The humanitarian tradition has a strong conviction that an ethic of restraint, kindness and repair in war is universal, a transcultural phenomenon that is found in all peoples. We expect it of everyone. Increasingly, we see it as a right and a duty. In 1999, to mark the 50th anniversary of the Geneva Conventions, ICRC used the slogan "meme la guerre a des limites" because it believes that this is a moral idea that lives in every society and in every person. Doesn't this mean that everyone can be a humanitarian? Doesn't this mean that everyone should be a humanitarian? If so, then why are so many professional NGO humanitarians so worried when military forces use humanitarian language and take on humanitarian work? Why do humanitarian NGOs seem to want to stop belligerent military forces being humanitarian?

If I was advocating that everyone should eat better food, take more exercise and stay healthy I would be delighted if others joined me in my campaign. If I was preaching a new religion, I would be thrilled if thousands of others believed and converted. So why are NGOs so resistant to military forces, particularly belligerent military forces, being actively humanitarian? Their resistance sounds bizarre. Surely, the awakening of the humanitarian ethic in soldiers and their subsequent humanitarian action should gladden humanitarian hearts, not harden them.

Most current discussion of military humanitarianism focuses on the confusions of roles at field level, the manipulation of humanitarian language and assistance to serve war aims and NGO concerns about taking humanitarian funding from belligerent governments. Most discussion of the issue has also concentrated on Nato forces as in Kosovo or on US and UK forces as the most active belligerents in the war on terror in Afghanistan and possibly Iraq.

In this talk, I want to step back from the details of these immediate examples to try and ask some more fundamental moral questions about who can and cannot be humanitarian in war. The main issue seems to be a feeling that humanitarian NGOs want to put moral boundaries around what can rightfully be considered humanitarian action. In doing so, they seem to be suggesting that such boundaries to humanitarian action are not about activities (what is being done: food, water, shelter etc) but agents and motives (who is doing these activities and for what reason). These appear to be appropriate distinctions but NGO reasons for arguing them need to be morally explicit. By posing some hard questions on the subject, I hope it will help NGO people at this meeting to think through these issues and to be seen to think them through.

Why Can't Soldiers Be Humanitarian?

What is stopping NGOs from embracing belligerent military forces into the humanitarian fold? Is their resistance a legitimate moral qualm? Or is it, perhaps, not so moral afterall. Maybe it is something territorial about professional turf issues. Maybe there is some humanitarian fundamentalism going on that means NGOs can only imagine one divinely sanctioned way of being humanitarian. Maybe there is something psychological going on - some humanitarian envy that means that NGOs will not let others be good like them. Maybe it is a mixture: legitimate moral qualm; turf; intolerant humanitarian theology and ethical envy. But one thing is certain, in many of their statements and in much recent writing that criticises the "politicisation" of humanitarianism,
many professional humanitarians are jealously guarding their ethic and its principles from what they see as a corruption of some kind. In their anxiety about soldiers being humanitarians, are some NGO humanitarians paradoxically suggesting that "even humanitarianism has limits" while they are also arguing that it is a universal ethic and duty. NGOs can operate the humanitarian ethic sans frontières but others cannot. Are we setting limits to kindness and confining compassion to civilian agencies? If so, are we doing it for good reasons? Or, have we become a typically self-interested and protectionist professional clique which is putting some strange professional vanity above the needs of women and children? At worst, are we getting close to saying that it is better that suffering civilians are not helped at all than that they are helped by belligerent forces or their government money which we refuse to take?

It seems essential, therefore, to examine these hard questions and their basic moral point about whether everyone can be humanitarian in war or not. This, it seems to me, is the starting point for any discussion about so-called humanitarian action by belligerents. My own position is clear. In principle, I think that everyone can and should be humanitarian in war and that NGOs should not be proscribing the ethic. I have some real concerns about whether NGOs may be in danger of banning certain groups from being humanitarian when, in fact, they should be encouraging them to be more so.

To explore this basic point, I want to think through a couple of analogies. First, I wonder if there is an analogy between humanitarianism and humour. Laughter is a universal good. What would the world be like if only clowns were allowed to be funny and make people laugh? This would be a terrible world that confined humour to a professional class and restricted a universal human desire and capacity. At times, it can sound as if NGO humanitarians are suggesting something similar about humanitarian action. It is something that they want everyone to value and enjoy but which only they are allowed to do. Often, by implying this, they can come across as smug and self-righteous. If this is what they really think, then this is humanitarian professionalism gone mad. Or maybe it suggests that the analogy with humour and clowns is a good one and that sometimes we need clowns to tell jokes where others cannot. In some situations it may be safe for a clown to crack a joke when the same joke would be very dangerous coming from someone else - dangerous both for the teller and for those who laughed. Only the jester can ridicule the King in front of his subjects. The clown is a liminal figure speaking the truth in jokes at the very edge of what is politically acceptable. Others can be funny and witty at court but not on the same subjects and not to the same extreme without putting themselves and their audience in danger. But equally, everyone else can joke about other things and even about dangerous things when the King is not there. The same might be said of humanitarian aid and protection. So, while humour is for all to practice and enjoy, we do also need professional humourists in certain situations and in front of certain powerful audiences.

Clowns are also important because, in the wrong hands, humour can be terribly abused. Humour is more complex than a simple good. Sometimes, it can function to be extremely cruel and be made at the expense of others for whom it is no laughing matter. It is the same with humanitarian aid. Perhaps the most extreme example of cruel and wicked aid coming from beligerent forces has been captured forever on Leslie Woodhead’s excellent film about the massacres at Srebrenica, Cry from the Grave. This film shows footage of General Mladic personally distributing bread and chocolate to the terrified Bosnian muslim population cowering in the Dutch peacekeeper's camp at Potucari. In this moment, Mladic was exploiting aid in an attempt to create goodwill so that he could separate the men from the women and children in order to massacre the men. There are few more cynical examples of the abuse of aid by belligerent forces. In this situation, the wrong person was giving aid with the wrong interests and for the wrong reasons. Civilian humanitarian agencies should have been delivering aid in such a situation and there is no way in which what Mladic did can be described as humanitarian.
So, on reflection, the clown and the humanitarian have a lot in common. They both have dangerous jobs. They both deal in an ambiguous commodity and seek to take their values into very difficult territory. The clown, by painting his or her face and wearing absurd clothes, can make jokes in places and on topics that would be extremely dangerous for ordinary people to broach. Nevertheless, the situations in which clowns are desperately required are limited. Most people can carry humour quite far on their own.

At his or her best, the humanitarian in war is also a liminal figure who can tread where others cannot tread. Like the clown, to some degree, the humanitarian must render himself absurd to be able to do what he does. He must have no political interest so as to be beyond suspicion. The clown can only mock the King because he has no desire to be King. Other courtiers could not possibly mock the King because they might have an interest in being King or might be perceived to harbour such an aim. So it is with humanitarians who can introduce resources into a war because they have no desire to win it.

So, humour is not just about the value of laughter - something which we all agree is generally good. It is also about the interests of the joker and the kindness or cruelty of the joke itself - its intention. In certain extreme situations and on certain dangerous subjects, people can only tolerate humour if it comes from a clown because they know that, although it may cut straight to the point, it bears no malice. Similarly, perhaps, in the extreme situations of war, enemies can only tolerate kindness if it comes from humanitarians with no immediate interest in their fight. In war, it may simply be too much to take the kindness of one's enemy because one cannot trust it for being without malice or because one is humiliated by it. Perhaps it needs someone else to do the kindness in such situations.

The root of NGO resistance to military kindness is, therefore, not about the impossibility that soldiers can be kind but about the political and military interest behind such kindness. It is the problem of belligerent interests and enemy perception of these interests that I assume to be at the heart of NGO anxiety about soldiers being humanitarian. NGOs do not, I hope, object to the idea of soldiers being kind but are suspicious of what makes them so. And - as the Srebrenica example shows - they have good reason to be wary. For, while humanitarians have always argued that the ethic of restraint and kindness in war is universal, they have also always known that this ethic can be used as a means to other ends and not just as an end in itself. They know that Marcus Aurelius once reminded his generals that "benevolence is a great weapon in war". So, soldiers may be doing things to be humanitarian and to win at the same time. Humanitarian action by soldiers may be an important aspect of conquest. It may be militarily driven by one side and so met with deep suspicion and active hostility by the other. And, as a result, it may not reach the people who need it. Better, therefore, to have it carried by someone who poses no threat.

This seems to be the moral logic that NGOs use to present a strong political argument for specialised humanitarian action led by liminal clown-like figures who can be kind in a setting where kindness is often manipulated to other ends and met with great suspicion by political authorities. To play this role, humanitarians try to become strangely disinterested people - painted in the colours of impartiality, neutrality and independence. These colours, they argue, belligerents cannot wear. So this argument seems to be the first reason given for the paradox of wanting everyone to be humanitarian but saying that not everyone can do humanitarian action in certain situations.

There is also perhaps a technical logic around quality and skills to justify the paradox. This is more akin to a second analogy with brain surgery. Brain surgery is a public good that we want for all people but it is also a very specific skill. This means that it would be disastrous if everyone tried to do it. Here there is a more technical idea behind NGO resistance to belligerent humanitarian action that is implied in many NGO statements on the subject. Simply put, it is the idea that NGO values, experience and expertise makes them much better at humanitarian action than military forces. Their purely humanitarian values mean they do it for the right reason and work in a participatory and responsible way with people. Their experience and expertise mean their programmes and personnel are more appropriate. This idea of superior technical capability also makes for a moral argument that humanitarian work should be limited to humanitarian agencies more often than not.
The fact that they might do it better means that they might be the better people to do it in all but the most extreme circumstances.

These two moral arguments (the clown and the brain surgeon) show that it is possible to claim - as NGOs are doing - that while the humanitarian ethic is universal, humanitarian action has firm borders and its practice should be limited. Because of their interests and their lack of humanitarian skill belligerent military forces should only really do it in exceptional circumstances. This is essentially the position of the SCHR position paper, for example.

While the risks of cynical and wrongly interested humanitarian action by belligerents are real, this basic position strikes me as too simplistic and too intolerant of the potential humanitarian contribution of many belligerent military forces and their genuine desire to be humanitarian. NGOs must make these judgements on the ground rather than dogmatically from on high. I now want to look at three particular challenges: some where military forces are getting it wrong; others where humanitarian NGOs could be more encouraging, and some areas where NGOs seem to be being inconsistent in their approach to belligerent forces.

**No Cross-dressing**

One key area where US belligerent military forces in particular have got things badly wrong is when they have deliberately tried to mix their military and civilian identity. These famous examples of soldiers “cross-dressing” are pernicious and serve to undermine humanitarian action in general. Indeed, although I am not a lawyer, such disguise may get quite close to perfidy as defined in the Geneva Conventions and so risk being a breach of international humanitarian law. Being armed in civilian clothing and using humanitarian cover for intelligence gathering is not an impartial humanitarian activity. In addition, if the main aim of US operations of this kind is “psyops” then this too renders it out of step with humanitarian activity and brings humanitarian work into disrepute. The Kabul NGO Forum’s concern about “blurred distinctions” in this case seems absolutely right. No matter how bizarre US soldiers might have looked trying to mimic civilian humanitarians, they actually failed the clown test badly in this instance.

**Skilling-Up**

So what about the brain surgeon test? It strikes me that there is a need for powerful, richly resources belligerent military forces like the US and other NATO forces to focus where they can and select areas of expertise or bow to superior civilian expertise in pursuing humanitarian action. The British military’s commitment to not becoming a humanitarian agency seems sensible here. They recognise their strength as being able to create a secure environment for others to do humanitarian work or to take advice from civilian humanitarians when need dictates that they should engage - as with water supply and camp construction in Albania. And maybe military forces can also focus on road and bridge construction to ensure a secure physical environment as well, again while taking advice on labour and livelihood issues for civilians in such projects. But, there will also often be situations in which belligerent military forces are best placed for kindness and in these situations they must be so and not feel inhibited by NGO humanitarian dogma.

**NGO Encouragement Not Mixed Message**

I think the main message that humanitarian NGOs should be giving to belligerent forces is that they should be as humanitarian as possible. Certainly, this is the NGO message being sent to US, UK and I hope Iraqi forces too at the moment. Civilians must be protected in the way the war is fought and the way its consequences of destitution, hunger, disease and impoverishment are addressed. Humanitarian NGOs must be encouraging all belligerents to meet their wide-ranging responsibilities under international humanitarian law. We want soldiers to be kind. We want humane belligerents. We must recognise that soldiers also have wives, mothers, fathers and children. We need their common human experience to be awakened and enabled in war when they encounter the wives, mothers, fathers and children of others.

This makes it important that humanitarian NGOs do not give the military a mixed message that sounds like “you must obey international humanitarian law but you are not really able to be
humanitarian like us". This message is at once patronising and undermines humanitarian cooperation. The message should be: "You have humanitarian responsibility, are well able to meet it but must not confuse it with your war aims."

Similarly, there seems to be semantic move by humanitarian NGOs to say to the military that "you can be good and kind like us but you cannot call it humanitarian work". This too seems demeaning and counter-productive to me. The families who need help do not really care what that help is being called so long as it is fair and effective.

**Independence from Particular Belligerents**

Finally, perhaps because I am a British humanitarian and so come from the most belligerent nation in the world on current ratings, I have a feeling that humanitarian NGOs have become obsessed with the issue of their independence from belligerent forces because war and humanitarian action is now "in the family" as it were. For many elite leaders of humanitarian NGOs, it is now "our" military forces who are the belligerents. In other words, we are now facing the difficult problems that our Ethiopian, Sri Lankan, Afghan, Angolan, Bosnian, Sudanese, Colombian staff have faced for decades.

Because, of course, humanitarian NGOs have always worked closely with belligerent governments and their armies. In places like Ethiopia NGOs have had their security provided by belligerents, worked directly with their government ministries, taken their money and given them money. And they have always done so while these belligerents have always played the usual mix of being humanitarian at times and having war aims and interests - like the centralisation of populations or the targeting of particular communities - that were distinctly un-humanitarian.

So, at last, European humanitarian NGO people like me (and our US colleagues) are just as uncomfortable in a war as our people in our national staff have always been. Perhaps we should now turn to them and ask them what to do, how to cope and how to survive as humanitarians when one's country is at war. Perhaps, better still, we should hand over our organisations to them. Afterall, we often used to argue that national staff were "too involved" and could be biased. Well, for many of us, that applies to us now. Let's listen to them.

What they will probably say is that you cannot make hard and fast rules about civilian and military humanitarian divides in war. The art of juggling needs to be added to the art of clowning and the skill of brain surgery. Where war, political aims and kindness try to mix there is always risk, agony, danger and compromise. But there are also successes. The main thing, they might say, is to keep your eye on the people who really need your help and try and get it to them or encourage others to get it to them as best you can without cynical military interest. They might add: "Welcome to the struggle. What took you so long to realise that you were a part of it?"

END