange of personnel (including CEOs) between NGOs and government. NGOs propound values, jargon, and behaviours that are virtually indistinguishable from those of public institutions.<sup>17</sup> On the other, the same organizations, as well as many others, are engaged in a Darwinian struggle to survive and to increase their market share which is identical in its ruthlessness to unregulated competition in the private sector.<sup>18</sup> The distinctions between public and private seem to be vanishing, vindicating Karl Marx's analysis of the State as the executive board of the bourgeoisie!

Moreover, the marketization of humanitarian action is accelerated by decisions taken by the NGOs themselves. Because humanitarianism is where the action is and because contracts, typically, are for very short (six months to a year) periods, NGOs are relying more and more on government contracts for institutional survival and development. Growth is rapid but risky. Agencies have to show results while they jockey for contracts and position. Supply chain pressure undermines accountability, sustainability and the development of local partnerships. Unintended effects or policy issues that do not fit with the contractors' political objectives go unreported. Limits are imposed, as in Iraq for agencies under contract with the US government, on what NGOs can say "out loud". The constant pressure to deliver government funds, goods and ideology makes a mockery of the purported independence of NGOs. Values and principles have been shredded by the conveyor belts of the supply chain.

Just to help matters, NGOs tend to devote their public funds to humanitarian activities while their shrinking proportion of private funds goes to longer-term development or community based activities.<sup>19</sup> This makes their humanitarian activities all the more vulnerable to political vagaries of donors and respect for principle more tenuous. Donor decision-making is far from consistent or impartial, *pace* the good donorship initiative. High profile and high stakes crises suck up the cash while forgotten, and often more deadly, crises fester and languish. Agencies that rely increasingly on public funds for humanitarian activities are rapidly losing any sort of cushion of NSA funds that would allow them to pick and choose where to work and to respond with some measure of independence and according to need. It would be interesting to contrast the policy making choices and institutional survival behaviour of an agency that relies on the US government for 70 per cent of its funding (CARE) with WV where the proportions are exactly the reverse.<sup>20</sup> European NGOs are by and large in a better situation because their share of tied money from government is generally smaller. They rely also on EU money, which may be bilateral in origin but goes

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<sup>17</sup> Rony Braumann and Pierre Salignon, "Iraq: in Search for a 'Humanitarian Crisis'", in Fabrice Weissman (ed.), *In the Shadow of 'Just Wars'. Violence, Politics and Humanitarian Action*, Cornell University Press, Ithaca, NY, 2004, p 271

<sup>18</sup> Alexander Cooley and James Ron, "The NGO Scramble. Organizational Insecurity and the Political Economy of Transnational Action", *International Security*, Vol. 27, No.1, Summer 2002., pp 5-39.

<sup>19</sup> Tony. Vaux paper for CAFOD, May 2004.

<sup>20</sup> Abby Stoddard article in Humanitarian Exchange, n. 25, December 2003.

through a laundering process of sorts from which it emerges multilateralized and with less strings attached. The EU also sticks to a much narrower and more principled definition of “humanitarian” than the US or Japan, for example.

The scramble in the NGO community is made worse by the increasing competition with commercial “for profit” providers of assistance and the military, particularly, but not only, in Iraq. The trend was already present in Kosovo, East Timor and of course Afghanistan. This is presumably another growth area, as governments and militaries tire of the qualms and hesitations of NGOs. Privatization of aid goes hand in hand with the privatization of security. The prospect of private security companies providing “humanitarian” assistance should not be ruled out. The specter of militarized “Mad Max” NGOs would be the logical next step. Given the implications of these trends for the survival of humanitarian action that retains a modicum of respect for principle, some urgent analysis is required of how the competition for the humanitarian ricebowl is playing itself out in an increasingly congested marketplace between NGOs, private contractors and the military in places like Afghanistan and Iraq.

This raises a host of **fundamental questions**:

- When does an NGO cease to be an NGO? When do compromises – on politicization, overwhelming nature of bilateral funding, loss of independence, etc. – fundamentally challenge the nature of agencies who purport to be “private”, “voluntary” and “principle-based” or even “rights based”?
- Should a special category of “contractors” be instituted separate from bona fide NGOs?
- If an agency is unable to say “no” to government, can it still claim to be impartial, let alone independent?
- Should the bifurcation between pragmatist/government-funded agencies and Dunantist agencies with NSA funds be somehow formalized?
- Whither the UN’s humanitarian coordinating, regulating and brokering function? Is it just as politicized and manipulated, or is there hope for a more insulated humanitarian function that acts in partnership with the principled wing of the humanitarian arena?

Another trend needs to be highlighted: the increasingly oligopolistic nature of the NGO marketplace. The NGO sector is the victim of its own success. More than 50% of the global humanitarian assistance market is controlled by eight large consortia of transnational NGOs.<sup>21</sup> There are pluses and minuses to this

<sup>21</sup> APDOVE (Association of Protestant Development Organizations), CARE, CIDSE (Cooperation internationale pour le développement et la solidarité), Eurostep, MSF, Oxfam, Save the Children and World Vision, see P.J. Simmons, “Learning to Live with NGOs”, *Foreign Policy*, N. 112, Fall 1998, cit. in Ron and Cooley, p 12.

evolution. On the plus side, consortia may be strong or diversified enough to resist extreme manipulation, unlike smaller or single-country NGOs. There is obviously strength in numbers as well as in the transnational nature of consortia. On the minus side, there is a risk that initiative, responsiveness and innovation – traditional NGO strong points – will be stifled through the homogenization of ideas and business practices. Large transnational oligopolies tend to function in ways that are little different from their private multinational counterparts.

Realtime communications, teleconferencing, satellite and computer links with the remotest parts of the world will breed added controls from agency HQ, standardization, pressures to fly the flag and don the cap and less tolerance for innovation, responsiveness, attention to home grown perspectives and the like. Marketization may thus result in the direct opposite of what traditional NGOs, who like to see themselves as “peoples’ organizations”, once stood for. Standards will replace principles.<sup>22</sup> Managerial concepts and insitutions; isomorphism will thrive at the expense of innovation. Agencies will become more vertical, top-down and controlled by expatriates. The gap between international NGOs and local groups will widen and the mantras of community development and participation remain just that. Rather than working themselves out of a job, NGOs risk becoming self-perpetuating enterprises.

This raises **further questions**:

- Is oligopolisitic concentration bad for peoples’ rights?
- Does it reinforce the northern hold on the humanitarian enterprise?
- Can this trend be countered or reversed through new forms of partnership with southern NGOs, local groups and State entities?
- Has the expansion of the NGO sector reached a threshold beyond which it will breed opposition, and violence, from militant groups and alternative forms of social organization/mobilization in the South?
- Is there an increasing disconnect between how social change and transformation are viewed in the North and the South?

And **where is the UN** in all of this? Can NGOs turn to the UN for support in the defense of principle or for more sanity in how North-South relations are managed? Dream on! After Iraq, multilateralism is battered and bruised, even if the UN is now asked to clean up the mess. Unilateralism is alive and well from Chechnya to Palestine and Haiti.

As we have seen, humanitarianism in settings such as Iraq and Afghanistan has become subsidiary to a much larger and essentially political agenda which has to do with how the international community chooses to manage its overall response to crises. At the UN, the integration of political, humanitarian, and other responses has emerged as a standard template -- but only in high profile crises

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<sup>22</sup> Tony Vaux, cit.

where the overall policy approach is driven by the Security Council or superpower interests. In lower profile crises, principled humanitarian action has a better chance of surviving. The post-Bonn UN mission in Afghanistan has been the most “coherent” and “integrated” to date, but elements of integration are present in all recent UN missions from Kosovo to Iraq. The push for integration carries crucial policy and institutional implications for the humanitarian enterprise and the UN seems to be caught in the middle.

The choice confronting UN humanitarian entities is two-fold. One option involves full membership in the UN conflict management and resolution machinery, with a potential further loss of what remains of their independent humanitarian voice and the risk that they will be coopted. The other option embraces some degree of separation, insulation, or independence of the UN humanitarian, and possibly human rights, entities from the conflict resolution machinery so as to nurture policy and partnerships in the wider humanitarian community. The latter option entails the risk of being less able to ensure that humanitarian concerns are given equal billing in the overall response. Indeed, the experience with “equal billing” so far has been mixed at best. In Afghanistan but also in Liberia and other African crises, experience has shown that the political UN does not see itself bound by humanitarian principles and has often limited appreciation for the value of the humanitarian endeavor in and of itself. Humanitarian action is always seen through political eyes which often look for tradeoffs rather than principles. Culturally and institutionally, there seems to be a reluctance to acknowledge that humanitarian action and human rights are valuable in their own right and also central to the quest for peace.

In some ways, increased insulation or independence would constitute a return to the clearer institutional architecture of the Cold War era when humanitarian issues and human rights were in watertight compartments. A revived effort to insulate humanitarian action from adverse political agendas might also portend that a new Cold War is in the offing, built around the global war on terror. One could envision, for example, a return to ideology and polarization in international relations with a superpower-driven anti-terror camp pursuing an elusive enemy, and the emergence of a “third force” composed of groups and nations concerned that the anti-terror agenda undermines the goal of attacking poverty and promoting justice. The risks for humanitarianism in such a scenario are significant, as are the implications for a UN coordination function.

Again, on the issue of integration vs. independence there is likely to be a range of positions in the humanitarian community, as well as among donors and UN member states. Given past experience, the institutional constraints to any significant reform of the system – for example, a single UN humanitarian agency outside the UN Secretariat or an independent international humanitarian agency – are likely to be formidable. However, a reopening of the “single agency issue” should not be ruled out.



**Janus at the UN.** Like the Roman god Janus, the UN has two faces. The first is the face of *realpolitik* and lies embodied in the compromises struck at the Security Council, the world's highest political body. The second is enshrined in the ideals of "*We the peoples...*" and in the promises of the Charter and of the Universal Declaration. Humanitarian and human rights action looks to this second face for guidance and protection, institutionally weaker though it be. In a sense, both faces are essential to the functioning of the organization, at least as it is presently constituted. And toying with the physiognomy of the gods is always a dangerous proposition.

Regardless of whether the integration issue is reopened, many humanitarian actors feel that efforts should be redoubled to influence decision-makers in the Security Council and elsewhere on humanitarian and protection issues. The objective should be to "humanitarianize politics without politicizing humanitarian action." Some feel that the success of such a strategy is dependent on the results of the 2004 US presidential election, the hope being that regime change would usher in a return to more multilateral problem-solving. Others, seeing longer-term trends at play, doubt that much is likely to change in superpower-directed world ordering efforts in the years to come. Nevertheless, advocacy with SC members and leveraging "friendly" donors and other member states will undoubtedly remain high on the agenda of the ICRC, NGO consortia and other humanitarian players for the foreseeable future.

Little is to be expected in the short term on the issue of **UN reform** despite the serious predicament in which it finds itself post-Iraq. Caught between cooption and irrelevance and weakened by the Baghdad bombings – which are likely to make the organization much more risk averse in crisis situations – it will take a while to recover. In the meantime, the centrality of its humanitarian functions – coordination, standard setting – is in retreat. Many would argue that major surgery cannot be postponed any longer: a deep reform of the humanitarian system is necessary. As yet there is no willingness apparent to tackle such reform, whether in UN or in donor circles and this despite the Secretary General's own feeling, after Baghdad, that the UN was "at a fundamental fork in the road" and his open mind as to possible reform of the UN's humanitarian wing.

- Is the subordination or **instrumentalization** of humanitarian action to superpower political objectives in Iraq and Afghanistan a passing exception or the harbinger of hard times ahead for humanitarian principles?
- Has the push for "**coherence**" and "**integration**" in crisis management resulted in a temporary or permanent eclipse of the humanitarian dimension in the UN response to crises? Does the institutional location of the UN's humanitarian apparatus need to be revisited as part of a wider UN reform effort?

- How will the tension between the “UN as Security Council” and the “UN as ***We the peoples***...” be resolved? Are reforms possible or likely that would give higher priority in the Council’s deliberations to human rights and human needs, wherever they exist? In other words, is it possible to “humanitarianize politics without politicizing humanitarianism”?
- Is a **two-tiered crisis response regime** developing in which the superpower calls the shots and enbridles humanitarian action in the high profile situations where it is directly involved, while in less visible crises, which may well be more deadly but attract less attention and fewer funds, humanitarians are more able to go about their principled business?

#### 4. Is universality in jeopardy?

Perhaps, one of the starting points in the mapping of the road ahead is to consider whether the universality of humanitarian action is under threat. As things stand now, while the principles may well be universal – or so professional humanitarians would like them to be – the reality is that humanitarian action is based on the “restricted consensus” of the handful of donor states that finance the bulk of “official” humanitarian aid. To be more precise, such action is also built upon the obfuscation of other realities, namely the contributions of non-traditional donors (such as Islamic countries and charities, remittances of diasporas and migrants, and of course the contributions of affected countries, communities, and families themselves). There are no hard and fast figures to pin on this parallel universe of humanitarian action – one might view it as the “informal economy” of the humanitarian marketplace -- but the scale of such untallied contributions may well be underestimated. And herein lies part of the rub.

The fact that humanitarian activities are funded by a small club of western donors reinforces the perception, which corresponds to the reality, that humanitarianism is “of the North.” This is problematic because unlike peacekeeping operations, the countries of the Third World have little visible stake in the policies and management of the humanitarian enterprise.

Self-regulation of the donor community can only go so far. The Stockholm “good donorship” initiative raised some expectations but it does not seem to have engaged donor bureaucracies at a high enough political level. Political decision makers do not necessarily heed the message of their more principled and more alarmed humanitarian colleagues. The obvious answer is assessed contributions. If such contributions can be made obligatory for peace operations, why not for humanitarian assistance? In all likelihood this would go a long way towards solidifying a more universal humanitarian consensus, in which all UN member countries would have a voice.

If its universal credentials are re-established, in the UN for starters, perhaps this could help to dispel the widespread view within influential circles in the South that humanitarianism is a western crusade aimed at imposing alien values with strong-arm tactics. But the UN is only a small part of the humanitarian picture, and a shrinking one at that. Much more will need to be done to bring other humanitarian traditions – the Islamic ones in the first instance, but others as well – center stage. A philosophical issue arises here: should this process of *rapprochement* between different cultures of caring for civilians in crisis and conflict be undertaken by advocacy built around existing tools – essentially IHL and the Geneva Conventions – or should everything be up for discussion? The dangers of succumbing to cultural relativism, or opening Pandora’s box, would militate in favour of advocacy on the basis of existing doctrines. However, this will undoubtedly be seen as the imposition of “northern terms”. Similar issues arise in the human rights arena. The problem of who sets the terms of the debate and how this is perceived in the South has no easy solution. Moreover, the “rationalist” northern approach, steeped as it is in the values of the Enlightenment, may be ill-equipped to understand or even give a fair hearing to the views of groups who do not espouse clear distinctions between State, society, the individual and religion. It could well be that faith-based northern groups are in a better position to foster such a dialogue.

*“Until the lions have their historians, history will always be written by the hunters”* goes the African proverb. Perhaps the time has come to give the lions, the gazelles and even the suffering grass a stake in the debate. In fact, testing the universality of the humanitarian impulse (and of its human rights cousin) at the grassroots level may be the way to go. Arguably, the caring for the war wounded, the protection of children and civilians in war situations are obligations recognized, in their own ways, in all cultures. This humanitarian substratum is undoubtedly universal. It is the behaviour of leaders and warlords which is problematic, not the dictates of cultures and religions. Hence, working with local groups and creating partnerships around common “humanitarian” concerns may be a more productive way of promoting universality than a “dialogue of (the deaf) civilizations” at the political level. Perhaps, also, northern humanitarians need bigger ears and smaller mouths.

- Can the restricted and narrow consensus on which mainstream humanitarianism is based be widened and, if so, how?
- If UN peace operations can be financed from assessed contributions of all member states, why not humanitarian action? Would this not strengthen its universality, independence and acceptability?
- How can a dialogue be nurtured with other humanitarian traditions and with groups who see northern agencies as “the enemy”?
- In the context of the global war on terror, is universality a reachable goal or is it just an ideological and naive proposition?

A final element of the universality issue is the relationship between **humanitarian action and human rights**. The end of the Cold War has thrust the humanitarian and HR agendas in each other's arms or at least the actors to confront each other. The expanding definitions of humanitarianism that gained currency in the '90s have resulted in considerable overlap and some friction between the two. The integration and coherence agendas have done likewise, often to the detriment of both humanitarian and HR action. How will this relationship evolve in the future? Will there be more separation or convergence?

Much will depend on how "sovereignty" will be re-defined in the years to come and/or how the rich world will relate to the poor in the troubled borderlands. It is probably safe to assume that in many spheres of activity our perception of, and attitude to sovereignty will continue to evolve significantly in the years to come. This will affect attitudes in relation to the *protection of civilians* in conflict but also in relation to a wider set of threats that undermine the right of individuals to survive with a modicum of dignity.

In other words, the rich world may well continue to safeguard its way of life but it will be more aware that poverty, lawlessness, AIDS epidemic, illicit economies, break-down of state structures all pose threats to its own security and well-being. It is likely that measures to resist intensifying northerly flows of migrants and asylum seekers will be coupled with more frequent, not necessarily high profile, interventions predicated on humanitarian and human rights justifications. This is likely to affect the HA/HR relationship in a number of ways:

(a) continued instrumentalization of HR agendas, particularly by the rich world, to achieve non-human rights objectives that will weaken the global human rights movement;

(b) difference in approach/perspective between northern-based and southern/indigenous human rights entities with groups in the north more focused on legalities e.g. "stopping the wall" or "stopping pipelines" or international criminal tribunals and the south more focused on socioeconomic rights: the environment, criminalized economies right to food, right to health and related issues;

(c) double-standards, i.e. while rich governments will formally advocate for respect for human rights, in practice they will continue to support policies and global arrangements that subvert the rights of the poorest and the disenfranchised. Ditto, of course, for corrupt and repressive southern regimes particularly those that use religion or ethnicity as a cover to grab power and/or enrich themselves.

(d) protection of Civilians: As long as resource wars, underdevelopment, and the breakdown of feeble state structures continue, that protection of civilians will continue to be an issue confronting the UN Security Council, northern

governments and others including human rights groups. There will be less and less tolerance (for different reasons) for unbridled attacks on civilians and/or situations that put lives at risk or force people to flee. In the process of intervening in different ways, traditional notions of both human rights and sovereignty will change with (a) greater attention to the concept of sovereignty vested in people and (b) a wider recognition that the notion of human security is predicated on the empowerment of the disenfranchised and that this includes attacking poverty and promoting respect for human rights.

**HA and HR converge or diverge?** The nineties have seen a mixing of the two agendas, will the naughties see a clearer separation or delineation? This is a fundamental and unresolved issue. Both sets of principles start from the same impulse and the same body of law, but in many situations the modus operandi diverges (need to be on speaking terms with abusers to negotiate access vs. advocating respect for HR, documenting violations or denouncing). Does IHL law trump HR law in conflict settings? Probably not. If so, the case for a politicized humanitarianism based on a rights template is strengthened and we may well see the emergence of rights-based solidarity movements with an assistance wing (as is foreshadowed in Afghanistan).

More generally, it is unclear whether the human rights movements in the South will become the “new frontier”, displacing outdated political and developmental ideologies or whether they will remain on the sidelines of processes of social change. Militant groups – islamist in particular, but others as well – are likely to continue to fill the vacuum left by collapsed states, corrupt elites, failed ideologies and present themselves as the only bulwark against world ordering, globalization and the imposition of alien values.

Traditional humanitarian agencies will continue to be caught in the maelstrom. Their northern identity may well progressively become a source of embarrassment, if not a red flag to the militant bulls. New levels of “humanitarian cunning”<sup>23</sup> will have to be deployed to work in contested and volatile environments. Those agencies who have been able to develop effective partnerships with groups rooted in local society will be at an advantage over aliens who are unmistakably identified with outside and inimical agendas. Perhaps, the very nature of such partnerships need to be questioned and redefined to ensure that they are truly illuminated by the needs of the insiders rather than by the survival imperatives of the outsiders.

- What can be done to transform one-sided partnerships into partnerships based on equity and common goals?
- Which types of INGOs are best suited to promote such partnerships?
- Is the mixing of humanitarian and human rights agendas good or bad for partnerships?

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<sup>23</sup> H. Slim, cit