Humanitarian values: under siege from geopolitics

After the end of the Cold War, geo-politics, as projected through the United Nations Agenda for Peace, proposed to the humanitarian system that it could contribute to peace, development and human rights, where necessary in combination with military action, because at ‘the end of history’ these were now ‘apolitical’ technical tasks. In practice, it turned out that the quality of peace is still worth fighting over, that development has losers as well as winners, and that human rights could be integrated into humanitarian programmes, though often at the expense of humanitarian access for relief assistance. Yet the logic of ‘lets try harder’, as pursued in Kosovo and East Timor made humanitarian action ever more dependent upon coercive enforcement in places where ‘common sense’ does not prevail. The experience of Afghanistan suggest that the longer term fate of humanitarianism may be as stretcher-bearer for a new pax-Americana. The trouble is, by taking sides, or having sides taken for you, the essential reciprocity between neutrality and access, forged in International Humanitarian Law, is now being sundered. Never since the creation of the United Nations have so many people died under the impotent gaze of the institutions which were created to ensure that such tragedies are averted, and, paradoxically, in an era when the humanitarian system has been resourced as never before.

Introduction: from Solferino to the Code of Conduct

The term ‘humanitarian’ has been used to describe many good causes, as well as to lay claim of high moral purpose for King Leopold’s rapacious colonisation of the Congo, which Adam Hochschild holds responsible for halving that country’s population between 1880 and 1920. In recent years we have again encountered the concept of ‘humanitarian intervention’ to describe the enforcement of peace, as in Kosovo and East Timor, and in a disturbing echo of Leopold’s times, to justify an international peace-keeping force in the Congo which has failed to prevent perhaps as many as 4 million war-induced deaths since 1998. So what exactly does humanitarianism mean?

For some, the essence of it resides in Henri Dunant’s simple human compassion for the wounded soldiers on the battlefield of Solferino. For others, the answer resides in the Red Cross Movement’s seven ‘fundamental principles’ of humanity, impartiality, neutrality, independence, voluntary service, unity and universality. Many ‘new humanitarians’ find the simplicity of Dunant and the quiet diplomacy of the International Committee of the Red Cross (ICRC), respectively naïve and doctrinaire, and instead have embraced a more expansive and ambitious form of humanitarianism. This chapter examines how the long-standing principles and values of humanitarianism have been adapted and modified by the ‘new humanitarians’ sometimes with unexpected and unhappy consequences.

Dunant’s ‘Memory of Solferino’, first published 1862 and widely considered to have inspired the modern humanitarian movement, bore graphic witness to the unbearable post-battle suffering and the agonising deaths of many soldiers who had initially survived the dreadful carnage of this epic battle. Dunant, clearly resigned to the inevitability of future warfare, rhetorically asked,
'Would it not be possible, in time of peace and quiet, to form relief societies for the purpose of having care given to the wounded in wartime by zealous, devoted and thoroughly qualified volunteers?'

'The work itself would consist in bringing aid and relief (in agreement with the military commissaries, i.e., when necessary with their support and under their instructions) onto the battlefield whenever battle was joined, and subsequently to continue to care for the wounded in the hospitals until their convalescence was complete'

'In this age, which is often called selfish and cold, what an attraction it would be for noble and compassionate hearts and for chivalrous spirits, to confront the same danger as the warrior, of their own free will, in a spirit of peace, for a purpose of comfort, from a motive of self-sacrifice'.

Dunant’s vision was thus not a world without war, but rather a world in which the immediate impact of battle was responded to in a humane manner, and in 1864, sixteen nations duly signed the first ‘Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field’, Article 1 of which states:

‘Ambulances and military hospitals shall be recognised as neutral and, as such, protected and respected by the belligerents as long as they accommodate wounded and sick. Neutrality shall end if the said ambulances or hospitals should be held by a military force'.

Neutrality is referred to six times in this otherwise succinct treaty, while of the other modern Red Cross principles, there is no mention. This first formulation of International Humanitarian Law (IHL), was based upon a solemn deal between soldiers and humanitarian volunteers where, in return for immunity from attack, those ‘who bring help to the wounded’ undertake to maintain a strict military neutrality.

While the elaboration of humanitarian principles within the Red Cross Movement moved with stolid deliberation over the next hundred years, it do so firmly in recognition of this reciprocity between access and neutrality, a link which was reiterated in the 1956 formulation of the seven ‘fundamental’ Red Cross principles, still regarded by many as the classical interpretation of humanitarianism.

However, since the founding of Médecins sans Frontières (MSF) during the 1967-70 Nigerian civil war, by a group of French doctors frustrated with forever chafing against the ICRC’s doctrines of neutrality and diplomacy, the liberalisation and fragmentation of humanitarian space has been relatively rapid as numerous non-governmental organisations, largely sponsored by donor states, began to arrive in the war-zone. However, it took a further quarter century before the Red Cross Movement itself subscribed to a liberalisation of humanitarian principles. The publication in 1994 of the ‘Code of Conduct of the International Red Cross and Red Crescent Movement in Disaster Relief’ endorsed an expansive and ‘consequentialist’ humanitarian ethic, necessitating the relegation of the status of ‘neutrality’ and ‘independence’ from ‘fundamental’ to contingent. More explicity, as they may be argued to apply rather uniquely to the Red Cross Movement, the other ‘fundamental principles’ of unity and universality also find no place in the Code of Conduct, and apart from the basic doctrine of ‘humanity’, only ‘impartiality’ survives largely unscathed from the original seven principles. A number of new commitments were added to the Code, but their wording serves only to illustrate the scope of the deregulation of humanitarian space, rather than to lay down binding principles.
This endorsement by the Red Cross Movement of the deregulation of humanitarian space prompts six questions. One, why was deregulation necessary? Two, how was this possible within the allegedly narrow confines of IHL? Three, what have the new humanitarians done in liberalised humanitarian space? Four, what has been achieved and what have been the consequences. Five, has 11 September made any difference, and six, are there lessons that can we now draw from this?

1. **Humanitarian space for all: neo-geo-politics or global liberal peace**

Mark Duffield has characterised the current context of single-super power economic and military hegemony as the era of global governance and liberal peace. Others have dubbed it pax-America. Either way, geo-politics is now like shadow boxing, with only one opponent, and improvement of the shadow-boxer’s own fitness and technique being the sole purpose of the bout. In the new geo-political order, untroubled by super-power rivalry and its surrogate wars fought around the world, it seems that there is only one side, that which favours peace, human rights and sustainable development. Any opposition must be either mad or evil, and thus beyond understanding and beyond treating with. At the level of the state at least, this caricature generally holds good.

The ‘end of history’, as seen from the United Nations, therefore transformed the struggle over the quality of peace into an apolitical technical exercise in correcting Cold War induced anomalies of political, social and economic mismanagement of nation states. The pursuit of liberal peace therefore implied no ‘political, ideological or religious controversy’, for example, concerning the ‘old debates’ about competing forms of development, or arguments about privileging either civil and political or social and economic rights.

Riding the wave of renewed enthusiasm for the founding ideals of the United Nations Charter, the Secretary General, Boutros-Boutros Ghali, launched his ‘Agenda for Peace’ in 1992 which proposed, an end to all wars, either through voluntary peace-agreements or, where necessary, by using force under Chapter VII of the UN Charter. The Agenda for Peace was to be delivered through the integrated efforts of the United Nations system, supported by donor nations and international civil society. It assigned to the humanitarian system supporting roles in conflict prevention, amelioration and, where necessary, lending legitimacy to coercive peace enforcement. The interminable Cold War agonizing at International Red Cross Conferences about the potential clash of values between the promotion of peace and upholding the principle of neutrality must have seemed redundant when the Code of Conduct was considered by the 26th International Conference in 1995.

The formal deregulation of humanitarian space represented by the Code of Conduct was not deterministic of the policies and practices of its signatories. Research on behalf of the UK’s Disasters Emergency Committee reveals low levels of awareness of the Code amongst the staff of British agencies and there is no reason to believe that awareness of and compliance with the code is more embedded amongst other nations humanitarian organisations. Furthermore, there is no evidence to suggest that agencies have changed their practices as a consequence of becoming signatories. However, to participate safely in the fastest growing sector of international aid in the late 1980s, (i.e. ‘complex emergencies’), a wide variety of aid agencies recognised that the attainment of ‘protected status’ under IHL would be very advantageous. However, achieving this would require either wholesale institutional reform through the adoption of most of the Red Cross Movement’s
constricting ‘fundamental principles’, or the re-definition of ‘humanitarianism’ itself. The aspiring ‘humanitarian agencies’ chose the latter course, in particular by changing the rules to allow all forms of campaigning, and to justify greater access to emergency aid appeals by development agencies.

- **Campaigning** - Even though the Red Cross Movement itself remains committed to the 1956 Fundamental Principles, its own definition of neutrality as the avoidance of ‘controversies of a political, racial, religious or ideological nature’, was of course never widely subscribed to by human rights, anti-poverty and political solidarity NGOs, going back as far as the origins of Anti-Slavery Society. However, such campaigning organisations would not themselves have expected to enjoy protected ‘humanitarian’ status in war zones, one of several reasons why, for example, Oxfam was originally non-operational, preferring instead to transfer donations for the relief of Greek citizens during the Allied blockade in the Second World War to the ICRC. But as Oxfam and many other campaigning NGOs have become major relief providers in war zones, they have, like MSF, wanted both their humanitarian egg; immunity from attack; and their policy and advocacy omelette; freedom to ‘engage in political and ideological controversies’. Neutrality stood in the way.

- **Development** - Neutrality was also very problematic for those agencies committed to the ‘relief to development’ continuum. While neutrality might be tolerated in circumstances of contested sovereignty, in the more settled ‘development’ context, talk of ‘neutrality’ was often considered to be tantamount to neo-colonial arrogance by newly independent states. ‘Solidarity’, ‘partnership’ and ‘empowerment’ were the watchwords of development, all at odds with ‘neutrality’. From the point of view of natural disaster response agencies, a commitment to neutrality also seemed dysfunctional, driving an irrelevant conceptual wedge between prevention, mitigation and amelioration, and through the ‘relief to development continuum’.

The publication of the Code of Conduct therefore represented an important step in re-writing the quasi-official rules of ‘humanitarianism’, as these now appeared to allow peace-builders, human rights campaigners and all manner of development workers to shelter under the protective umbrella of International Humanitarian Law, the maintenance of which is the duty of states and ‘controlling authorities’, as Annex I of the Code of Conduct trenchantly points out.

Simultaneously, the deregulation of humanitarian space represented by the Code of Conduct has also allowed for the legitimising value of the humanitarian ethos to be incorporated into a broader project of global governance described by Mark Duffield as ‘liberal peace’.

‘While this can include the provision of immediate relief and rehabilitation assistance, liberal peace embodies a new or political humanitarianism that lays emphasis on such things as conflict resolution and prevention, reconstructing social networks, strengthening civil and representative institutions, promoting the rule of law, and security sector reform in the context of a functioning market economy’.

2. **Deregulation: Neutrality and Impartiality in International Humanitarian Law**
The short answer to the second question is that the only essential qualification required of ‘humanitarian organizations’ explicitly referred to in the 1949 Geneva Conventions is ‘impartiality’. Yet strangely, in spite of ‘neutrality’ being used in the 1864 Geneva Convention to describe the requisite characteristics of field hospitals and ambulances, hospital and ambulance personnel and the ‘humane conduct’ of civilians who ‘bring help to the wounded’, by some etymological quirk of fate, the term ‘neutral’ is used exclusively in the 1949 Geneva Conventions as an attribute which attaches to states, and never with reference to ‘relief societies’ or ‘protected areas’ such as hospital zones. Instead, the only qualifying adjective for humanitarian organizations used in the 1949 Geneva Conventions first appears in Common Article 3, and which allows that;

‘an impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.’

Common Article 9 of the 1949 Geneva Conventions goes on to explain what an impartial organisation is permitted to do in a war-zone.

‘Provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organisation may, subject to the consent of the Parties to conflict concerned, undertake for the protection of wounded and sick, medical personnel and chaplains, and for their relief’.

By being explicit about what ‘impartial humanitarian organizations’ may do, by implication, the 1949 Geneva Conventions also indicate what humanitarian organizations are not allowed to do. For example, the Conventions do not state that impartial humanitarian organizations have the right to lend material or moral support to belligerents, or to act as agents of foreign governments. ‘Impartial humanitarian’ status would surely never have been conferred by the authors of the 1949 Conventions upon organisations which did any of these things. Thus, it is almost certainly the case that ‘impartiality’ in the 1949 Geneva Conventions was not limited to its narrow modern meaning in humanitarian nomenclature, of ‘discrimination by need alone’. The term ‘impartiality’ in the 1949 Conventions clearly subsumed the concepts of ‘neutrality’ and ‘independence’. However, since the 1949 Conventions superseded the 1864 treaty ‘impartiality’ has been thereafter the sole mandatory characteristic for relief organisations wishing to assert their right of immunity from attack in war zones.

Thus by selective reference to the words of the 1949 Geneva Conventions, and the application of the narrower meaning of impartiality offered in the 1956 ‘fundamental principles’, the Code of Conduct is able to uphold the ‘right of non-governmental humanitarian agencies to espouse particular political or religious opinions’ without apparently infringing any prohibitions of IHL. Similarly, while the Code of Conduct committed the signatories to ‘endeavour not to act as instruments of government foreign policy except in so far as it coincides with our own independent policy’, this formulation requires only the effort rather than the fact, and even effort is unnecessary where the signatory to the Code deems that a particular government is pursuing a ‘coincidental’ policy, a concept of such latitude that it has been quoted in justification of ‘military humanitarian intervention’. Furthermore, while promising not to knowingly allow themselves to be used to gather information ‘of a political, military or economically sensitive nature for governments or other bodies that may serve purposes other than those which are strictly humanitarian’, the Code of Conduct
implicitly endorses the right of signatories to pursue such activities when the agency concerned believes that the government or ‘other body’ in question is acting in a ‘humanitarian’ manner. In the political space vacated by neutrality and independence, several of the new commitments in the Code of Conduct urge its signatories to use the newly liberalised humanitarian space for a range of activities which go far beyond the conventional humanitarian tasks of the relief of suffering on the battlefield. The new pledges incorporated in the Code of Conduct variously to local capacity building, beneficiary participation, vulnerability reduction and accountability, encourage signatory agencies to take responsibility not only for alleviating the effects of disasters, but also for preventing them happening in the first place.

The Code of Conduct thus marks the burial place of neutrality and independence as universally applicable and mandatory humanitarian principles. Rather than representing the establishment of new standards in humanitarian action, as is often claimed, in fact the Code really represented the dismantling of old ones. The door to ‘humanitarian’ (i.e. protected) space was thus opened, with the symbolic endorsement of the Red Cross Movement, to an unregulated register of, now over two hundred, self-selected organisations espousing an enormous variety of political, ideological, and religious beliefs, collectively pursuing a preventative as well as Dunant’s more conventional curative humanitarian agenda.

However, one outstanding problem is that neither the ‘High Contracting Parties’ of the Geneva Conventions, nor those non-state actors upon whose protection and consent for humanitarian access relief agencies also depend, ever signed up to the Code in the spirit of mutuality that would have afforded protected status for all Code of Conduct adherents. The 26th International Conference of the Red Cross and Red Crescent both ‘noted’ and ‘welcomed’ the Code but within the context of a resolution which referred to ‘the right of humanitarian agencies – abiding by the principles of humanity, neutrality, impartiality and independence – to have access to victims’. So although the Code of Conduct has been regularly used to demand the ‘rights’ of agencies to safely ‘engage in controversies’ and pursue ‘development’ in war zones, states delegates to the 26th International Conference actually made no such concessions.

3: Responding to the critics: new practices in deregulated humanitarian space
It has often been noted that humanitarian goals are modest when compared with the towering aspirations of peace, human rights and development, embodied respectively in the Charter and the Civil and Political, Economic and Social Covenants of the United Nations. This ‘visionless pessimism’ of humanitarianism has been accused variously of:

- treating symptoms rather than addressing causes
- squandering scare resources for unsustainable short-term benefits
- propping up the political, social and economic status quo
- being blind to injustice
- acting indiscriminately as quartermaster to the forces of good and evil
- bestowing legitimacy upon warlords
- providing incentives for war and disincentives for peace
- stunting development by encouraging aid dependency
- undermining local coping strategies
- enabling the state to renege on the ‘social-contract’ with its citizens
• letting private individuals to foot the human costs of wars fought between or over states³.

While a number of these concerns are as old as humanitarianism itself, the system was engulfed in a tidal wave of criticism for its part in the mid 1990’ crisis in the Great Lakes region of Africa. The genocide in Rwanda and the subsequent charges that relief aid was ‘feeding the killers in the camps’, stoked many long-standing anxieties about the harm which can be done with aid. For the first time, ‘humanitarianism’ was frequently attacked in the western mass media. In the face of these set-backs, western states seemed to draw back from their earlier support for the Agenda for Peace. Confidence in the humanitarian and development systems began to leach away. From its zenith in 1992, international aid fell twelve percent by 2000 and from 1994 to 1997, humanitarian expenditure fell from $5.6billion to $3.8billion, (although 2000 saw it recover to a new record high of $5.9 billions)⁴. As a consequence aid agencies had to get used to tighter budgets, more sceptical political and media oversight, and spiralling demands for greater efficiency, impact, accountability, and demonstrable, sustainable results. The IFRC registered a surge in Code of Conduct registration as agencies saw further public relations advantages in claiming association with its ‘standards’. However, in responding to this growing critique, genuine organisational adaptation was also sought. The OECD’s⁵ Development Assistance Committee for example acknowledged that,

‘there is a real need to introduce longer-term planning at the early stages of a crisis in order to promote self-reliance and avoid dependency on continued external assistance⁶

‘Conflict involves control of resources and it must be recognised that the injection of resources into these situations inevitably means involvement in these conflicts. .. The risk is not just that outside parties may be perceived as partial, but that their resources can be diverted and used by warring factions…. Development and relief assistance can confer power to local organisations involved in its distribution and challenge other economic and social structures. Food and other forms of aid can be misappropriated by combatants for commercial gain or for power-brokering purposes. Aid agencies may thus find themselves accused of taking sides (feeding the enemy), and indirectly contribute to prolonging the crisis. This must be addressed explicitly in crisis management programmes”⁷

The Code of Conduct had in fact already committed signatory agencies ‘to strive to implement relief programmes which actively reduce the beneficiaries’ vulnerability to future disasters and help create sustainable lifestyles’. Although ‘linking relief, rehabilitation and development’, (LRRD) as this is often known, was drawn directly from the natural disaster response model, its comforting logic was uncritically transferred to all forms of humanitarian crisis and was quickly established as aid orthodoxy. For example, in 1996 the European Commission argued that

‘Disasters are costly in both human life and resources; they disrupt economic and social development; they require a long period of rehabilitation; they lead to separate bureaucratic structures and procedures which duplicate development institutions. At the same time, however, development policy too often ignores the risks of drought and other shocks and the need to protect vulnerable households by helping to develop ‘coping strategies’. If relief and development can be linked, these deficiencies can be reduced’.⁸
The United Nations has also adopted new policy and management instruments to integrate its political, humanitarian, development and human-rights arms objectives. In the desire to see greater synergy between its political, developmental, human rights and humanitarian objectives, the United Nations has adopted two distinct approaches to the pursuit of greater coherence between its various arms. The first, mission integration, has been long argued for by many academics and practitioners who believe that the failure of many United Nation multi-mandate missions was due to weak coordination resulting from inadequate amounts of authority vested in the head of the UN mission. The ‘Brahimi’ report endorsed the view that the head of the UN mission should have complete authority over all aspects of the UN’s operations.

The second approach, known as the ‘strategic framework initiative’ (SFI) proposed the identification of a common situational analysis, over-arching principles and common strategic objectives towards which all operational interventions should contribute. The substantive content of the strategic framework approach borrowed heavily from the conceptual banks of LRRD, and the two attempts to develop strategic frameworks in Afghanistan and Sierra Leone, reflected this.

As the Agenda for Peace, LRRD, the SFI and UN mission integration all illustrate, the 1990s was as a time of considerable innovation and experimentation in the ‘integration’ of humanitarian action into the global pursuit of peace and ‘human security’. But as well as making new alliances with political, military, developmental and human rights institutions, humanitarianism conducted further experiments upon itself too. For example, many agencies have invented their own ‘in-house’ versions of humanitarian consequentialism, such as the IFRC’s Better Programming Initiative, CARE’s Benefit-Harms Analysis and Oxfam’s Net Benefit Analysis. In addition, several ‘field-based’ initiatives have been tried, such as the Ground Rules of Operation Lifeline Sudan, the Joint Principles of Operation in Sierra Leone and the Principles and Protocols of Humanitarian Operation in Liberia. These experiments all share a common heritage; to be found in the work of Mary B Anderson and Paul Richards respectively.

- ‘Do No Harm’. Instead of ‘undermining local strengths, promoting dependency and allowing aid resources to be misused in the pursuit of war’, Mary B. Anderson proclaimed that,

> ‘aid agencies have a new and profound opportunity to shape their relief and development work so it accomplishes its intended goals of alleviating human suffering and supporting the pursuit of sustainable economic and social systems and at the same time promotes durable and just peace. The opportunity is new because the situations in which aid workers find themselves are often different today from those in even the very recent past. The opportunity is profound because in the face of these differences the role for grassroots action in relation to high-level diplomatic efforts to resolve conflict is as great as ever in our history. Non-governmental organisations – the primary operational arm of the large relief and development enterprise – are and can be positioned to support peace and negate war as never before.’

This declaration has been hugely influential both as a powerful moral justification to reduce conventional relief assistance, as well as to encourage a new emphasis upon ‘building local capacities for peace’ instead.
• **Smart Relief** – Building upon Alex de Waal’s observations that international relief plays only a small part in people’s survival strategies, and taking further inspiration from the ‘smart’ bombs deployed to much media acclaim against Baghdad, Paul Richards coined the idea of a minimalist form of ‘smart relief’. This was to deliver ‘knowledge intensive assistance’ and ‘relief multipliers’ such as new high yielding seed varieties, and technical and peace orientated information via radio broadcasting, as a substitute for the bulk delivery of easily misused conventional relief supplies. ‘Smart relief’ was an instant hit, because it promised more humanitarian impact at lower cost with less political risk, and was entirely in line with the Code of Conduct’s propositions that local culture and custom should be respected, that disaster response should be built on local capacities, that beneficiaries should take charge of the management of relief, and that assistance should strive to reduce future vulnerabilities.

Doing no harm, building local capacities for peace and smart relief together exemplify what Mark Duffield calls the New Humanitarianism and what Hugo Slim calls humanitarian consequentialism. Although there are numerous variations, they have four basic features in common: The new consequentialist humanitarianisms all,

- acknowledge the harmful potential of aid
- promote relief ‘minimalism’
- see war as a local pathogen
- promote peace from within ‘humanitarian space’

So while the Code of Conduct can be seen as condoning the liberalisation of humanitarian space, it was far from being an isolated development. This ‘paradigm shift’ was simply mirroring a similar broadening of the humanitarian agenda by donors, the United Nations and NGOs into the field of human rights, governance and security. All seek the instrumentalisation of humanitarianism. All started from the contention that war is bad and that peace is good.

In contrast, Henri Dunant would have been more likely to recognise the contention that there can be good wars and bad peace. Significantly perhaps, a view of the world which has, especially since 11 September 2002, found itself enjoying something of a revival.

4. **9/11: Did it make a difference?**
In the penumbra of a threatened war in Iraq, it is still too early to tell how the War against Terrorism and, presumably, the war against the war against terrorism, will affect the new humanitarianism. However to date, the military doctrine upon which the War against Terrorism is being pursued appears to have changed little. The interventions in Kosovo and East Timor both included extensive military involvement in ‘hearts and minds’ aid projects, intended to enhance force protection and to lessen political and military resistance. The involvement of the Coalition and the International Security Assistance Force (ISAF) in relief and reconstruction projects in that respect set no new precedents, although it has provoked arguments about how this work should be described and the manner in which it should be conducted.

However, while 9/11 may have changed little in military doctrine, the scale and reach of the War against Terrorism suggests a significant expansion of US military and political involvement in theatres which hitherto had been characterised by relative strategic disinterest on the part of the US since the end of the Cold War. Furthermore, while the interventions in Kosovo and East Timor were formally stated
to be for the principal purpose of protecting threatened peoples in both territories, the War against Terrorism is being fought primarily to enhance the domestic security of the US and its allies. There is therefore far greater political as well as economic capital invested in the War against Terrorism, and the political oversight of the effectiveness and efficiency of ‘partner’ institutions is bound to be strengthened. As indicated by Colin Powell, the expectations of the contribution to be made by international aid in ‘draining the swamps that breed terrorism’ is considerable.

From a ‘new humanitarian’ perspective this is not ‘in principle’ problematic. In fact following the usual aid agency scramble to participate in the ‘humanitarian war’ in Kosovo, it is quite logical, and consistent with the Code of Conduct, for the U.S. Secretary of State Colin Powell in October 2001 to make the following case:

‘I have made it clear to my staff and to all of our ambassadors around the world that I am serious about making sure we have the best relationship with the NGOs who are such a force multiplier for us, such an important part of our combat team.....I ask you to help me take the message to the American people, that the front line of our defence, the front line of our efforts is the American diplomatic effort, use of foreign aid, use of our diplomats and Peace Corps volunteers, and others from so many American governmental agencies, out doing the job for the American people. This is important work…Because, you see, it's a partnership, a partnership for those of us in government and those of you…. out of government, NGOs, non-profits and profits. But all committed to the same, singular purpose to help humankind, to help every man and women in the world who is in need, who is hungry, who is without hope, to help every one of them fill a belly, get a roof over their heads, educate their children, have hope, give them the ability to dream about a future that will be brighter’.

For the Code of Conduct signatories, as the cause can be defined as ‘humanitarian’, there is no ‘principled’ objection deriving from the Code of Conduct to their being designated as ‘partners’, or ‘force-multipliers’, in the War Against Terrorism. Emphasising the role of aid in contributing to peace, President Bush announced in March 2002 that his administration would increase the USA’s foreign aid budget because,

‘As the civilized world mobilizes against the forces of terror, we must also embrace the forces of good. By offering hope where there is none, by relieving suffering and hunger where there is too much, we will make the world not only safer, but better.’

5. The Consequences: New Humanitarianism in trouble?

Writing prior to the 11 September 2001, Joanna Macrae and Nicholas Leader noted that humanitarian assistance, rather than being more rigorously supported by strengthened political support as recommended by the Joint Evaluation of Emergency Assistance to Rwanda, had, somewhat ironically, often become the sole instrument of political engagement in many especially poor and conflict prone countries. Used in this way, the ‘new humanitarianism’ found itself shouldering an expanded range of demands to deliver political, social and economic as well as basic humanitarian benefits. Furthermore, through embracing ‘consequentialist’ ethics new humanitarianism has even been assigned a kind of proto-judicial function. The embargo upon humanitarian assistance to rebel controlled Sierra Leone, adopted by
the British Government’s Department for International Development (DFID) after the May 1997 coup which overthrew the newly elected government is a case in point. Few believe that the suspension of relief aid played any significant part in the eventual restoration of the Kabbah regime, which was achieved instead through robust military intervention. However, the human costs of the humanitarian embargo are believed to have been high. While most donors, including DFID, have now distanced themselves from humanitarian embargoes, new humanitarian conditionalities remain, and the actual allocation of emergency aid is so grotesquely skewed by political considerations that the effect is arguably the same. This has prompted a major multi-lateral review of humanitarian needs assessment procedures and resource allocation practice, in itself a tacit admission that the ‘new humanitarianisms’, like the old ones before, have failed to uphold impartiality even in its narrowest definition.

The experience of the United Nations strategic framework initiative and mission integration has also highlighted rather than resolved the irreconcilability in certain circumstances of political, humanitarian, human rights and development priorities. The experience of mission integration has illustrated how even the most authoritarian approach to the process of coordination does not guarantee a coordinated and coherent outcome, and indeed, that there must be significant humanitarian opportunity costs attached to the considerable sums of money and enormous amounts of time diverted into fruitless attempts to achieve the appearance of order within a ‘system’ actually characterised by a mandatory diversity of interests and some determined organisational autonomy.

For the humanitarian elements of the United Nations and its NGO partners in particular, the pursuit of mission integration and policy coherence has provoked many charges of the erosion of impartiality and independence. In the post 11/9 world with the vigorous re-engagement of the United States this has highlighted underlying dilemmas within LRRD for example.

While some of the debate about linking relief and development has clearly reflected institutional interests in the competition for aid resources between the relief and development establishments, the LRRD approach has also encountered challenges in resolving more fundamental considerations over the role of the state and the impartiality of beneficiary impact. Capacity building of, for example the new government in Afghanistan, may be a valid developmental task, yet one which inevitably associates the aid agencies with the military operation which overthrew the Taliban regime. The objectives of the new regime, set out in its National Development Framework, defines areas of ‘humanitarian priority’ in relation to historical human rights violations and ethnic balance, producing a perfectly legitimate developmental or political agenda, but one which is not based upon an impartial assessment of need. LRRD often finds that the humanitarian principle of impartiality does clash with the retributive and restorative principles of justice, compensation and development. This is hardly surprising, as they are all attempting to achieve different goals. However ‘synergistic’ these might be in theory, they involve different criteria of resource allocation and therefore one cannot act as a surrogate for another. For example, humanitarian assets distributed on the basis of restorative justice criteria will produce a degree of material compensation for past wrongs. It will not however give a maximal humanitarian result in terms of reducing morbidity and mortality.

Ending war has also proved to be far more problematic than Mary B. Anderson suggested. Those agencies which did venture into local capacity building have found
that the neat distinction which she draws between capacities for war and capacities for peace is not as clear cut as implied by her case studies. Writing after several years spent promoting ‘do no harm’ policies in the DRC, Stephen Jackson recently observed, ‘powerful and capable as [the churches and local development NGOs] have been, they are ethnicised to a degree which undercuts their efficacy as forces for peace and reconstruction’. This chastened aid worker had encountered the stark reality that it is the quality of peace over which wars are fought. Violent conflict is invariably about contending constructs of peace, each with radically different expectations about who the principal winners and losers in peace-time might be. In spite of the end of the Cold-War, peace, is not therefore at a sub-state level a politically neutral concept, and local ‘peace’ groups often have ties with governments, armed movements or militias. Thus ‘humanitarian’ support to a particular peace-movement may well appear to an opposing belligerent to be taking sides, in spite of the common rhetoric of impartiality. In some cases, for example in Colombia and the Great Lakes region in Africa, it has been a matter of quite explicit intent on the part of some aid agencies to express solidarity with ‘victims’ or oppressed minorities. Such approaches may have some very proximate claim to impartiality, but only when the humanitarian needs on the other side are discounted, usually through ethnic or politically discriminatory constructs such as ‘Hutu extremism’.

To deliberately withhold life-saving medical assistance from all persons of a particular ethnic identity or political persuasion converts the humanitarian into judge, jury and executioner by proxy. The proposition that capacities for peace can be sustained by aid while capacities for war are starved also assumes a form of real-world economic dualism, where the good ‘peace economy’ is hermetically sealed off from the bad ‘war economy’. In the DRC where a UN investigation has revealed extensive forms of ‘illegal’ trade in natural resources, aid agencies argue that a cessation of these activities will help to bring about an end to the ‘war economy’ and hence to the war itself. Paul Collier’s influential claims that most civil wars are fought for greed, seems oblivious to the fact that the profit motive is supposedly a universal human trait, which if identified by the World Bank in any other context would be celebrated as evidence of entrepreneurial flair. As with drug production in Afghanistan and Colombia, the fact that the alternative for many young men currently depending upon free-lance mining might well be to join the roaming bands of brigands and mercenaries seems not to been considered. Stopping the sale of ‘blood diamonds’ may well serve to bolster de-Beers monopoly, but the income and welfare effects upon miners and their families are rarely taken into account in this modern ‘moral crusade’. The distribution of the benefits flowing from building local capacities for peace may also be difficult to measure, as indeed, are the effects of ‘starving’ capacities for war. But whatever the case, it is highly unlikely that the condition of humanitarian impartiality will be met in the distribution of these costs and benefits. The case of the DRC also suggests that without a studious commitment to neutrality across the whole ‘humanitarian system’, all ‘humanitarian’ actors are likely to seen as a potential asset, or a possible threat. When ‘local capacities for peace’ are seen instead as new alliances for war, as in Fizi, the resulting military embargo on all humanitarian access can have devastating albeit hidden consequences. While ‘doing no harm’ may enjoy a benign and positive feel when carried out on ‘our’ side, these same activities when practiced on ‘their’ side may take on a very different and more threatening appearance. When ‘local’ capacity is actually the ‘relief arm’ of an armed movement, ‘beneficiary’ involvement can look like political mobilisation, vulnerability reduction can take on the appearance of a subsidy to a hostile war economy, accountability to beneficiaries can seem like the incorporation of humanitarian assets for the legitimisation of an enemy force, and advocacy sounds like propaganda.
Similarly the extent to which ‘smart relief’ can deliver assistance on an impartial basis remains a major practical issue. Much ‘smart’ relief is based upon assumptions which depend upon long and complex chains of events. For example, in the DRC, OCHA has pursued the idea that road rehabilitation can stimulate trade, encourage voluntary demobilisation, reduce conflict and raise incomes, the benefits of which can then be translated into increased family consumption of health care, resulting in improved morbidity and mortality rates. Unfortunately, there are many points where the chain can break, or instead branch into less desirable pathways. For example, a new road might also increase the efficiency of counter-insurgency operations and create further population displacement. It might also allow a few lorry owners to monopolise the transportation of goods which had previously given a living to many poorer bicycle owners. Although a new road might stimulate more trade, without investment and expansion in health services, additional cash can also cause price inflation in the cost of health care, to the particular detriment of poorer people. Most crucial of all, in terms of humanitarian principles, there is little prospect that the benefits of a repaired road will be distributed on an impartial basis. While many studies have illustrated the great ingenuity of local ‘coping strategies’, in extreme circumstances when food, water and shelter are genuinely in short supply, there seems to be no alternative to ‘bulk’ relief deliveries and the risks associated with it. Smart relief has not solved this basic dilemma, although tragically millions of dead people can no longer testify to its failure in the DRC.

One of the greatest ironies of ‘do no harm’ and ‘smart relief’ is their contribution to the concentration of consumption of international aid by the aid system itself, and by a small, educated and articulate local elites who supply the peace-builders with the project proposals and the reports which the system deems sufficient for accountability purposes.

While the intention behind the stretched definition of ‘humanitarian need’ to incorporate the ‘promotion of self reliance’ and ‘strengthening local capacity’ is doubtless laudable, it also however confronts real ambiguity. In what way can assistance for institutional capacity building be distributed on an impartial basis? If, as might be reasonably argued in Sudan, famine is mainly caused by hostile predation upon agricultural and pastoral systems, the most effective means to ‘prevent a future crisis’ is to ensure that the area concerned is properly defended against raiders. Who better to do this ‘humanitarian’ task than the Sudan People’s Liberation Army?

In the post 9/11 era, one might answer, ‘the US Rangers?’ While the US may have decided to deepen its international aid pockets, it is also clear that long-standing Republican scepticism about the utility of international aid remains undiminished and that other ‘channels, for example provided either by the military or the private sector, stand to take market share from ‘traditional’ aid deliverers if they can demonstrate greater impact, efficiency and presumably malleability, than that found within the conventional aid system. For the humanitarian system, the War on Terrorism may well require getting accustomed to an even more crowded ‘humanitarian space’ with actors whose primary interests include force protection, hearts and minds objectives and profit.

However, what the War on Terrorism may also signal is a growing disparity of US and Coalition engagement between those countries where terrorist cells are believed to reside and those in which terrorists have not yet been identified. While UN
Security Council Resolution 1401 pressed the entire UN system into contributing to regime change and regime legitimation in Afghanistan\textsuperscript{3}, its claim to be able to provide neutral or impartial humanitarian assistance and coordination is unlikely to be believed by the Taliban and its sympathisers. For the time being perhaps, the international aid system and its humanitarian component is relatively safe under the protection of patrolling B52s and ISAF’s security blanket. But it remains to be seen how far such military protection can stretch, and whether the opening of another front in Iraq might mean the reduction in Coalition military assets in Afghanistan. Certainly, should a networked and genuinely ‘globalised’ anti-US/Coalition terrorist capacity exist now or develop in the future, aid agencies, and especially those humanitarian organisations which have been closely associated with the expansion of the aid effort in post Taliban Afghanistan, may find that they are considered to be a legitimate target by forces seeking revenge for their losses in Afghanistan, Pakistan, Iraq, Yemen, Somalia, Indonesia, Colombia, the Philippines, Georgia, Uzbekistan, Tajikistan or anywhere else where the War on Terrorism is waged. For those organisations operating in low-priority countries, such as the DRC, these risks, combined with fewer resources and heightened demands for demonstrable progress in reducing the risk factors which are associated with terrorism, together are likely to combine to make the world a more dangerous and demanding place.

In looking back over a decade of rapid innovation and experimentation in the humanitarian system some difficult issues are now becoming clearer, although that does not necessarily mean that we are on the verge of resolving or overcoming them. However, enumerating these is a necessary first step.

- **The difficulty of forecasting**: The social, political, moral and cultural engineering implied in the ‘new humanitarianisms’ represent extremely complex challenges. However, while the expanded remit of humanitarianism has produced a great variety of new ideas about peace-building, humanitarians have been no more successful than social scientists in developing reliable and robust models of social, political, moral and cultural transformation, which can offer confident forecasts of the long-term impact of specific policy options. While epidemiology has found the forecasting of disease patterns difficult enough within the physical sciences, the task of political and economic forecasting has proved extremely elusive even within heavily surveyed data-rich western environments. Therefore without a solid empirical basis for designing peace-building policy instruments, the new humanitarians have launched a major initiative of comprehensive social transformation with little but intuition to guide them. To do so, the empirical life-jacket of neutrality has been discarded.

- **Matters beyond our control and competence**: While peace as an outcome might be highly attractive, those volunteering (or otherwise charged) to deliver it, had best have control over the critical variables for success, if they wish to protect their reputations. For humanitarians used to dealing with the greater predictability of public health crises, action to provide safe water, sufficient nutrition, shelter and basic medical care is, more or less, within their technical and organisational capacities. But can modern humanitarians take the equivalent degree of control over the causes of war or the necessary ingredients of peace? There is some consensus in broad terms that wars may be fought over matters of political inclusion and exclusion and over discriminatory practices in economic and social affairs. Ideological, cultural, religious and racial factors may play their part too. But if the necessary ingredients to make peace are political, social and judicial reform, the abolition of extremes in both relative and absolute poverty, overcoming prejudice and discrimination, eliminating the profitability of warfare,
addressing the impact of HIV/AIDS and so on, the reach and capacity of the international aid system in its entirety, let alone the ‘humanitarian component’ of it, has to date been found wanting. Of course, this is not to promote a fatalistic accommodation with the status quo, but it is to recognise the dangers of hubris and the prospect of declining credibility that will almost certainly attach to those who habitually promote grandiose objectives, the achievement of which lies far beyond their sphere of control and the competence.

• **From theory to practice**: While acknowledging that there is some consensus about the origins of war24, there remains much theoretical and empirical uncertainty both about the actual ‘root causes’ of particular wars, and about the actual ‘root causes’ of peace25. The application of general theories about the ‘root causes’ of war has encouraged a dangerous over-simplification of extremely complex processes, the dynamics of which, as argued above, are barely delineated and still less well understood. Well meaning peace-building and reconciliation interventions appear to have as much potential to exacerbate conflict as they do to resolve it.

• **Ethical issues**: In view of the above, the privileging of longer-term peace objectives over shorter-term life-saving measures is highly questionable in ethical terms. After all, if humanitarians can discount lives now for the very uncertain purpose of achieving a better outcome at some indeterminate future date, what ethical case can be made for soldiers and politicians to not do the same? The lack of reported moral leverage achieved by the application of humanitarian aid conditionalities or embargoes seems to illustrate this. These give the appearance that humanitarians are also not above playing games with other peoples lives. Possibly, with greater knowledge and more powerful analytical tools such forms of political ‘triage’ might be justifiable. However, without these, the actual practice of triage is reduced to little more than a lottery. All too often today’s heroes become tomorrows villains, rendering as invalid all of yesterdays human sacrifices.

Perhaps it is the wars in Africa, and most particularly the collapse of compliance with humanitarian law, values and action, as exemplified in the DRC, which has thrown into such stark relief the challenges confronting modern humanitarianism. Hans Haug argues that the motivation for the principle of neutrality is to;

> *enjoy the confidence of all.... Only where there is general confidence, confidence of the authorities and the population, can the institutions of the [Red Cross and Red Crescent] Movement have unimpeded access to conflict and disaster victims and obtain the necessary support for their protection and assistance activities*26

### 6 Conclusions and lessons to learn

It is still too early to make any definitive judgement about the performance of the ‘new humanitarianisms’ in delivering on their expanded and ambitious objectives, all the more so now that the War Against Terrorism has added further contextual Complexity. On the positive side, there is some evidence that the incidence of deadly political violence has declined significantly since the end of the Cold War27. Ted Robert-Gurr has, rather optimistically, attributed this apparent trend to the concerted efforts at conflict management by the United Nations, by major powers, by regional organisations, by NGOs and by members of civil society in countries subject to ethnic and political schism.28 However, data on war casualties is highly unreliable, subjective and very prone to manipulation for propaganda purposes. Furthermore, the latest data included in Gurr’s study is from 1999, and if the IRC data for the war...
related deaths in the DRC alone were added for 2000 and 2001, the observed trend towards a reduction in the numbers of casualties from deadly political violence would in fact be reversed, even though the number of wars being fought may have continued to decrease during those years. Furthermore, as Monty Marshall observes, the distribution of warfare has shown an increasingly pronounced concentration in the poorest countries of the world, where vulnerability and thus the risk of death from war-induced famine and unchecked epidemics makes them all the more deadly in their consequences. And it is in these contexts, such as the DRC or Sudan, where decisive international intervention has not occurred, that humanitarianism faces the most protracted, complex and wearing challenges.

Certainly few aid agencies would agree that the world is a more benign and secure place, and many which operate in countries classified as ‘post-conflict’, such as Mozambique, Angola, South Africa or Haiti, feel that their status is neither fully deserved nor very secure. Furthermore, the War on Terrorism has allowed a new pall of uncertainty to cloud any judgements about trends in warfare. For humanitarians, the shock of the murders of ICRC staff in the DRC, of MSF staff in Chechnya and of many other aid workers around the world, does seem to justify a sense of descent into greater adversity and danger, and declining respect for the norms of international humanitarian law.

It is too early to tell if the impact of the War against Terrorism, and the application of the principle, ‘you are either for us or against us’, presages a 21st century version of Macarthyism, the suppression of dissent and the impoverishment of debate. If so, it will make coming to terms with the complexities and competing priorities for attention in this emerging policy environment all the more difficult. As the humanitarian and charitable sectors are believed by western intelligence agencies to have been penetrated by terrorist sympathisers, it is also probable that the sector will have to get used to a regime of more intrusive covert surveillance.

So far, the signs are ambiguous, but many observers would agree that the catastrophe in the DRC and the wholesale politicisation of the international assistance effort in Afghanistan have generated little if any evidence of a confident, assertive and ethically transparent humanitarian leadership guiding the emergence of a new humanitarian dispensation or championing the values of the old one. With evidence of a bewildered and sometimes intimidated humanitarian community turning inwards upon itself, who can now be counted upon to defend the rights of all people to protection in times of adversity and to due process in the pursuit of justice?

So, while it is impossible to offer a definitive and comprehensive evaluation of the performance and impact, intended and otherwise, of the trend towards a noisier, positioned, expanded and extended set of humanitarian policies, adopted with great enthusiasm and rapidity during the 1990s, there are now sufficient warning signs that together suggest that it might be time to take stock. These include indications of

- declining respect for humanitarian organisations from donors, claimants and belligerents
- reduced compliance with the first principle of International Humanitarian Law, namely the distinction between combatant and non-combatants, by certain states and non-state actors
- reduced access to populations in need and enhanced threats towards humanitarian workers.
• increasing numbers of ‘preventable’ deaths, exemplified by the DRC possibly representing the worst humanitarian catastrophe since the creation of the United Nations
• non-conventional humanitarian actors, especially military and private-sector capacities, becoming significant competitors in the provision of relief and rehabilitation assistance
• international aid priorities being linked to the War against Terrorism
• greater international permissiveness for authoritarian regimes when aligned with Coalition in the War against Terrorism.
• increased political interest in the security utility of international aid.
• enhanced intelligence surveillance of the charity and NGO/PVO sector as part of the search for links with terrorism

Few, if any of the issues raised here are new. Mark Duffield, Joanna Macrae, Nicholas Leader, Mark Bradbury, David Reiff, William Shawcross and many others have asked searching questions about the purpose and the implications of the expanding humanitarian agenda. Perhaps the events and aftermath of 9/11 have made these seem concerns more urgent as well as casting them into sharper focus. What this serves to remind aid workers is a simple but profound logic. Humanitarian action when understood through the metaphor of Solferino is of little threat to anybody, except for those whose lives are subsequently damaged or destroyed by warriors whose return to the fray was made possible by humanitarian care.

However, when pressed into service in pursuit of an unjust peace, humanitarianism can take on a more threatening shape in both word and deed. Whether the ‘liberal peace’ described by Mark Duffield is fair and just must, in the final analysis, be determined in the eye of the beholder. For the present, the indications are sufficient to suggest that many think that it is not, and one can but fear the reaction of those who take up arms against it, and who see humanitarian action as a servant in its cause.

For humanitarians this implies a choice. Either to engage whole-heartedly in the cause of liberal-peace, and seek refuge and protection where necessary under whatever security umbrella can be provided by its proponents. Or, step to one side, curtail the lofty political ambitions and trust instead in the reciprocation between warriors and neutral humanitarians.

For some, this may seem to be an unnecessary choice. For those who doubt the analysis, further research and reflection may be required first. For those who believe this to raise just local operational concerns, think again. In April 2001 six ICRC staff were murdered in eastern DRC. The motive has never been firmly established, but most informed observers believe that it was an exemplary killing to demonstrate what happens when humanitarians also become peace-builders, human rights observers or economic crime-watchers. That the ICRC staff did none of these things matters not at all. Their ‘guilt’ perhaps was simply to share humanitarian space with those who do. This tragic case illustrates the moral argument for making this choice, and making it clearly. To fudge it and to proceed with business as usual is to spread the risk of so doing to all those who seek their protection and immunity from attack under the banner of humanity, neutrality and impartiality. Here is Gresham’s law inverted. Instead of the good being driven out by the mediocre, the good is driven out by its
association with the threat of the excellent. The consequence: a massive public health disaster not averted because of the incorporation of the pursuit of social, economic and moral excellence by well-meaning but naïve and overly ambitious aid workers.

This is not an argument about ‘back to basics’ as some would have it. For the great majority of signatories of the Code of Conduct, either option would be a journey forward. For apart from the Red Cross Movement itself, almost all agencies which opted for neutrality and rigorous impartiality, it would be a journey into the unknown. It would quite probably produce surprises. New and more meaningful alliances. Genuine trust and the prospect of meaningful coordination with like-minded organisations. Greater confidence, assertiveness and effectiveness in managing aid. Expanded consent to operations. Reduced overheads and wastage on value-subtracting forms of integrated aid coordination. But it might also prompt a new form of political pariahdom, depending upon the degree of determination of the proponents of liberal peace to incorporate humanitarianism and to neutralise dissent.

For those who choose instead the more elaborate and ambitious objective of global peace, the prizes are potentially great, although the pathways are more diverse and uncertain. But many of these might offer greater clarity of vision and purpose and the prospect of stronger and more meaningful alliances than is possible when locked into the dour humanitarian compromise. This in essence is a deal where your silence and political humility buys access to victims and immunity from attack. Instead, de-linked from humanitarian considerations, peace-building and development could be pursued free of the noise and clutter of the petty compromises which so often consume the energies of the integrated relief/development model.

For those who argue that the principle of neutrality creates a dysfunctional breach in the relief to development continuum, there are two important considerations. First, is the matter of proportionality. Four times as many people have died as a consequence of the war in the eastern DRC since 1998 than the number killed in all ‘natural’ and ‘technological’ disasters for the whole of the period 1992-2001. The most deadly category of disaster globally during this ten ear period is, according to the WDR 2002, ‘drought/famine’, which is reckoned to have killed 277,574 people, about one tenth of the number of deaths in three years in the eastern DRC alone. On the conservative assumption that only 2.5 millions war related deaths have occurred in Afghanistan, Angola, Bosnia-Herzegovina, Burundi, Chechnya, Colombia, Ethiopia/Eritrea, Indonesia, Liberia, Rwanda, Sierra Leone, Sri Lanka, Sudan and Uganda during the past ten years, then globally the risk of death from the effects of violent conflict outnumber the risk of death in a natural disaster by a factor of more than 7:1. The two million ‘affected by natural disasters’ between 1992 and 2001 as recorded in the World Disasters Report can similarly be compared with the 40 million or more who have been displaced by war during the same period. If there must be a universal set of humanitarian principles, the case is overwhelmingly for ones which work in war-zones. The ‘natural-disaster’ integrated relief to development paradigm, clearly does not qualify.

The second consideration is that there is no reason why the logic of the relief to development continuum can not be applied selectively, as a rule being reserved for responding to the relatively smaller and more straightforward challenges of natural disaster responses outside war zones. If the failure to observe the deal of humanitarian access in exchange for neutrality can account for even a small proportion of those who have died as a result of wars during the past ten years, then
re-forging that pact in a more highly regulated form of humanitarian space would surely be justified. There is no logical need for this to apply to natural disaster settings.

To move this debate forward, it is now time to consider the following proposals:

- **The practice of ‘integrated aid’ coordination should be abandoned as a matter of principle in war zones.** Facilities for information exchange between different groups of actors should of course be strong, but strategic planning of humanitarian action requires its own dedicatedly neutral coordination system. Arguably this function should be carried out by the ICRC, but OCHA too could conceivably be reformed under an Executive Committee of the General Assembly and provided with a neutral, impartial and independent mandate, such as ECHO was granted by the European Commission.

- **Investment in improved disaster data.** That neither the most widely quoted source of disaster data (CRED), nor any official agency is able to provide reliable data on morbidity and mortality in war zones is damaging to the credibility of the humanitarian system. If lives saved from imminent danger is the fundamental task of humanitarianism, then lives lost prematurely from preventable causes must be the principle index used to judge the performance of the humanitarian system. Without such data, the scale of failure is obscured, the wrong lessons are often learned and war crime impunity is facilitated. An authoritative but disinterested source of such information must be established.

- **A review of the Code of Conduct.** This should be conducted not in a spirit of defensiveness, but in an open and rigorous manner which seeks to better understand the perspectives held by belligerents and ‘controlling authorities’ about humanitarianism and humanitarian agencies, and which in particular examines the inter-relationships between consent, access, protection, security, impartiality and neutrality. A Review Commission, appointed by the Red Cross and Red Crescent Movement and signatory NGOs, should be established to oversee this process and to make recommendations to revise the Code in the light of the review.

- **A comprehensive review of the practice of peace-building.** In particular this should examine the performance and impact (intended and otherwise) of ‘developmental’ approaches to relief, such as building local capacities for peace, and smart relief, in times of war. Rather than being based exclusively on reports from aid workers and aid agencies, such a review needs to draw upon the knowledge and analysis of ‘local’ actors and be conducted by independent researchers.

- **A full account of the humanitarian catastrophe in the DRC.** The enormous tragedy of the DRC must not be forgotten under the celebrations of peace (if indeed this holds). A thorough and systemic evaluation of the humanitarian response to the DRC is the least that the survivors deserve, perhaps based upon the model of the Joint Evaluation of the International Response to Conflict and Genocide in Rwanda. The principal aim of this evaluation should be to advance the cause of accountability in an historical sense, as well as in judicial and restorative terms.

- **A full examination of aid dependency. Does it really exist?** Fear of creating dependency is probably the most cited reason for relief minimalism. Apart from the obvious paradox that relief aid is only supposed to be given to those who have nothing else to depend on, actual evidence of pathological...
relief dependency is in fact very scant. The fear is in fact reminiscent of colonial views about undeserving poverty, sloth and fecklessness. A proper examination of alleged cases of inappropriate dependency should be instituted. The fear would probably be dispelled.

- **A reflection upon the function and location of humanitarian leadership**
  While considering the performance of the humanitarian system in responding to the DRC and other disasters which receive scant attention, the quality and performance of humanitarian leadership needs also to be carefully reflected upon by those charged with responsibility for it. Does the separation of ‘Geneva Law’ from International Human Rights Law serve to strengthen or weaken humanitarian leadership? Humanitarian coordination as a key leadership function is now vested in the United Nations, despite the fact that the UN Security Council, Secretary-General and Secretariat have no humanitarian mandate under the United Nations Charter. Does this make sense? Does the ICRC’s operational role, combined with its custodianship of IHL unduly constrain its capacity as an advocate and humanitarian leader? Is there a longer term decline in public and political support for humanitarianism?

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1 The Viscount de Lesseps of Suez canal fame, described King Leopold’s plans for the Congo as “the greatest humanitarian work of this time”, quoted in Hochschild, A. (1999) King Leopold’s Ghost, Papermac, London, p 46
5 Organisation for Economic Co-operation and Development
7 OECD (1998) ibid, pp 50-51
8 Communication from the Commission to the Council and European Parliament on Linking relief, rehabilitation and development (LRRD), Brussels 28/03/1996
11 Anderson M B, *Do No Harm: How aid can support peace or war*, Lynne Reiner, 1999, Boulder Colorado, p 2
12 ibid
14 Several NGOs have objected (a) to the use of ‘humanitarian’ language to describe the military relief work and (b) to the practice of soldiers wearing civilian clothes and driving unmarked white vehicles when doing it.
16 ibid
Box 1: Humanitarian ignominy in Goma: 1994 and 1996

In July 1994 some 850,000 people streamed over the Rwanda border into Zaire, prompting a massive international response, in spite of which some 50,000 people are estimated to have died within a month. With the initial humanitarian crisis over, media reports quickly re-focused upon the certainty that the camp population contained many who had participated in the Rwanda genocide, and many more, perhaps most adults, whose silence or inaction made them complicit in it. So the oft repeated epithet that aid agencies were ‘feeding the killers in the camps’ entered the growing catalogue of instances of ‘harm’ brought about by humanitarian action. Alex de Waal, for example argued,

‘These men and women murdered 800,000 Rwandese Tutsis in 1994, and, since their military defeat at the hand of the Rwandese Patriotic Front, have continued their campaign – albeit at a lower level – from relief camps in Zaire, fed by international humanitarian agencies. It is not possible to accommodate these people; they must be removed from the political scene if there are to be
any prospects for central Africa. Trying to “separate” or “disarm” them is like trying to strip the claws of a tiger one by one: they will do the clawing first.

The ex Force Armée de Rwanda and the Interahamwe militias were reported to have taken control of the camps and exploited humanitarian assistance to support an insurgency over the border in Rwanda. The authorities were also responsible for intimidating refugees from returning, siphoning off aid resources and eliminating dissidents. Fiona Terry of MSF recently wrote, ‘In short, humanitarian aid, intended for the victims, strengthened the power of the very people who had caused the tragedy.’ When in October 1986 the Rwanda Patriotic Army attacked the camps, MSF and others excluded by the Rwandan forces from entering Goma, announced that ‘millions are dying in Zaire’, a claim soon to be confounded by ‘the relatively healthy condition of the 6000,000 refugees who crossed in to Rwanda’, prompting the Financial Times, amongst many others, to conclude that the humanitarian agencies had ‘cried wolf’. For many commentators, these two incidents ended the ‘age of humanitarian innocence’. The humanitarians had been caught twice, feeding killers and then inventing a crisis, all allegedly for fund-raising purposes. These events, combined with memories of ‘NGO proliferation’ in Goma in 1994, have perhaps above all others instances of humanitarian ignominy, been cited to justify the new era of relief minimalism, ‘do no harm’, ‘smart relief’ and ‘linking relief and development’. The ‘case of feeding killers in the camps’ is also quoted as a justification for embargoing humanitarian assistance in parallel circumstances.

However, what is less often noted is that of a population of 850,000, some 170,000 would have been under five and over 400,000 under sixteen (please check). Following the 50,000 deaths estimated in their first month in Goma, the population in the camps survived on below subsistence rations in a context where agricultural land was not provided. In 1996, while perhaps 600,000 returned, maybe 200,000 didn’t, the majority of whom were murdered or otherwise died in their flight westwards Zaire. Also forgotten is that on many occasions the High Commissioner for Refugees appealed in vain for the international community to demilitarise the camps and for the Zairean authorities to detain known genocide suspects. In spite of this, the period between July 1994 and October 1996 saw fewer cases of deadly political violence than had occurred in the months and years before and since. While the camps were a ‘safe haven’ for the génocidaires and their captive population, their containment certainly coincided with a period of relative calm, even though of course this does not necessarily explain it.

Terry and others refer to ‘the unavoidable side-effects’ of humanitarian aid but whether avoidable or not, it was not the ‘side-effects’ of humanitarian aid which brought about the genocide in Rwanda and the killings in Kibeho and eastern Zaire in 1996-97. If anything, humanitarian assistance was a ‘side-effect’ or unintended consequence of these events, and of the failure of regional powers and the United Nations to forge a political solution. As Hugo Slim once wisely remarked, ‘The international aid community has a tendency to colonize, and this tendency is no less apparent in its moral debates where all too often it has shown signs of making all the moral problems of the world its own… But it should never be forgotten that relief agencies are always responding to the violence of others.’
There is no certainty about what might have happened had the humanitarian system as a whole followed MSF France’s example, and withdrawn in 1995. It is highly unlikely that a shocked Zaire or Security Council would have stepped in and dealt with the ex-FAR and Interahamwe. The refusal of the Security Council in 1994, 1996/7 and again in 1999 after the Lusaka DRC Ceasefire treaty, to intervene with robust force to disarm the ex-FAR and Interahamwe and to protect the refugees is clear evidence of the political vacuum identified by the Joint Evaluation. More likely, many more smaller camps would have existed had international assistance not been forthcoming, with a far more intense predatory relationship with the surrounding areas as the sole means of their survival. It is surely the case that malnutrition and disease would have claimed many more lives, innocent and guilt alike, but in no respect would this have delivered either retributive or rectificatory justice in accordance with even the most rudimentary form of ‘due process’. Indeed, the politically weak and ‘moderate’ would almost certainly have been the first to suffer from the withdrawal of international assistance and witness.

The ‘war economy’ which has become a fashionable phrase, purportedly to explain how humanitarian assistance is often integrated into the political economy of violence, is another somewhat questionable concept. For example, Terry lists ‘brothels, cinemas, bars restaurants, health centers, import/export offices, money changers, transport services and commercial shops of all descriptions’ as examples of ‘the diverse initiatives [of the political and military leadership] to generate revenue for their activities in exile’. Perhaps, but does she really intend to suggest that all such businesses are part of the ‘war economy’ and thus to be proscribed? First, the idea of the ‘war economy’ seems often to refer to almost any kind of economic activity in a war zone. For example, Is food production deemed part of the ‘war economy’ because it might be looted or purchased by soldiers? Why should the small-scale mining of COLTAN be considered to be part of the ‘war economy’? It certainly employs many young men who otherwise might resort to banditry. That middle men profit from it seems unremarkable. That profits may be used to purchase weapons is a possibility, but not a certainty. Apart from its conceptual imprecision it is very unclear what would happen if the ‘war economy’ were to be successfully ‘prohibited’. Would the inevitable increase in poverty, destitution, crime, malnutrition and disease really be conducive to peace? It seems very unlikely.

**Box 2: The DRC**

In 2001, the International Rescue Committee (IRC) published the results of eleven mortality surveys which it had conducted in the DRC. In concluding their report, the IRC made the following observation:

> ‘an estimated 2.5 million deaths have been caused by this war… If the results are accepted, they indicate that more people have died in this war since August 1998 than have died in all of the other wars combined over this period.’

The IRC estimate of more than 2.5 million deaths is now so widely quoted, including by the Secretary-General, that this figure will almost certainly enter the historical records as the most reliable estimate that we will ever have of the human cost of the war in the eastern DRC between August 1998 and March 2001. If the same rate of excess mortality has continued in the eighteen months since then, and there are clear indications that it has, a further 1.4 million deaths would need to be added to
this figure, which may now, quite plausibly, be approaching four million\textsuperscript{33}. Arguably, every one of these deaths represents a humanitarian failure. This is not to blame individual humanitarian workers, or even the agencies. Furthermore, this conclusion does not absolve the warring parties, which includes six neighbouring armies, of their responsibility for the astonishing death-toll in the eastern DRC, nor for the need of those in authority be to held to account for this catastrophe. But, in spite of these considerations, the fact remains that the humanitarian system has failed to prevent this ‘excess mortality’\textsuperscript{33}, 91\% of which is attributable by the IRC to unchecked malnutrition and disease and the rest to violence. While a shortage of funds, or compassion fatigue, may explain why some of these deaths were not prevented, the most commonly quoted issue is lack of access due to ‘insecurity’ and deliberate exclusion by controlling authorities. One is left to choose between two explanations for this. Either the warring parties did not care sufficiently about these victims to seek assistance in preventing the malnutrition and disease that killed the majority of them, or, the authorities did not have sufficient trust in the humanitarian system to provide safe access to the populations in need. Given that 9\% of the death toll resulted from violence, it is most probable that the answer is a combination of both reasons. There is also much evidence that fears about the potential misuse of relief assistance in the DRC may also have persuaded the agencies that the necessary conditions for humanitarian action did not exist, and that the least worse course of action was to concentrate upon peace-building rather than immediate life-saving\textsuperscript{33}. Whatever the exact proportions of these arguments is valid, the fact remains that (1) humanitarianism as a creed and as a framework for warfare has failed to persuade armed groups in the DRC of its ethical and legal legitimacy, that (2) the humanitarian system has failed to engage the trust and the support of those warring parties and that (3) ‘new humanitarianism’, during the period in review, failed to secure a sustainable peace.

Box 3: Natural disasters:

The scale of many ‘natural disasters’ in an increasingly unstable and pressured global eco-system are set to become far more destructive in terms of creating suffering, sudden destitution and massive demands upon the humanitarian system. In recent years, the World Disasters Report has therefore sought to bring greater focus back upon disaster prevention and disaster mitigation as well as natural disaster relief. Furthermore, the economic and social crises created by the AIDS pandemic is threatening in many parts of the world to reverse what development progress has been achieved, and most particularly greatly increase vulnerability to both natural and man-made emergencies.

The greater political permissiveness reflected and affirmed in the Code of Conduct may appear at first sight to have had little significance for humanitarian agencies involved in natural disaster prevention and mitigation. Furthermore, the emphasis upon linking relief and development seems to make eminent sense in regard to ensuring that development pays heed to reducing vulnerability and that humanitarian preparedness works hard to strengthen local capacities.

This would be unproblematic if the world could easily be divided between those areas prone to natural disaster and those prone to political or complex emergencies. In fact, as we know, the poorest countries are most prone to ‘types’ of disaster. Indeed, it is time rather than space which separates many of the great disasters of war from the
great disasters of nature. Furthermore, the records are confused by accounts of ‘famines’ which in many cases were in fact induced by war.

Nevertheless, for those organisations solely concerned with preventing, ameliorating or relieving natural disasters, neutrality may indeed be dispensable, but only for so long as the area concerned is not engulfed in political violence.

The second major issue is that the effect of the War against Terrorism is likely to mean that ‘impartiality’ in resource allocation for natural disaster prevention, mitigation and relief will be adversely affected, with the reduction in ‘political vulnerability’ being seen to have greater utility for the domestic security of Coalition powers.

Will it make a difference in responses to ‘natural disasters’? In terms of general principles no, because we have seen this before in former Yugoslavia. But because of the scale of the War against Terrorism and its more direct and explicit objective to enhance western domestic security, the effects may well be significant: