

1st Edition

Humanitarian Principles and Operational Dilemmas in War Zones



Disaster Management Training Programme

GE.94-02887

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■ *ACKNOWLEDGMENTS*

This training module has been funded by the United Nations Development Programme in collaboration with the Department of Humanitarian Affairs of the General Secretariat of the United Nations for the Disaster Management Training Programme (DMTP) in association with the University of Wisconsin Disaster Management Center.

The draft of this text was reviewed by Andreas Lendorff, Barry Stein and Michael Harris.

Editorial services, including design, educational components and formatting, have been provided by Intertect Training Services. Design consultation and desktop publishing have been provided by Artifax.

Cover Photo: Workers and soldiers off loading relief food aid from UNHCR airlift plane at the Sarajevo airport. UNHCR/E. Dagnino, *Refugees*, December, 1992, p. 19.

■ INTRODUCTION

Objective and focus of this module

This training contains experiences from around the world of efforts to reduce the human cost of armed conflict. Its objective is simple: to help practitioners enhance the operational effectiveness of humanitarian action.

The focus is on the humanitarian challenges posed by internal armed conflicts. Such conflicts have their roots in tensions that are social and economic, ethnic and tribal, religious and ideological in nature. They are often exacerbated by the arbitrariness of national borders and by the lack of representative political structures through which popular stirrings might otherwise express themselves. These conflicts constitute the kind of political fragmentation and internal unraveling that the United Nations Secretary-General has dubbed “micro-nationalism.”

The range of violence now confronting practitioners was hardly imagined by the framers of the UN Charter. When the United Nations was launched, the major actors comprised about 50 sovereign states. Most problems of international importance concerned interrelationships between them. Insurgent political movements were rare and the roles of other non-state actors such as non-governmental organizations and the media were modest at best.

As the United Nations prepares to celebrate its fiftieth anniversary, the international community it represents has changed greatly. There are now some 180 governments accredited to the United Nations to participate in General Assembly debates. The former Soviet Union and Yugoslavia recently have given birth to 20 states, continuing to add to the pool of states already augmented by the influx of decolonized countries in the mid-1950s. The Security Council, especially following the end of the Cold War, addresses a wider array of issues and now considers humanitarian crises among the threats to international peace and security that it has the competence to address.

An array of UN specialized agencies exists to implement activities in sectors such as food, refugees, meteorology, aviation, and nuclear non-proliferation. Reflecting a more knowledgeable and engaged public and benefiting from a more actively involved media, hundreds of non-governmental groups are now accredited to the UN and its various agencies.

The humanitarian crises to which the international community responds today are also more complex. “Natural disasters” such as earthquakes and floods and longer-term development efforts such as empowering local populations to improve the quality of their lives pose difficult operational dilemmas for practitioners. However, wars and internal armed conflicts exacerbate many of those dilemmas.

The range of violence now confronting practitioners was hardly imagined by the framers of the UN Charter.

Practitioners frequently confront situations in which there are no easy answers; solving one problem creates others and well intended assistance is misunderstood, rebuffed or manipulated by the belligerents.

For example, inaccessibility frequently creates problems for organizations seeking to respond to populations affected by drought, lack of health care, or educational opportunity. Reaching them is even more problematic in civil wars, where access is denied by government or insurgents as part of a political-military strategy. While emergency or long-term assistance of any form to such persons may have political impacts, those impacts are likely to be magnified in the highly charged settings of internal armed conflicts.

There are new and unprecedented demands on those who must effectively provide humanitarian assistance and protect vulnerable populations. Not only are the problems increasingly complex and sensitive; relationships with a variety of actors and institutions are more multifaceted and interactive. Practitioners frequently confront situations in which there are no easy answers; solving one problem creates others and well intended assistance is misunderstood, rebuffed or manipulated by the belligerents.

This module seeks to provide an analytical framework for understanding the challenges confronted by the modern humanitarian practitioner. It also analyzes the dilemmas professionals face, using recent experiences in various conflicts as a learning laboratory. It seeks to encourage institutional and personal reflection, acknowledging that most humanitarian institutions move from one crisis to the next without taking adequate time to identify the lessons to be learned.

The authors hope and expect readers to bring their own hands-on experience as grist for the analytical mill. While we have the benefit of less direct experience, our inter-regional research and first-hand interviews with hundreds of practitioners, aid and government officials, analysts, and media members equips us to frame issues that cut across the emergencies that rapidly are becoming the central preoccupation of field personnel.

Overview of this module

There are three parts to the module:

- The first part briefly summarizes the international legal context for humanitarian action. For further detail, reference is made to a more specialized module in this series and to the *Resources for Further Reference* (see Annex 1).
- The second part introduces several categories designed to identify the primary actors, various types and phases of conflicts and the spectrum of humanitarian assistance and protection. These provide analytical tools for practitioners in reviewing the context in which they work.
- The third part forms the heart of the module and is an elaboration of eight principles of humanitarian action. In each instance, the statement of principle is followed by an exploration of operational implications.

We make use throughout the module of concrete examples of successes and failures, drawn from our research to date. The range of examples from conflicts around the world have been selected for their illustrative value and without any invidious intent.

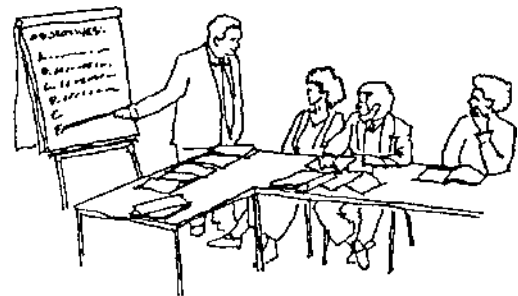
You are encouraged to supply and examine your own best and worst cases and to bring your personal experience to bear at every point in the process.

Training Methods

This module is intended for two audiences, the self-study learner and the participant in a training workshop. The following training methods are planned for use in workshops and are simulated in the accompanying “training guide”. For the self-study learner the text is as close to a tutor as can be managed in print.

Workshop training methods include:

- group discussions
- simulations/role plays
- supplementary handouts
- videos
- review sessions
- self-assessment exercises



The self-study learner is invited to use this text as a workbook. In addition to note-taking in the margins, you will be given the opportunity to stop and examine your learning along the way through questions included in the text. Write down your answers to these questions before proceeding to ensure that you have captured key points in the text.



PART 1

THE INTERNATIONAL LEGAL FRAMEWORK

This part of the module is designed to help you:

- *learn basic international laws that relate to humanitarian assistance.*
- *identify the key legal characteristics of humanitarian assistance.*
- *analyze the role and obligations of humanitarian organizations and personnel working in conflict settings.*
- *develop an operational plan of action for the provision of humanitarian assistance in the context of conflict.*

General context

Discussions of humanitarian principles and action need to be situated within the context of international law. A baseline is provided by the Geneva Conventions of 1949 and Additional Protocols of 1977, which between them contain more than six hundred provisions. International law recognizes the right of civilians to have access to humanitarian assistance and of impartial humanitarian organizations to provide such assistance to them.

Humanitarianism

The provisions and protections notwithstanding, international law does not contain a single, all-purpose definition of what is understood by “humanitarianism” or “humanitarian action.” In this sense, the term lacks the precision accorded concepts such as “refugee” and “human rights.”

Rather than offer a definition of humanitarian assistance and protection, international humanitarian law simply identifies key characteristics of assistance. At the core is the relief of life-threatening civilian suffering and the assurance of respect for human beings; only these and not extraneous political or military agendas qualify as “humanitarian.”

Politics

As noted in the introduction, any involvement in the highly politicized environment of conflicts, even for the purest of humanitarian purposes, is likely to have political implications. Governments are also fond of advancing humanitarian rationales for politically-driven undertakings, as did Japan in invading Manchuria in 1931 to protect population, and Hitler in marching into Czechoslovakia in 1938 to protect ethnic Germans from mistreatment.

Political impacts and rationalizations notwithstanding, international humanitarian law insists that the relief of suffering be the compelling motivation for humanitarian action.

LEARNING OBJECTIVES



HUMANITARIANISM



Common practice

In addition to specific provisions of international humanitarian law, customary practice among states now frequently specifies respect for the treatment of civilian populations. Even some states which are not formal signatories to all of the existing conventions and protocols have incorporated some of the key international legal constraints into their own domestic legislation. Insurgent movements, which are not parties to the various legal instruments, have found their interests, too, served by abiding by the letter and spirit of international humanitarian law.

The growing corpus of legal protections concerning the rights of civilian populations has not been matched by more effective safeguards for the actual safeguarding of such persons in times of conflict. In fact, modern warfare is becoming increasingly perilous for civilian populations.

Available figures place civilian deaths during World War I at 1,374,000, or 14 percent of all deaths. Deaths among the military were 8,418,000 of the 63,218,000 persons mobilized. Civilian deaths, numbering 34,305,000 rose to 67 percent in World War II, during which some 16,933,000 of the 107,982,000 military personnel mobilized lost their lives. In more recent conflicts, some ninety percent of the casualties are estimated to be civilian.

Nevertheless, the growing importance of humanitarian matters and the evolving legal protections are clearly a positive development, paralleling a similar evolution in the area of human rights. Prior to World War II, the treatment of a nation's civilian population was rarely considered a legitimate matter for international discussion. War crimes trials against Japanese and German officials were a critical turning point, as was the formulation in 1948 of the Universal Declaration of Human Rights. These redefined traditional notions of what was considered permissible for governments in relation to their own citizens.

Q. *Is the right to protect and support civilians in the context of conflict honored in your region? Where and how do you see this respect eroded, absent or lacking?*

A. _____



Sovereignty

Domestic jurisdiction of states, or “sovereignty,” has always existed more or less in tension with the needs of civilians. Even in the quintessential document ratified by states as the basis for inter-governmental deliberations, the UN Charter, the common notion that state sovereignty deserves to remain absolute and uncontested is not substantiated by a careful reading of the world body’s constitution.

The Security Council has always been able to decide that “a threat to international peace and security” requires outside intervention. But long before it did so in resolutions 688 and 794 for northern Iraq and Somalia, a central contradiction in the UN Charter was evident.

Governments reluctant to respect international standards normally cite article 2 as the cornerstone—particularly the seventh paragraph that shelters from international scrutiny and action “matters which are essentially within the domestic jurisdiction of any state.” The same governments, however, have also agreed to respect several other provisions in the Charter that challenge the conventional notion that state sovereignty deserves to remain absolute and uncontested.

Indeed, there are references to specific rights “without distinction as to race, sex, language, or religion” and to the UN’s responsibility to promote human rights. In this broader perspective, states have accepted international scrutiny of those major areas of national policy that they otherwise might seek to protect by appeals to state sovereignty and exclusive domestic jurisdiction.

Conflict setting

International law and the United Nations Charter provide the context in which international humanitarian action takes place. However, as the accompanying quotation suggests, the context is one in which fidelity to legal provisions is frequently honored in the breach, whether by belligerents in a given struggle or, for that matter, by the international community as a whole.

“Many governments seem to take a rather relaxed view regarding compliance with humanitarian norms, as if by ratifying the [Geneva] Conventions they had been freed from all other obligations. But as soon as they are directly or indirectly involved in an armed conflict, most states qualify, interpret, or simply ignore the rules of humanity, evoking state interests and sovereign prerogatives. Political considerations prevail over humanitarian requirements and humanitarian concerns are used to further political aims.”

Independent Commission on International Humanitarian Issues, *Winning the Human Race?* (London: Zed Books, 1988), pp. 71-2.

Q. *Is there legal justification for absolute and uncontested national sovereignty?*

A. _____

The common notion that state sovereignty deserves to remain absolute and uncontested is not substantiated by a careful reading of the world body’s constitution.



Caught between the commitments to protect civilian populations and temptations to pursue political and military strategies that make them vulnerable, practitioners are always on their best behavior. International personnel generally remain with the permission or acquiescence of the host political authorities. National personnel, as citizens of the country in question, are subject to their own set of constraints and pressures.

Professionalism

In conflict setting, the presence of humanitarian personnel is both more essential and more fragile than in normal times. Expatriate personnel, the eyes and ears of the international community, and national personnel with humanitarian and human rights tasks are engaged in matters which the authorities frequently view with apprehension and suspicion. The conduct of their day-to-day activities risks not only life and limb but also expulsion from their duty stations. Therefore, their conduct needs to be informed by the highest standards of judgment.

Professionalism, however, provides no guarantee that controversy will be avoided or that political authorities will not take offense. In the Sudan in 1987-88, a UNICEF representative seeking to assist civilian populations in distress was declared *persona non grata* by the Khartoum government and transferred out of the country. Four private relief organizations that had sought to assist in the South were also expelled.

Professionalism involves matching a solid commitment to humanitarian values with a keen sense of the socio-political context in which humanitarian initiatives must be mounted. Humanitarian professionals need a firm grounding in international humanitarian law, even though the legal protections within which they function do not command automatic respect.

At the same time, different humanitarian organizations approach existing legal protections and obligations differently. Some consider themselves fully bound by prevailing legal strictures. Others consider themselves morally impelled to act even without the consent of the authorities. Whatever approach an organization adopts, however, its staff need to be clear about the political, legal, and also military contexts within which they function.

Organizational approaches

United Nations humanitarian organizations, accountable to governing boards of constituent governments, tend to work firmly within prevailing legal strictures as understood and interpreted by governments. The ICRC, as a matter of principle, avoids engaging in extra-legal activities such as mounting cross-border operations without the consent of the seated political authorities. Some NGOs are less hesitant to violate the law in the interest of reaching needy populations. These are differences that are explored in part 3 of this module.

For the moment, humanitarian organizations should be clear about their approach to the protections and obligations of international humanitarian law. This involves responsibilities at the headquarters level for clarifying agency policy and at the field level for understanding and functioning within established agency boundaries.

For some organizations, functioning in relation to the international legal context is already taking place at both levels. Perhaps the best equipped agency in this respect is the ICRC, which has extensive legal expertise in its Geneva headquarters and an elaborate training regime for its overseas personnel. Moreover, headquarters legal personnel are routinely posted to setting where complex international legal issues are likely to pose day-to-day choices for program operations.

Other institutions, particularly among the international NGO community, but also the members of the UN system, have considerable conceptual and operational work to do in these respects. The practical benefits could be sizable. For example, one major NGO noted in hindsight that its response to the Gulf crisis had overlooked the complications resulting from ignoring the civilian population in government-controlled areas of Iraq and had also underestimated the difficulties of getting humanitarian items cleared when UN sanctions were ordered by the Security Council. An internal study concluded that: “Although the peculiar sensitivity of the Gulf crisis engendered a necessary political pragmatism [on its part,] a grounding in humanitarian law may have created space for a number of options other than hesitancy and displacement. The necessary attention to even-handedness that is involved, for example, may have served to focus attention onto the importance of the embargo issue at an earlier stage of the crisis. “Even governments and UN organizations, who tend to be well equipped with legal counsel, could benefit from revisiting these issues in the field. The evolving understanding of sovereignty, the changing view of the necessity of winning the consent of political authorities, and the series of recent forcible interventions to sustain civilians introduce new elements into the dynamic relationship between public international law and action.

Complex issues

In this context, one of the complex issues that deserves attention from all practitioners and their agencies is the extent to which they should be associated with the use of force in support of humanitarian access and protection. In some quarters, economic or military coercion is seen as counterproductive to the provision of humanitarian assistance. Others see it as a means to protect human rights and dignity.

The necessary review of the international legal context as it affects the operational issues faced by practitioners is a process that necessarily involves headquarters and field staffs alike, boards of directors, and perhaps even constituents. A number of organizations recently have carried out such reviews, approved new policy, and are proceeding accordingly.




Q. *Humanitarian personnel may find themselves caught between political and military agendas of host governments and the humanitarian needs of civilian populations.*

What are the policies of your agency that would guide your humanitarian action in the field when the host government is resistant or hostile to the provision of such aid?

A. _____

How would you determine your organizational plan of action in light of those policies (or lack thereof)?

A. _____

_____ 

■ SUMMARY

- The context in which humanitarian principles and actions are best understood is that of international law.
- The essence of humanitarianism is understood to be the relief of life threatening civilian suffering and the assurance of respect for human beings.
- The general context of humanitarianism extends beyond international law to include:
 - political realities
 - customary practice
 - issues of sovereignty
- One of the greatest factors affecting this contextual framework is that of conflict which requires:
 - a high degree of professionalism on the part of humanitarian practitioners
 - a clear organizational approach
 - attention to complex issues such as the use of force in delivery of humanitarian assistance

PART 2

ANALYTICAL CATEGORIES

In this part of the module you will learn four key categories for analyzing the context of humanitarian need that will help you make decisions about the nature and extent of your organization's involvement in areas of conflict:

- *who is involved and in what capacity*
- *why involvement is needed and what is the nature and scope of the conflict causing human suffering*
- *what are the phases within a conflict and when is humanitarian involvement required?*
- *what is the spectrum of humanitarian assistance and protection activities?*

The responders

In charting their respective courses in settings of armed conflict, practitioners and their institutions require certain categories for analyzing the lay of the land where they operate. Basic questions of who, why, when, and what need to be asked before mounting humanitarian initiatives and, periodically, in determining whether they should be continued. Clearly, a variety of institutions can apply the same categories and emerge with different answers. However, to ignore the basic questions constitutes a breach of professional practice which must not be fostered or supported.

External responders

First, who is involved? A review of conflicts around the world indicates that eight institutional pillars form the international system of assistance and protection (see figure 1). On the external side, there are five:

- **Bilateral agencies** from individual donor governments such as the Canadian International Development Association (CIDA), the Netherlands International Development Agency, or the US Agency for International Development (AID).
- **Intergovernmental organizations:** Whether from the United Nations system (for example, UNICEF, the world Food Program, the UN High Commissioner for Refugees, the UN Development Programme) or from regional organizations (for example, the Organizations of American States and of African Unity and the European Community, which has recently established a European Community Humanitarian Office [ECHO]).

LEARNING OBJECTIVES



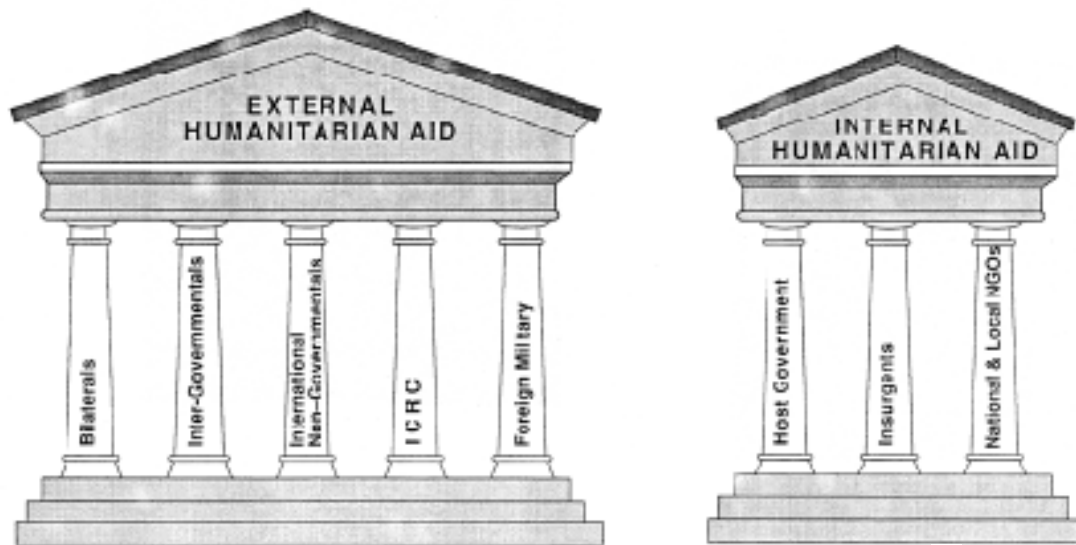
- **International non-governmental organizations:** (For example, Caritas Internationalis, the Lutheran World Federation, Medecins sans frontieres, the International Federation of Red Cross and Red Crescent Societies, Oxfam, the Mennonite Central Committee). NGOs sometimes work in country or regional coalitions and through international and national professional associations (for example, the Geneva-based International Council of Voluntary Agencies).
- **International Committee of the Red Cross:** While a private organization similar to an NGO, the ICRC has a separate status by virtue of its recognition of its name in international humanitarian law and its custodial responsibility for such law. The ICRC, along with the International Federation of Red Cross and Red Crescent Societies and their national chapters, constitute the International Red Cross movement.
- **Foreign military forces** are playing an increasing role in protecting humanitarian operations and personnel and occasionally in actually delivering humanitarian assistance. The examples of northern Iraq, Somalia, Cambodia, and the former Yugoslavia come immediately to mind. Outside military forces also have been involved in conflict prone countries without a UN blessing: US troops in the Bangladesh cyclone of 1991, and Indian troops in airlifting supplies to civilian populations in Sri Lanka in 1987.

Internal responders

On the internal side, there are three basic sets of local institutional actors:

- **Host governments:** these generally set the framework in which humanitarian activities are conducted. In some, an existing ministry or ministries are the point of contact for external organizations; in others, an inter-ministerial committee is set up during a given crisis or an existing NGO may be designated as the point of contact. Military as well as civilian authorities may be involved at the regional, local, and national levels.
- **Insurgent political and military forces:** These play a major role in establishing the terms under which humanitarian activities are carried out in non-government controlled areas. In some conflicts, political or military structures may be involved in the humanitarian sphere (for example, the ministry of agriculture or the Frente Farabundo Marti para la Liberacion Nacional (FMLN) command). In others, special structures are set up to relate to external and internal actors such as the Relief Society of Tigray (REST) or the Sudan Relief and Rehabilitation Association (SRRA). These may have differing capacities and degrees of independence.
- **National and local NGOs:** In most conflict settings, non-governmental groups exist. They may vary in their numbers and vitality, degrees of independence from political structures, relation to the conflict, and capacity of activities. They include religious, civic, philanthropic organizations, and national Red Cross and Red Crescent Societies. In many countries, NGOs exist at the regional or intermediate as well as local and national level.

A review of the institutional pillars enables an individual organization to determine who will be involved, to what extent human needs are reasonably met, and what its own role should be in a conflict.



Q. Which “pillar” represents your organization?

A. _____

Q. With which actors do you generally work and what is the nature of your relationship?

A. _____



Figure 1
Providers of external and internal humanitarian aid – the eight institutional pillars of the international system of assistance and protection.



Nature of the conflict

The second category helpful in analyzing the context of humanitarian response is concerned with establishing the nature of conflicts, and why humanitarian response is needed. Humanitarian institutions function in a wide range of conflict situations. Some are international (for example, in the Ogaden War between the former Ethiopia and Somalia or in the Gulf War). Others are internal (for example, between the Baghdad authorities and the Iraqi Kurds in the North and Shi'ites in the South). Some involve disputed legalities that figure in the conflicts (for example, a self-declared Bosnian-Serb republic, or the Palestinians in Israeli-Occupied Territories).

Scope

Conflicts also differ in scope. Some are localized in one part of a state while others are country-wide. Still others are regional in their implications and involvement (for example, the civil strife in Liberia, which has generated substantial refugee flows into neighboring countries, or the civil war in Sri Lanka, in which India is a major force).

Some situations involve isolated incidents against individual members of minority groups that may not have reached the state of outright inter group warfare (for example, human rights abuses in East Timor). Others may have deteriorated to the point at which ethnic rivalries have convulsed entire nations (for example, Azeris in Armenia or Muslims in Bosnia).

Duration

Some wars have sputtered on-again, off-again (for example, in Rwanda and Burundi). Others have burned at a fairly steady state for decades (for example, in the Sudan). Some erupt almost overnight, almost without warning (for example, in Croatia). Others are long festering, the subject of academic analysis and desultory discussions of policy options (for example, in Guatemala and Myanmar).

Euphoria surrounding the Cold War's demise and optimism about democratization have given way to a more realistic assessment of the likelihood of continuing violence and even rising levels of violence. In areas such as Afghanistan, Angola, Mozambique, and Somalia, conflicts fueled largely by superpower rivalry have taken on lives of their own. Strife, dampened for decades by the existence of the Cold War, is being rekindled in the Balkans and the various republics of the former Soviet Union. In other conflicts with no direct links to East-West rivalry such as Sudan, Liberia, and Sri Lanka, seething ethnic and religious tensions foster new upheavals.

Authority

In this new period, local factors are predominant as civil wars are no longer so easily "internationalized" as pawns in a super-power chess game. The term "failed states" has recently been coined to describe situations where total fragmentation has led to a total absence of law and order. In conflicts raging in Liberia and Somalia, and possibly soon in countries like Zaire, responsible authorities or interlocutors are virtually non-existent, a precarious situation for both civilians and humanitarian workers.

"FAILED STATES"



Response

How conflict is analyzed and categorized has a bearing on the type of response. In politicized settings, there are normally significant variations in how a conflict is perceived. What international observers view as a multi-decade war by the authorities against the indigenous minority population in Guatemala is described by the government as a police action against a small group of terrorists. The identification of a humanitarian crisis such as a famine as a product of war rather than drought also affects the level of publicity, resource mobilization, and involvement chosen by the international community.

The kind of conflict, the nature of the military strategies pursued, and the military technologies and weaponry used by the belligerents has direct implications for humanitarian actors.

Conflict phases

Third, it is useful for analytical purposes to identify phases within a conflict. Insurgencies normally include alternating periods of intense fighting and lulls, pitched battles, hit-and-run attacks, strafing, and mining. Depending upon the military situation which also sometimes reflects such seasonal variables as the weather or the availability of troops and weapons, humanitarian delivery is more or less feasible. The well-documented case of the various attempts of Operation Lifeline Sudan over the last two decades provide ample illustration of the phases.

Geographical factors

In addition to temporal factors, phases within a conflict are often linked to geography. Unlike previous wars, today's conflicts are rarely characterized by clear-cut fronts. Sometimes, even contiguous regions are not controlled by the same party. One consequence is that in a country at war there may still be zones where rehabilitation and development are possible.

Humanitarian involvement

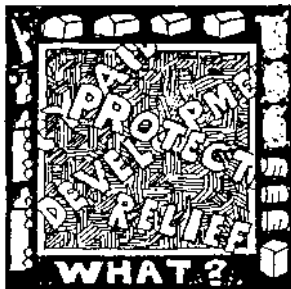
Analyzing the current state of a conflict assists organizations in phasing in or out their own involvement. If the conflict seems to increase, is security adequate for agency personnel and operations? If the conflict is winding down, are those in need more accessible? The state of the conflict also has a bearing on the financial cost of mounting humanitarian activities; for example, total air transport costs can be up to 20 times more expensive than overland routes, when available, and these higher costs are subtracted from resources available in the country of conflict or from other agency programs.

In politicized setting, there are normally significant variations in how a conflict is perceived.



Q. *How does the nature, scope and phase of a conflict affect the provision of humanitarian assistance?*

A. _____



There is now general agreement that emergency relief and protection affects the longer run prospects of a recipient, for better or for worse.

Spectrum of response

Fourth, based on the nature of a conflict and its particular state, there exists a spectrum of humanitarian assistance and protection activities. On the assistance side, activities may range from short-term emergency relief through reconstruction of essential infrastructure to medium and longer-term development.

There is now general agreement that emergency relief and protection affects the longer run prospects of a recipient, for better or for worse. There is also consensus that relief should be provided in ways that seek to reduce the vulnerability of a country or a population to future emergencies and their dependence on outside assistance.

Protection

On the protection side, activities range from efforts on behalf of a threatened individual or family to efforts to protect an entire population from the use of starvation as a political weapon. They also include protection from military tactics involving the disproportionate use of violence and targeting civilians. In the former category, the initiative of international personnel to station themselves in the homes of minority families threatened with ethnic cleansing or active diplomacy with political authorities on behalf of individuals are illustrative. In the latter, efforts to moderate the behavior of the Khartoum authorities and the rival insurgent groups in the southern Sudan come to mind.

In short, the four analytical categories elaborated here provide humanitarian institutions and personnel with the basis for making decisions about the nature and the extent of their involvement in various conflicts. The principles that their action affirm are the subject of the following chapter.

Q. *What are the four analytical categories that provide humanitarian organizations and personnel a basis for making decisions about their role in a context of conflict?*

A. _____



■ SUMMARY

- The eight “institutional pillars” of the international system of assistance and protection are:
 - bilateral agencies
 - intergovernmental organizations
 - international non-governmental organizations
 - the International Committee of the Red Cross
 - external national militaries
 - host governments
 - insurgent political and military forces
 - national and local NGOs

- Analysis of the nature of conflict is a useful exercise which requires the collection of information on the conflict’s:
 - scope
 - duration
 - central or governing authority
 - geographical factors
 - current state or phase

- There is a spectrum of response to conflict situations which includes:
 - short term emergency relief
 - medium or long-term development aid
 - protection

PART **3**

PRINCIPLES OF HUMANITARIAN ACTION

In this part of the module you will learn:

- *Eight key principles to which external and internal humanitarian organizations should subscribe.*
- *Operational dilemmas, trade-offs and tensions that face practitioners as they apply these humanitarian principles in contexts of conflict.*

Introduction

The four analytical categories presented in Part 2 provide a matrix of needs and possibilities for humanitarian action. The eight principles to which we now turn represent a framework to which virtually all practitioners can subscribe.

These overarching principles are presented not as moral absolutes but as norms toward which humanitarian institutions should strive. They are like fixed points on a shared compass. They serve to stimulate and orient discussions and provide a vehicle for achieving greater coherence, cohesiveness, and mutuality among practitioners.

Differences of interpretation of these principles exist and will continue to exist. However, they tend to be different in the relative weight attached by individual agencies to particular principles and in the resulting confrontation of the operational dilemmas. Although extenuating circumstances may necessitate modifying a given principle, those who deviate from the norm should be aware of the costs.

While all practitioners affirm that the relief of life-threatening suffering is at the heart of humanitarian action, some attach greater importance than others to the ways in which life-saving activities are carried out. Practitioners who are clear and consistent in their articulation of principles are more successful in their efforts than those who are not.

Recent responses to such widely varying conflict settings as the Horn of Africa, Central America, the Persian Gulf, and the former Yugoslavia provide a back-drop for exploring the operational dilemmas confronted by practitioners and their institutions.

LEARNING OBJECTIVES

Practitioners who are clear and consistent in their articulation of principles are more successful in their efforts than those who are not.



There is nothing normal about a war, and organizational practices and the mind-set of staff need to reflect this reality.

Relieve life-threatening suffering

Humanitarian action should be directed toward the relief of immediate, life-threatening suffering.

The daily challenge facing the international community is vividly framed by the all-too familiar images of stick-like children in Baidoa and the grimacing faces of the old and the young crammed into trucks leaving Srebrenica.

Elementary as it appears, the principle that suffering requires relief, often goes unattended. Rather than acting upon humanitarian concerns, the international community frequently allows its response, or non-response, to be influenced by other considerations.

Other agendas

The injection of political agendas may motivate the type of response/non-response. Driven by anti-communist fervor and under the banner of humanitarian aid the United States government provided tents, boots, and communications equipment during an active war to the Nicaraguan contras. During the Cold War, Washington also committed “humanitarian” aid to insurgents in Afghanistan, Angola, and Cambodia. Other major and minor powers have also used humanitarian justifications for highly political assistance.

The relief of life-threatening suffering is also compromised by the lethargy of the humanitarian system. Resident UN and NGO officials have a multiplicity of assignments and responsibilities. Many long involved in the development business tend to deal with governments in well-established routines, reflecting the necessity to think in terms of a five-year development plan rather than tomorrow morning’s hungry children.

Bureaucratic inertia

Governments also tend to be lethargic in the face of human cataclysms. A notable exception was the Jordanian government which, upon the arrival in August 1990 of the initial group of third-country nationals fleeing Kuwait, formed an inter ministerial committee and quickly mounted an emergency relief operation. Others wish to proceed far more deliberately, often citing administrative procedures and normal clearance processes. There is nothing normal about a war, and organizational practices and the mind-set of staff need to reflect this reality.

Q. *Based on your experience, what considerations other than the principle that suffering requires relief, influence the provision or withholding of humanitarian assistance?*

A. _____



Proportionality to need

Humanitarian action should correspond to the degree of suffering, wherever it occurs. It should affirm the view that life is as precious in one part of the globe as another. This idea of proportionality seems self-evident and unobjectionable. However, there is no “invisible hand,” either within a given agency or among humanitarian institutions as a whole, which ensure equitable resource distributions across armed conflicts.

Scope of need

The stark reality is that more human suffering exists worldwide than any single agency, or for that matter, all agencies acting in concert can alleviate. Paradoxically, the Cold War period entailed enormous suffering for civilians in various regional and national conflicts. However, the end of the Cold War has also been accompanied by an upsurge in violence and a continued erosion of global resources committed to human needs in poorer nations. Current arrangements produce anything but proportionality in the global response to life-threatening suffering.

Recognition of need

In early 1993 while the world’s attention was riveted on Somalia and the former Yugoslavia, equally appalling suffering in Liberia went virtually unnoticed. The humanitarian and military resources invested in Somalia during 1992 dwarfed those committed to neighboring Sudan, where a larger number of people were at risk and the lives of more aid personnel were lost. Resources reflect international awareness of need. During 1992, according to one study, Somalia received more than fifty times the media coverage of the Sudan.

In the task of stimulating broader awareness of suffering, the modern media can play a major role. In late 1984, television footage put the Ethiopian famine, already well advanced, onto the international agenda overnight. Conversely, however, the absence of media coverage can make the task of humanitarian organizations more difficult. Policy makers and constituencies frequently assume that if a humanitarian crisis isn’t major news, it isn’t serious. The assumption ignores the fact that the media have their own limitations and that an effective humanitarian regime needs to have other means of flagging critical areas of need.

Media coverage itself can be something of a mixed blessing for humanitarian interests. On the positive side, it lends greater visibility and importance to their activities. On the other, it can pressure agencies to make decisions of questionable utility. Television coverage of Bosnian youngsters who were unable to be treated in Sarajevo hospitals assisted in the recognition of need. However, it also led to what many health care professionals considered a disproportionate effort to arrange medical evacuations at the expense of rehabilitating local medical capacities.

The global allocation of resources among crises and activities is beyond the immediate influence of individual practitioners. Yet the role of field staff in alerting policy-makers in headquarters, decision-makers in government and the UN, and the wider world is indispensable. The crisis in Somalia illustrates problems created by the absence of informed assessment in-country. The UN system and most NGOs were absent through much of



Continued disproportionality in responses undercuts the basic humanitarian principle that all lives are of equal value.

1992 as the war and famine took a mounting toll. The message of the ICRC, which managed to remain present largely throughout the year and warned of the cataclysm, fell largely on deaf ears.

The repatriation of Guatemalan refugees from Mexico in early 1993 provides an interesting counterpoint. Working closely with the representatives of the refugees in Mexico and Guatemala, humanitarian personnel helped assure a relatively smooth reentry. International witness and helping hands from a variety of sources, including the Royal Air Force, helped to make a positive difference.

Reporting the need

In seeking to contribute to a rough proportionality in responding to urgent need, field personnel are caught in something of a dilemma. By encouraging agency involvement through reports dramatizing the need, they risk being faulted by the host authorities and the media for being too alarmist. Yet more dispassionate reports often do not stimulate the desired responses.

The result of their labors often present problems. Agency allocations reflect a host of factors, only one of which is the perceived situation in-country. Yet, field representatives often are held accountable by local authorities for their agency's response or lack thereof. In moving toward a better proportioned humanitarian community, a more systematic approach to allocations decisions and procedures is needed. Individual agencies should regularize decision-making to give greater importance to the severity of human need. The humanitarian community as a whole can give greater attention to information-sharing regarding the need and levels of individual response.

Continued disproportionality in responses undercuts the basic humanitarian principle that all lives are of equal value.

Q. *How does your organization determine the level of support needed and the allocation of resources in light of global humanitarian need?*

A. _____



Q. *How do you work collaboratively with others in the humanitarian community to make decisions about the allocation of resources?*

A. _____



Non-partisanship

Humanitarian action responds to human suffering because people are in need, not to advance political, sectarian, or other extraneous agendas. It should not take sides in conflicts.

From time immemorial, belligerents have politicized the access of civilians to essential food and medicine as part of their political and military arsenals. They also have denied or granted access according to whether or not it served their short-term objectives.

Civil war

Civil wars are by definition situations in which countries are divided against themselves. Humanitarian actors who enter upon this stage should expect the warring parties to co-opt their activities and to align them with their respective causes, however even-handed the humanitarian approach. Practitioners should go to extra lengths to avoid becoming identified with one side or another. They also should be aware of the differential impacts of humanitarian efforts on the warring parties. In this respect, perceptions of programs can be as important as their actual content.

The history of Operation Lifeline Sudan illustrates the difficulty of gaining and maintaining the confidence of both parties. The arduous negotiations that achieved agreement, as well as the subsequent unraveling of the agreement, provide examples of how both the granting and denial of humanitarian access reflected the desire of belligerents to use aid for their own purposes. The government and the insurgents agreed in 1989 to create “corridors of tranquillity” for relief activities because of international pressures and their respective needs for a reprieve from the fighting. Later, with international attention reduced and military forces refurbished, the warring parties believed their causes would be served better by denying free access to civilians, even at the risk of alienating world opinion. Each side routinely accused OLS of being more helpful to and less demanding of the other.



Taking sides can have fatal consequences.

Difficult though it may be to avoid, especially in conflicts in which the policies of a particular belligerent are more attractive and humane, taking sides can have fatal consequences. Having endorsed the cause of the Tamil Tigers of Sri Lanka or the government of Mozambique, a humanitarian organization finds itself cut off from civilians in the territory of the Sri Lanka government or of the Mozambique resistance (RENAMO).

Endorsement of one party in a civil war or in an electoral campaign makes the endorsing organization a target for the wrath of the opposition. Even in the area where it continues to work, the integrity of its activities may suffer.

One of the operational dilemmas surrounding the principle of non-partisanship is that insistence on helping civilians on all sides of a conflict equally can make it difficult to be faithful to the principle of relieving life-threatening suffering. The differing approaches of the ICRC and certain NGOs illustrates the trade-offs.

Depth of commitment

The ICRC considers impartiality so important that it may be unwilling to proceed with programs without the agreement of all parties. In the year preceding the final negotiation of OLS, for example, it carried out painstaking negotiations with the Khartoum government and the Sudanese People's Liberation Army (SPLA) before winning agreement for relief deliveries to an equal number of locations. ICRC received clear indications from both conflict parties that any "one-sided" intervention would immediately be followed by military action leading to its subsequent suspension by force. In addition, the necessity of utilizing aircraft which would have had to fly through Sudanese air space illicitly in order to provide aid presented a logistical barrier.

Reflecting on the time-consuming negotiations and on the fact that during the year 1988 an estimated 250,000 civilians had perished, the ICRC affirms the course of action it then chose. The organization points out that if agreement by both sides in such situations does not precede the launching of relief operations, aid efforts may soon be halted by one side or the other once they have begun.

Other organizations believed that insistence on the agreement of both parties would give each side an effective veto over activities in the territories of the other. Since neither protagonist was known for humane instincts, both would be fully prepared to deny assistance to civilians in areas that they controlled in the adversary's territory. Thus some NGOs proceeded with cross-border operations from Nairobi into the southern Sudan without the consent of the Khartoum authorities and without seeking to assist the other side.

Constituency

By their mandates, composition, and constituencies, some institutional actors have more difficulty achieving non-partisanship than others. UN organizations, whose governing councils and membership consist of governments, have particular difficulties in achieving even-handedness in relating to armed opposition movements.

NGOs depending heavily upon funds from governments that are allied with one side or another may also experience similar operational difficulties.

Some NGOs are more closely affiliated with the ideologies or agendas of the insurgents. Even the ICRC, which has for over a century acted upon its own strict principles of impartiality and neutrality, encounters hostility from one or more parties to a conflict and is sometimes obliged to withdraw.

Location

A central operation dilemma with a direct impact upon perceptions of non-partisanship is the actual physical location of an agency's field headquarters. The location of the central base of operations in the national capitol of a divided state can convey partisanship and complicate the task of establishing effective communications with the armed opposition. At the same time, locating the operational center in a nearby capitol or in New York or Geneva can be prohibitively expensive.

Q. *What are the risks and problems that arise when a humanitarian organization takes sides in a context of civil conflict and violence?*

A. _____

Q. *What are the potential costs of non-partisanship?*

A. _____

Q. *What factors or logistical operations might reveal partisanship/bias on the part of a humanitarian organization?*

A. _____





The special nature of armed conflicts renders the need for independence both more acute and problematic.

ANSWERS (from page 29)

Some have recognized that a humanitarian organization's assistance may become motivated by political or military agendas, rather than, (or in addition to) a concern to respond to human need. Partisanship may isolate the humanitarian organization from civilian populations in need who are caught in the territory of the other side(s) or make the organization a target of violence by the opposition.

Non-partisanship may prevent a humanitarian organization from responding to need when they must receive approval from all parties engaged in conflict, who may be opposed to anything that "helps the other side."

Some factors which might reveal partisanship include: to whom aid is given, disproportionate distribution of aid relative to need, location of organization's central base of operation, or local leaders involved with humanitarian organization and aid system.

Independence

In order to fulfill their mission, humanitarian organizations should be free of interference from home or host political authorities. Humanitarian space is essential for effective action.

No one knows better than field personnel the necessity of maintaining maximum flexibility and freedom for operations. At the same time, they are also most aware of the obstacles to effective humanitarian activities often thrown up by local political authorities, be they governments or insurgents.

Restricted access

In Cambodia, for example, the Thai government and the Cambodian refugee authorities tightly restricted access to refugee camps along the border until the Paris Accords. International personnel were faced with the dilemma of whether to provide assistance even though around-the-clock access to refugees was lacking. The alternative, to curtail efforts to alleviate suffering, was not attractive. They opted to provide assistance under less than adequate circumstances but to press for fuller access and accountability. In Afghanistan similar trade-offs existed during the 1980s when Pakistani authorities and Afghan resistance leaders dictated the terms of international access to people in camps.

Donor governments, too, can hinder efforts to deliver assistance effectively. Faced with the appearance in 1991 of many Kurdish refugees following the Gulf War, the German government decided to bring field hospitals directly to refugees in remote areas of Iran. This free-wheeling approach bypassed the coordinating mechanisms established by local and UN authorities and left a residue of ill-will for those who would eventually assume responsibilities when the Germans left.

No humanitarian organization operating in conflicts has the degree of independence that it desires. The approval, or at least the acquiescence, of local political authorities is required. In one sense, this situation is no different from the ones in which development assistance is provided. In another sense, the special nature of armed conflicts, in which relationships with political authorities are more highly charged and the presence of outsiders more sensitive, renders the need for independence both more acute and problematic.

Rules and regulations

Humanitarian space is frequently constrained through host government practices such as visa requirements, internal travel permits, exchange regulations, rules governing hiring local staff, and concurrence regarding the location and nature of program activities. Insurgents frequently use the same devices within the physical confines of territory that they control. Donor governments also have their own set of reporting requirements, program inflexibilities, procurement restrictions, and other procedures that reduce practitioner freedom and influence program priorities.

UN backlash

The post Cold War era has brought with it a new operational problem for field personnel. As the UN Security Council has taken more assertive steps to address threats to international peace and security, humanitarian personnel associated with the United Nations have confronted a backlash against the world organization in specific theaters. While the greater activism of the world's highest political body in the humanitarian sphere is welcome, it creates operational dilemmas for those associated with it.

Because economic sanctions and military action have created hardships for the populations of the former Yugoslavia and Iraq, for example, the UN's humanitarian agencies have found themselves unavoidably associated with very unpopular enforcement policies. Field personnel are held accountable for what is popularly viewed as the "bad" or political, United Nations and thus unable to carry out their "good", or humanitarian activities.

Coordination

The result is that while multilateral humanitarian work may be less subject to politicization than bilateral efforts, it often suffers from politicization as well. The ICRC and some NGOs have chosen to keep their distance from the United Nations system to protect their independence. In this instance, attention to the principle of independence may create problems in the area of coordination.

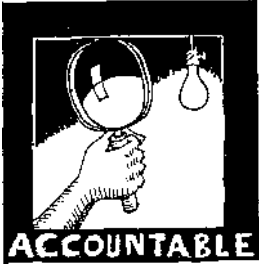
Q. *Who might seek to influence the operations and compromise the independence and even-handedness of humanitarian organizations?*

A. _____

Q. *What are some of the trade-offs and operational dilemmas created by a humanitarian organization's commitment to independence?*

A. _____





Humanitarian activities should be transparent.

ANSWERS (from page 31)

Host political authorities, insurgent forces, military forces, donor governments or political authorities might seek to influence humanitarian operations.

Without sacrificing some control, humanitarian organizations may be unable to respond to human need when authorities insist upon certain logistical constraints or procedures, access to populations may be restricted by authorities, coordinated assistance efforts and therefore more effective responses to human need may be reduced.

Accountability

Humanitarian organizations should report fully on their activities to sponsors and beneficiaries. Humanitarian activities should be transparent.

Practitioners hardly need to be reminded that they are accountable for their programmatic decisions. There are two major dimensions that require special clarification and elaboration in relationship to humanitarian action in conflict situations.

Recording and reporting

First, civil wars introduce an added level of difficulty into the normal reporting process. There is the obvious problem of maintaining adequate financial and program control over resources deployed into war zones. Frequently the situation is too volatile or insecure for staff to accompany, or to record, the end uses of relief supplies.

Moreover, accountability may require acknowledging that in conflicts not all food reaches those who need it most. Parliaments and constituents often take a keen interest in why soldiers number among the beneficiaries of relief programs.

Published accounts, later questioned by aid officials, placed leakage rates at 80-90 percent in Somalia in late 1992 and 50 percent in eastern Bosnia in early 1993. The discussions which ensued acknowledged that in armed conflicts, aid personnel could not be expected to prevent any and all abuse of relief commodities. The insistence on receipt by the beneficiaries of all relief supplies would have meant that humanitarian organizations would not have been able to mount operations at all.

As a result, the issue in these and other such settings turns on what should be considered "acceptable" levels of leakage. Those levels, experience suggests, may vary from country to country, agency to agency, and constituency to constituency.

Again field representatives confront a difficult dilemma involving the principles of relieving suffering and of accountability. On the one hand, their agency's ground rules may underestimate the difficulties and expect performance measured according to normal or non-civil war standards. On the other hand, they are required to exercise their own professional judgment, weighing a variety of local factors, for programs to proceed.

When aid fosters violence

Beyond accountability lie issues concerning the broader impact of humanitarian action. What are their effects on the balance of political and military forces, on the abilities of the warring parties to continue their struggle, and on the eventual outcomes of the war? The Somali situation in late 1992 is a good example.

Some practitioners on the scene believed that aid was being provided in ways that escalated violence. They pointed out that aid groups hired protection from local "technicals," who were paid as the employees of aid organizations but also were members of the private militias of feuding warlords and lawless elements. In an economy that had ceased to function, relief supplies became a form of currency. Aid operations and personnel were a focal point for violence in the capital and in the countryside as activities moved there. While alternatives were scarce, some organizations

now believe that rather than calling for enhanced security, they should have considered reducing their level of program operations.

Such operational dilemmas face practitioners in many civil wars. Assistance to Salvadoran civilians in conflictive zones controlled by the FMLN in the 1980s, initiated largely for humanitarian purposes, appear to have strengthened the military and political positions of the armed opposition. This action provoked attacks from the armed forces on both civilians and aid personnel. In Ethiopia, cross-border assistance from NGOs to Eritrea and Tigray are now regarded widely as having permitted the insurgents to prosecute their wars against the Government of the former Ethiopia more single-mindedly.

An incident in Bosnia in late 1993 dramatizes the reality that activities undertaken to relieve suffering can, in fact, also prolong the conflict which creates such distress. A reporter chatted with a Canadian soldier in the UN peacekeeping force UNPROFOR who was working with a backhoe to make dirt roads more passable for relief supplies to prevent starvation during the coming winter. He also interviewed a soldier in the Bosnian Muslim army nearby, who was also grateful for more serviceable roads.

“Roads improved by the United Nations to facilitate access for convoys carrying food and medicine,” the reporter concluded, “will make it easier for the three factions battling over Bosnia to move troops and guns.” The economies of all three belligerents, he suggested, would benefit from relief supplies-in the absence of which the parties might be more conciliatory.

In both El Salvador and the Horn of Africa, practitioners and their organizations were reluctant to acknowledge and confront the dilemmas involved in their humanitarian activities. Identifying the issues does not produce clear-cut answers, but it is a necessary first step.

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Q. *As you consider developing a plan to respond to human need in the context of conflict, to whom do you think you should be held accountable?*

A. _____

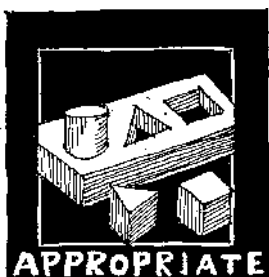
Q. *Providing assistance may escalate conflict or strengthen the political and military positions of various parties to a conflict. Can you identify reasons for providing assistance in such situations?*

A. _____



Q. *Under what conditions do you think humanitarian assistance should not be provided?*

A. _____



Appropriateness

Humanitarian action should be tailored to local circumstances and aim to enhance, not supplant, locally available resources.

Considerations of appropriateness require using humanitarian initiatives to strengthen local capacity while taking into account local cultural characteristics that do not contradict international norms.

At a common sense level, such items as food, clothing, and medical supplies need to be acceptable to those for whom they are intended. Nonetheless, field representatives doubtlessly have witnessed winter clothing bound for tropical climates, pork products shipped to Muslim populations, and medicines with expired dates on the shelves of local health clinics.

Cultural acceptability

Local cultural preferences and practices should not be mindlessly respected. Some local customs may provide an inappropriate basis for humanitarian programming. Should those who distribute food in a situation in which, as in Afghanistan, the normal system favors men and boys over women and girls, follow locally accepted practice? Should the teaching of literacy among refugees challenge and perhaps even compensate for the practice of a society in which educational opportunities favor boys? Should maternal and child health centers provide counsel on female circumcision or, as western health and legal professionals describe it, genital mutilation?

Support of objectionable practices

The principle of appropriateness also has a bearing on the selection of counterpart institutions by international humanitarian actors. Should external agencies form operational partnerships with indigenous groups that have their own objectionable political priorities or narrow ethnic constituencies or that are part of graft ridden or patronage oriented societies? Should allocations of food be delegated to a council of male leaders whose bias is for distribution among men (many of whom are soldiers) and whose loyalties are to their own families and clans?

ANSWER (from page 33)

Expectations of those to whom you feel accountable may include: donor governments, organizations and constituencies; host governments, local leaders (who decides who are the "leaders"?), and local people.

These operational dilemmas recently have confronted staff in the former Yugoslavia and Somalia. Practitioners are forced to make difficult choices about responding to suffering amid the availability of relief inputs and institutional partners of questionable appropriateness. It is no longer adequate to claim that something is better than nothing, that those in peril will accept anything, that delivering assistance necessarily involves compromises with local customs and institutions.

Emergency relief and development

There is a second and related component of appropriateness. Emergency relief is increasingly understood to be counterproductive unless it increases the longer run viability and development prospects of a war-torn country. Appropriateness in this context involves not only tailoring humanitarian action to local needs but also seeking to strengthen indigenous capacities.

Local needs include, in addition to assisting and protecting people whose lives are threatened by war and famine, empowering individuals and institutions to fend for themselves and to cope with future emergencies. Appropriate outside help builds upon and strengthens individual and social coping mechanisms.

Strengthening local capacity, a perennial object of aid efforts, is particularly difficult in times of armed conflict. After all, disruption of local resources is often an avowed objective of belligerents. It was not by accident that the contras targeted Nicaragua's agricultural infrastructure or that the Mengistu government set fighter pilot sights on the fields at harvest times, and on the towns on market days in Tigray and Eritrea.

In a perfect world, there would be no trade-offs between saving as many lives as possible and strengthening local ability to cope more adequately with future disasters. Yet the world in which humanitarian practitioners function is far from perfect and far from being perfected. Violence, conflicts, and the need for lifesaving assistance represent, unfortunately, a growth industry.

In the panic of a crisis, the element of appropriateness, unobjectionable in theory, is often itself a casualty. The tension between saving lives, a clear and immediate challenge, and empowering people, a more ambiguous and long term task, is usually resolved in favor of the former, especially by agencies whose reason for being is to provide assistance. "We're rightfully indifferent to people's cultural needs and to appropriateness issues," explained one aid official of the assistance being rushed to Somalia. "I want to hear the airplane engines running," said another in charge of logistic support.

These statements do not bear up well upon reflection after a crisis has passed. The approach that they embody may perpetuate local vulnerability to future disasters and increase dependence on outside assistance, with the result that future life-threatening suffering is more likely. So deeply imbedded are such attitudes in the culture of many humanitarian institutions and practitioners that the concept of sustaining humanitarian action through the efforts of local people may need be elevated to the status of a principle. At the end of the day, the trade-offs may be less absolute than once thought. Recent research suggests that projects enlisting local populations and institutions are often more successful than those that do not. Moreover, attention to empowerment does not necessarily mean major delays. The spectrum from emergency relief to longer term development described earlier is more interactive than is generally understood.

It is no longer adequate to claim that something is better than nothing, that those in peril will accept anything, that delivering assistance necessarily involves compromises with local customs and institutions.

Recent research suggests that projects enlisting local populations and institutions are often more successful than those that do not.



Q. *What happens when humanitarian assistance is provided without local participation and concern for cultural appropriateness?*

A. _____

_____ 

Contextualization

Effective humanitarian action should encompass a comprehensive view of overall needs and of the impact of interventions. Encouraging respect for human rights and addressing the underlying causes of conflicts are essential elements.

Aid practitioners have many strengths and corresponding weaknesses. They tend to place a higher premium on action than reflection. They frequently limit their attention to the areas of their direct operational responsibilities. However well suited to the conduct of fast-paced humanitarian responses, these approaches also leave much to be desired when viewing activities in their broader context.

Due consideration

The motto of most humanitarian organizations and personnel confronted by life-threatening emergencies is the familiar “Don’t just stand there. Do something!” In the light of the complexities of humanitarian action described above, a more helpful directive might be the reverse: “Don’t just do something. Stand there!”

Rushing into action preempts adequate consideration of the wide-ranging, negative and positive effects that external organizations may trigger. There is mounting evidence to suggest, for example, that the humanitarian activities in the former Yugoslavia in 1992 served as a diversion of international attention from the need for a more comprehensive political and enforcement strategy.

The experience on Bosnia also dramatizes the legitimacy of suspending humanitarian efforts to protect their integrity. This is what the High Commissioner for Refugees did in late February 1993 in eastern Bosnia while acting as the lead agency of the UN system. The incident serves as a reminder to otherwise inclined humanitarian agencies, and to warring parties, that the abuse of humanitarian principles should not be tolerated.

Results of humanitarian action

As noted earlier, humanitarian action in armed conflicts exposes practitioners to situations of great complexity, military and political as well as economic and social. The causes of these conflicts are often deeply rooted and the societies in which they are played out deeply driven. Therefore a comprehensive view of needs and of the likely impacts of humanitarian action by external organizations is a necessity and not a luxury.

A case in point is the traditional view of humanitarian assistance and human rights as separate domains. Each usually is seen as the preserve of professionals functioning under district mandates and operating in relative isolation from each other. Whether for reasons of mandate, style, or approach, institutions and practitioners often choose to focus on either one activity or the other.

Yet assistance activities are closely linked to protection efforts, and vice versa. Relief undertakings position field personnel to serve as the “eyes and ears” of the international community. They can alert the world to human rights abuses as they happen, or threaten to happen. The presence of aid personnel in places like the Sudan, Cambodia, and Guatemala has moderated or deterred human rights abuses by political and military actors as well as governments and insurgents.

For practitioners who already regard human rights as beyond their domain, the further suggestion that humanitarian action is also related to peace and reconciliation may appear even more tangential and unrealistic. Yet most would concede that in the absence of addressing the issues underlying civil conflicts, the possibilities for prompt reconstruction and durable development are minimal.

While direct causal linkages may be difficult to substantiate, humanitarian action often has played an important role in promoting an atmosphere in which political accommodation is more plausible. The recent experience of El Salvador is illustrative. The organizations providing humanitarian assistance played no formal role in the peace process. However, confidence built and partnerships begun through humanitarian undertakings during the conflict were instrumental in mobilizing support for negotiations and for the prompt implementation of the accords.

As a result, humanitarian organizations are looking increasingly for ways in which their own activities, creatively conceived and carefully managed, can make a positive contribution to removing the underlying causes of civil strife. In a world of finite humanitarian resources and of donors increasingly concerned about their wise and effective use, such synergism has particular importance. In this regard, the resolution of conflict and the achievement of peace become the ultimate humanitarian actions.

A comprehensive view of needs and of the likely impacts of humanitarian action by external organizations is a necessity and not a luxury.

Q. *Traditionally, humanitarian assistance and human rights have been considered separate domains. The principle of contextualization encourages a comprehensive view of needs and of the likely impacts of humanitarian action. What are the implications of this principle for the work of your organization?*

A. _____

Q. *Is your work presently targeting a specific focus? How would a more comprehensive view of need and humanitarian action affect your work?*

A. _____



ANSWER (from page 36)

Provision of assistance without local participation creates dependency; undermines local abilities, efforts, culture and values; and long-term development goals are less likely to be achieved.

Subsidiarity of sovereignty

Where humanitarianism and sovereignty clash, sovereignty should defer to the relief of life-threatening suffering.

This final principle is undoubtedly the most controversial, despite the evolution noted earlier of a new balance between the responsibilities of political authorities and the humanitarian claims of suffering civilian populations.

The UN Secretary-General recently wrote in the prominent journal, *Foreign Affairs* (vol. 71, no. 5, pp. 98-99): “(T)he centuries-old doctrine of absolute and exclusive sovereignty no longer stands, and was in fact never so absolute as it was conceived to be in theory.” This new openness at the international level to attach greater relative importance to humanitarian imperatives has not made itself felt uniformly among governments, nor have new procedures been devised to translate those imperatives into political action.

Practitioners in their day-to-day encounters with government officials may benefit from the greater prominence and legitimacy now accorded to humanitarian pursuits. Yet they must continue to use great caution in dealing with political authorities, be they governments or insurgents. Their dilemma is clear. While they have an overriding commitment to sustaining civilians in times of war, their humanitarian portfolios still confront resistance. They do have choices, but they each carry their own operational consequences.

Persuasion

The preferred alternative is to persuade political authorities that meeting the needs of their civilian populations is a necessary component in the responsible exercise of their sovereignty. When local capacities are overwhelmed by conflicts, they may request or acquiesce in the provision of aid from outside. While international pressure may support such a call for help, the consensual element, as in Operation Lifeline Sudan, Lays the groundwork for collaborative relationships upon which humanitarian practitioners build.

Intervention

When the authorities actively resist or substantially impede humanitarian action, the desirable collaborative framework becomes less possible. At this point, “intervention” enters the policy lexicon. While this term angers targeted political authorities, they may be more or less in a position to resist. That is, they may be forced to go along with decisions from outsiders who seek to aid civilians caught in the throes of conflict.

Cross-border operations by numerous humanitarian agencies for threatened populations in areas not controlled by a central government provide examples of a weak state’s inability to resist decisions by outside humanitarian agencies. Relief operations to civilian populations in Eritrea and Tigray or to the Afghan mujahiddin, for instance, were mounted from the territory of a neighbouring country specifically against the wishes of the constituted government occupying the state apparatus in the capitol. Depending upon one’s ideological bent, these actions were flawed or praiseworthy. But in either case, the targeted governments were unable to resist.

Coercion

When political authorities are able to resist impositions from the outside, the international community may seek to change policy through physical coercion. Such was the case in Iraq. In the aftermath of the Gulf War, the Security Council in resolution 688 insisted that the government of Iraq provide access to civilians. The creation of safe havens through the Allied military coalition and the enforcement of the no-flight zone have reflected the conviction that sovereignty is no longer sacrosanct.

Again in 1992, the Security Council in resolution 794 called for the use of “all necessary means” to protect humanitarian access in Somalia. Whereas in the earlier case of Iraq the wishes of a constituted government were overruled, in the latter the feuding of competing political authorities meant that in essence there was no state to overrule. In each instance, traditional notions of sovereignty gave way to the needs of civilians. Humanitarianism across borders seems to be the direction of the future, even though the geographical state remains the cornerstone of world politics.

INTERVENTION



Humanitarianism across borders seems to be the direction of the future, even though the geographical state remains the cornerstone of world politics.

Retaliation

Forced international entry, while gaining access to abused populations, may set up a dynamic with unpredictable consequences. In northern Iraq, the government is reported to have placed a bounty on UN relief and security personnel, a number of whom subsequently have been killed. In Somalia, the number of relief personnel who lost their lives in the first three months after the arrival of the US-led forces in December 1992 exceeded those killed beforehand.

Even in dangerous situations where there are UN military operations but as yet no outside military intervention per se to enforce humanitarian norms, such as in the former Yugoslavia or Cambodia, humanitarian projects and personnel have been vulnerable. The increasing hazards of field staff combined with the complexity of mounting and maintaining programs in times of war constitute a formidable challenge. In particular, the relationships between civilian practitioners and military forces require great care. Conflicts clearly require a higher level of professionalism than do less arduous circumstances.

Q. *In situations where humanitarianism and sovereignty clash, sovereignty no longer holds the absolute and exclusive authority that some have desired. In what situations might it be justifiable to serve humanitarian concerns and disregard claims to national sovereignty?*

A. _____



Conclusion

It is worth repeating at the end of this module what we stated at the beginning. Practitioners should understand not only the international legal context for humanitarian action but also the primary categories of actors and conflicts. Emerging from this knowledge, and the experience after the Cold War with humanitarian crises caused by conflicts, are the interlinked norms toward which practitioners should strive. These principles bump into one another, confronting humanitarian professionals with difficult dilemmas and complex choices.

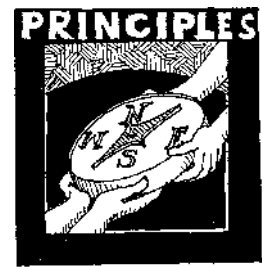
When exceptions to a principle are made or when one principle is followed at the expense of another, practitioners should anticipate the consequences. The principles remain fixed points on a shared compass, not course settings to be followed on automatic pilot. Wrestling with and refining the principles should represent a means for achieving greater effectiveness, cohesiveness, and mutuality among the array of humanitarian field personnel and institutions.

The principles may also provide the basis for developing a rudimentary code of conduct during the coming years. Some code is urgently needed because functioning effectively in armed conflicts is complex; the exposure of civilian populations is perilous; and the stakes for the international community are high.

In fact, unless humanitarian organizations take steps on their own to develop greater community-wide principles and standards, more rigorous accountability may be imposed on them from outside. The new prominence given humanitarian concerns by an increasingly well-informed and demanding international community carries with it the seeds of growing impatience with a perceived lack of professionalism among the helping agencies.

This may suggest a final dilemma that confronts the humanitarian community. The great diversity of external institutional actors represents an impressive array of energy, resources, and talent. In its heterogeneity lies the promise that however constrained one actor or another may be, somehow those in need will be reached. At the same time, faced with burgeoning claims worldwide, humanitarians are indeed called upon to function more as a community and less as a collection of diverse and idiosyncratic institutions.

Finding an effective balance between heterogeneity and commonality that will improve operational effectiveness and yet preserve and maximize the strengths of individual organizations is a major challenger for the years ahead.



The principles remain fixed points on a shared compass, not course settings to be followed on automatic pilot.

■ SUMMARY

Practitioners who are clear and consistent in the articulation of their principles are more successful in their actions than those who are not. There are eight key principles of humanitarian action listed below:

- **Relieve life threatening suffering.** This is often made difficult due to:
 - incorporation of other agendas
 - bureaucratic inertia
- There should be a **proportionality to need** of humanitarian response. This requires:
 - analysis of the scope of the need
 - recognition of the need
 - accurate reporting of the need
- Humanitarian action must be **non-partisan**. This is made more difficult by:
 - civil war
 - lack of depth of commitment
 - constituency pressure
 - location
- Humanitarian organizations must be **independent**. This independence may lead to problems such as:
 - restricted access to “sensitive” areas
 - burdensome rules and restrictions
 - backlash against the UN in some cases
 - difficulties in coordination
- Humanitarian organizations must be **fully accountable** for their actions. This requires:
 - adequate recording and reporting mechanisms
 - consideration of activities which might foster further violence
- Humanitarian assistance must be **appropriate**. Guaranteeing appropriateness requires consideration of:
 - cultural acceptability that does not contradict international norms
 - possible support of objectionable practices
 - provision of emergency aid versus development aid
- **Contextualization** of the humanitarian action should include:
 - careful consideration of the problem
 - consideration of effects of the proposed solutions
- **Sovereignty must be held subsidiary** to humanitarian relief of life-threatening suffering. This may be accomplished by:
 - persuasion
 - intervention
 - coercion (which may lead to retaliation by the state)

■ ANNEX1

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■ ANNEX2

About the Humanitarian and War Project and The Authors

The *Humanitarianism and War Project* is effort by an independent team of researchers, based at the Refugee Policy Group and Brown University, and drawing on the expertise of scholars and practitioners from around the world, to assist the international community chart its humanitarian course in the post-Cold War era.

Project support is provided by six United Nations organizations (UNICEF, WFP, UNHCR, UNDP, DHA/UNDRO, and the Special Program for the Horn of Africa); three governments (the Netherlands, U.S. and France); ten non-governmental groups (Catholic Relief Services, Danish Refugee Council, the International Centre for Human Rights and Democratic Development (Canada), International Federation of Red Cross and Red Crescent Societies, Lutheran World Federation, Lutheran World Relief, Mennonite Central Committee, Norwegian Refugee Council, Oxfam-UK, and Save the Children Fund-UK); and three foundations (The Pew Charitable Trusts, the Rockefeller Foundation, and the Arias Foundation).

The co-directors of this project and authors of this module are Larry Minear and Thomas G. Weiss. **Larry Minear** has worked on humanitarian and development issues since 1972, both as an NGO official and as a consultant to U.N. organizations. In 1990, he headed an international team that carried out a case study of Operation Lifeline Sudan. He currently is based at the Refugee Policy Group in Washington, D.C. and at Brown University.

Thomas G. Weiss is associate director of the Thomas J. Watson Jr. Institute for International Studies and associate dean of the faculty at Brown University. Previously he held several UN posts (at UNCTAD, the UN Commission for Namibia, UNITAR, and ILO) and served as executive director of the International Peace Academy. He has written extensively on development, peacekeeping, humanitarian relief, and international organizations. He is also executive director of the Academic Council on the United Nations System.

The Refugee Policy Group, a center for policy analysis and research, has worked since 1982 through in-depth research, analysis, and policy recommendations to improve international and domestic programs for refugees and to design new programs on a broad range of issues. By monitoring refugee developments, RPG has been able to evaluate international response, address issues that have been neglected, and identify new directions for policy.

**Humanitarian Principles and
Operational Dilemmas in
War Zones**

Brown University's Thomas J. Watson Jr. Institute for International Studies was established in 1986 to ensure that the University continuously develop its international dimension for the benefit of students and faculty, and, ultimately, society. The Watson Institute provides a University-wide focus for teaching and research on international relations and foreign cultures and societies, and, as an integral part of the University, is the focal point for generating support for international studies, working out plans, and seeking agreement on priorities. The Watson Institute supports faculty teaching and research; and sponsors lectures, conferences, and visiting fellows.

■ ANNEX 3

Acronyms

AID	Agency for International Development (US)
CRS	Catholic Relief Services
CIREFCA	Conferencia Internacional Sobre Los Refugiados en Centro-America
DAC	Development Assistance Committee (OECD)
DHA	UN Department of Humanitarian Affairs
EC	European Community
FMLN	Frente Farabundo Marti para la Liberacion Nacional
ECOWAS	Economic Community of West African States
ICVA	International Council of Voluntary Agency
ICRC	International Committee of the Red Cross
LWF	Lutheran World Federation
MSF	Medecins sans frontieres
NGO	Non-Governmental Organization
OECD	Organization of Economic Co-operation and Development
OFDA	Office of Foreign Disaster Assistance (US)
OLS	Operation Lifeline Sudan
PVO	Private and Voluntary Organization
REST	Relief Society for Tigray
RPG	Refugee Policy Group
UK	United Kingdom
UN	United Nations
US	United States of America
USSR	Union of Soviet Socialist Republics
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNDRO	United Nations Disaster Relief Organization (DHA)
WFP	World Food Programme
UNSEPHA	United Nations Special Emergency Programme for the Horn of Africa
WFP	United Nations World Food Programme

