

Relief International

An introduction to contemporary Humanitarian Aid for Iraqi NGOs

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Although assisting people in need is a natural inclination of the human nature, the 19th and the 20th centuries brought the development of what we call **Humanitarianism**, an ensemble of doctrine, solidarity, action and aspiration to a fairer justice for human beings. Delivering assistance to people in need, whose life is being threatened by war or disasters, and defending their right to a life with dignity.

In order to preserve its ethic nature, since its origins Humanitarianism had adopted three fundamental deontological principles:

- the **obligation to assist** (“humanitarian imperative”), aimed at stressing the independence of aid from any consideration of interest, opportunity or prodigality: humanitarian assistance is simply a duty.
- **impartiality**, reaffirms all men are equal and all civilians are innocent, in a war, and have right to an equal treat,
- **neutrality** means the complete unrelatedness to the political and military aspects of conflicts, and aims at ensuring respect and immunity for operators, by the warring parties.

These concepts have been internalised in **International Humanitarian Law** (IHL - also called the Armed Conflicts Law), through the Universal Declaration of Human Rights (1948), the four Geneva Conventions (1949) and the Additional Protocols of 1977, and repeatedly reviewed in a process whereby grim experience, reflective practice and juridical precedent over more than a century have developed the ensemble of doctrine, ethics and practice that is now termed ‘humanitarianism’.

These are also the principles at the basis of the and the **International Committee of the Red Cross (ICRC)**, the most important and one of the oldest humanitarian organisations, founded in 1864.

International Humanitarian Law

- 1945 UN Charter
- 1948 Universal Declaration of Human Rights
- 1948 Convention on the Prevention and Punishment of the Crime of Genocide
- 1949 The four Geneva Conventions
- 1951 Convention on the Status of Refugees
- 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict
- 1966 International Covenant on Civil and Political Rights
- 1966 International Covenant on Economic, Social and Cultural Rights
- 1967 Protocol relating to the Status of Refugees
- 1977 two Additional Protocols of Geneva Conventions
- 1979 Convention on the Elimination of All Forms of Discrimination Against Women
- 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons
- 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- 1989 Convention on the Rights of the Child.
- 1995 Protocol on Blinding Laser Weapons (Protocol IV to the 1980 Convention)
- 1996 Protocol on Prohibitions or Restriction on the Use of Mines, Booby-Traps, and other Devices (Protocol II to the 1980 Convention)
- 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction
- 1998 Rome Statute of the International Criminal Court
- 1998 Guiding Principles on Internal Displacement

Albeit apolitical in its universal scope, as well as in defining the specific responsibilities of individuals, armies and states on ethic grounds, in fact humanitarianism is always an alchemic mixture of philanthropy and politics. If the spirit of charity was the prevailing element in XIX century's morale, which shaped the history of early Humanitarianism, in the **1960s and 1970s** a new vision emerged, based on a strong political view of **human rights and social justice**. This occurred in the stream of **decolonisation processes** – and complementary liberation movements - and the growth of the UN system.

In the most developed countries, this phenomenon was accompanied by the multiplication of **solidarity movements and NGOs** that worked at “removing the deep causes” of war and poverty, finding a more suitable working area in **development aid** and the protection of human rights (tools for the progress of peoples), rather than humanitarian assistance, whose range was limited to relieving the “symptoms”.

Humanitarianism and politics

Despite some accidents on its way, humanitarianism has always paid attention to keep the distance from politics, interests or partisanship, but the political wind of the Cold War era inevitably stormed also the humanitarian community: the birth and success of **Médecins Sans Frontières** (MSF), the political alternative to the ICRC, marked that period. *Soigner et témoigner* (heal and witness), the MSF slogan, became the emblem of a new approach to humanitarian aid, still based on the three principles but worried to draw a boundary line between neutrality and sloth. One cannot remain neutral and quiet vis á vis war crimes or abominable violations of human rights, without becoming an accomplice. When MSF won the Nobel Prize in 1999, Bernard Kouchner, one of its founders, stressed this genetic mark of the organisation: “MSF’s work was political from the start. I hope the prize marks the recognition of a type of humanitarian work which fights injustice and persecution”. In fact, moving back and forth the point of balance between philanthropy and political commitment brought a multiplication of views.

The phenomenon became tremendous following to **1984-85 famine in Ethiopia**, when a large popular consensus around humanitarian assistance grew up: governments and the UN mobilised, NGOs reacted massively and the sector expanded rapidly.

So far, NGOs had generally prioritised development projects, as emergency aid was considered as a palliative, but development policies were losing weight in the political agenda while crises were becoming more and more relevant. At the same time, humanitarian organisations understood they needed to strengthen their role in the changing environment. In order to do their work, they had to reckon with governments, international institutions and mass-media, giving start to new trends: focus on communication, strong relations with the political establishment, skilled management and marketing techniques. The entry of a large number of **development NGOs** contributed to this change, as they were more acquainted with the political environment and were worried to underline their specific *developmentalist* identity, also when dealing with humanitarian work.

The earlier part of the 90s gave rise to hopes for a co-ordinated approach to crises, involving the military, diplomatic, humanitarian and developmental instruments within an integrated political framework. This was necessary, having to face a new type of crises, which were defined as **complex emergencies**: “A complex emergency, is a humanitarian crisis in a country, region or society where there is total or considerable breakdown of authority resulting from internal or external conflict and which requires an international response that goes beyond the mandate or capacity of any single actor” (UN-OCHA).

Success cases were widening from Mozambique (1991) to Central America and Cambodia (1992). In these cases the use of the military component had been essentially aimed at supporting and protecting relief operations while establishing a broader climate of security on the territory.

Such operations were based on new approach to peacekeeping and humanitarian relief, based on a pivotal role of the UN-US-EU partnership. The new context, with the attention put on appropriate reconstruction and development policies, gave the **European Commission** the opportunity to display its considerable capacity in this field, and allowed space for the now heavyweight role of NGOs, whose spectrum of competencies was easily (though sometimes superficially) converted to the new challenge.

The mid-90s crisis of international policies

Abruptly, the tragic failure of the UN mission in **Somalia (1993)** put on stand-by such perspective. After the shock, the International community became more reluctant to getting engaged in new fields. More and more often, the Security Council's members – vis á vis major complex emergencies - were only capable to agree on the lowest common denominator of international politics: relief; the new philosophy was: sending humanitarian aid and omitting any political engagement. The case of **Rwanda (1994)** is paradigmatic: an unprecedented ethnocide is carried out under the eyes of public opinion, while the International community remains shamefully sluggish. In return, 450 NGOs crowd in the country, creating a major coordination problem. The stagnation of the conflict in Former Yugoslavia was another dramatic evidence.

In 1994-95, most international NGOs, sustained by academics and institutions pointed out the insufficiency of the International political response, namely the tendency of institutions and governments to agree on relief as the solely solution. The humanitarian organisations either find themselves alone in coping with situations of chaos and unbridled violence that go beyond their capacity for action and far exceed their mandates, or, at the other extreme, see themselves relegated to the sidelines of operations conducted by those same States in conflicts where the political interests of the latter happen to coincide with the concerns of the humanitarian community.

At this stage, institutions and NGOs, as well as academics, undertook a major critical review of humanitarian system. Concerns for efficiency and effectiveness; need of coordination; lack of broader policy frameworks to operations; unclear relations between governmental, non-governmental and military actors; growing awareness of the risk for assistance to extend conflicts; increasing interference of the political sphere in neutral humanitarian space.

The situation changed again in 1995, after the NATO decision to intervene actively in **Bosnia**. Despite the traditional awkwardness of their relation with the militaries, humanitarian organisations eventually welcome the NATO action putting an end to a 5 years slaughter. The newly established cooperation softens the customary misconfidence and creates the cultural and political conditions for a new multidisciplinary approach. Europe decides to become a major player in this new environment.

As Politics seemed to be increasingly concerned with peace, stability, democratisation and human rights, the idea of a multi-faceted international community working within the same framework sounded realistic. Intertwining political objectives like development and democracy building and humanitarian ones appeared as an inevitable (though delicate) step towards a new vision of security. This vision included on the one hand sustainable development, on the other control of migration flows and economic stability. A vision mirrored, on the humanitarian side, by the new theoretical approach called New Humanitarianism.

NGOs decided to focus on efficiency as increasingly required by donors. Agencies responded positively: British NGOs, with contribution of MSF, Caritas and the Red Cross family, focused their attention on quality through projects like the **SPHERE Project**, the Humanitarian Accountability Project, People in Aid and others. Steps towards coordination were also made at international level through networks like VOICE, ICVA and the Steering Committee for Humanitarian Response. Occasionally, some of these umbrellas also opened coordination offices in the field.

European Commission focused on **Linking Relief, Rehabilitation and Development (LRRD)** - a single framework encompassing all the components of crisis response at the various stages - which it was never able to implement, so far. The new approach embraces all stages of a crisis: prevention, diplomacy, humanitarian assistance, peacekeeping, institution building, reconstruction and reconciliation, conflict resolution and crisis management.

The situation has worsened with **Kosovo** (1999), **Afghanistan** (2001) and **Iraq** (2003): now, humanitarian principles are systematically invoked and violated to justify “humanitarian wars” in the name of “human rights”; and NGOs bring relief through funding from the same governments which made the war, working side by side with the soldiers who fought it. It is the end of independence and neutrality. Impartiality finished to be a tabou since the programme “Energy for Democracy” was carried out in **Serbia** in 1999-2000, when aid was delivered only to those cities which were ruled by certain political parties. Respect for civilian lives – a fundamental principle of western good governance – has been neglected since.

Humanitarianism in Iraq

There is a broadly agreed view, in the community, that the war in Iraq represents a very negative event for humanitarianism. In fact, it paradigmizes a critical state of relations between humanitarians and politics, following *the golden age* of the 1990s, when humanitarian concerns seemed to draw the political agenda. Although, some wonder whether such a golden age has ever existed.

A large part of the contentious issues concerns the interpretation of some of the founding principles of humanitarianism: the obligation to assist, which stresses the independence of aid from any

consideration of interest or opportunity; neutrality, the moral stance or position of third parties in other people's wars; and independence of aid, from any (political) influence. Neutrality aims to ensure respect and immunity for non combatants in a conflict, and allow them to operate unmolested by the warring parties.

The principle of neutrality has been the core of a large discussion since the World War II, and an engine of diversity in the humanitarian community¹.

In the multiplication of crises and relief actors that marked the years between 1985 and 1999, the concern for neutrality tended to decline among relief agencies:

1. Factional warfare, emerged after the end of the Cold War, challenges the definitions of impartiality and neutrality that are critical to the concept of "humanitarian space". The scale and fluidity of conflicts forces agencies to make choices as to where they operate. But when aid is insufficient or differentially distributed among needy groups, humanitarian organisations are inevitably seen as culpable actors in a discourse of perceived discrimination and vulnerability.
2. There is a perception that unconditional humanitarian assistance is not effective. Certain minimum conditions have to be put in place if aid were to be effective in aiding and protecting victims of conflict. These include: consent of warring parties; security; independent access for assessment; and monitoring of needs and distributions.
3. The so-called "New Humanitarianism", supported by large part of the political spectrum, proposes a model which pursues crisis management, stabilisation and democratisation, and whereas humanitarian aid is no longer a substitute for political action but the primary form of political engagement responsible for delivering a liberal peace. This implies a view of the traditional humanitarian principle of neutrality as unachievable in the complex political emergencies of the post Cold war world.

While traditional humanitarians reject this model, arguing that it allows partisan politics to dictate the nature and scale of external assistance, thus transforming humanitarian action into 'political

¹ There are three main historical strands or traditions that have been important in the evolution of modern humanitarianism: the **religious**, the '**Dunantist**' and the '**Wilsonian**'. Organisations in the oldest of the three, the religious tradition, see their humanitarian programmes as combining social and religious goals. Their views of neutrality can be very varied, but normally they do not proselytise in any direct way. Dunantist humanitarianism is named for Red Cross founder Henry Dunant. Dunantist organisations seek to position themselves outside of state interests and are strictly neutral, maintaining the solely purpose of saving all human lives as central to their action. 'Wilsonian' humanitarianism is named for President Woodrow Wilson, who hoped to project US values and influence as a force for good in the world. Wilsonians have a practical, operational bent and see a basic compatibility with humanitarian aims and foreign policy objectives. Dunantists and Wilsonians represent the extremes of a spectrum which encompasses all humanitarian organisations, where the balance between the rigid adherence to neutral principles and the adoption of political goals diversifies the identities in the humanitarian arena.

action', many NGOs are far more sympathetic with the emerging trends and accept to diverse extents the "coherence" between humanitarian action and military-political operations, although experience shows that the achievements of this approach are dubious if not counter-productive, as in the case of the Provincial Reconstruction Teams in Afghanistan.

At the turn of the century, the diversification within the humanitarian community is wide. Agencies position themselves in relation to the balance between neutralism and interventionism, as well as between charitable spirit and a right-based approach.

In an effort to reconcile major divergences on these themes, the inter-agency work to draft the common Code of Conduct for the Red Cross family and NGOs, intentionally omitted to mention neutrality in the text, though asserting the need for agencies not be used to further a particular political or religious standpoint (Art. 3) and not to act as instruments of government foreign policy (Art. 4). After ten years, the level of implementation of the Code of Conduct, in this sense, seems unsatisfactory.

Code of Conduct of the Red Cross/Red Crescent and NGOs (1994)

1. The humanitarian imperative comes first.
2. Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone.
3. Aid will not be used to further a particular political or religious standpoint.
4. We shall endeavour not to act as instruments of government foreign policy.
5. We shall respect culture and custom.
6. We shall attempt to build disaster response on local capacities.
7. Ways shall be found to involve programme beneficiaries in the management of relief aid.
8. Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs.
9. We hold ourselves accountable to both those we seek to assist and those from whom we accept resources.
10. In our information, publicity and advertising activities, we shall recognize disaster victims as dignified humans, not hopeless objects.

After the war in Afghanistan (2001), whose uncertain legitimacy has a negative influence on relief operations and the security of aid workers, the occupation of Iraq has widened the divide between those agencies who have accepted to collaborate with the occupying forces, those ones who refuse collaboration and work in the country independently, and the organisations convinced that there is simply no humanitarian space at all in Iraq.

The peculiar characteristic of the Iraqi crisis is that all the elements of contradiction and constraint that humanitarianism has already experienced over the years, overlap in the same context: donors who become belligerent, poor political analysis, sharp clashes with governments, competition with corporate, tied aid, impotency of the UN, violations of humanitarian law, insecurity and bad relations with the military; all due to the extent of the vested interests around the war and post-war. The impact that this may cause on humanitarian ethics could be as violent as that of the Rwanda crisis. It is throwing into relief the flaws in the system but hopefully will provoke an equal impulse for change.

The most significant aspects of the Iraqi process mirror the core issues of the crisis of humanitarianism, as they emerge from the debate that has animated the humanitarian community in the last decade:

The Iraqi case highlights what we have experienced in several crises, from Somalia to Afghanistan: that humanitarian organisations should be more careful when deciding whether to engage in such extreme political situations, where credibility, safety and humanitarian coherence are at stake, while there is not an absolute and unquestionable need for them to be there. If they decide to enter such a ground, they must have a very high level of specialization and be able to fit into the operational environment. It is obvious that NGOs based in a belligerent country and expatriate aid workers may face enormous difficulties, and it would make sense to give in to these pressures. Although many organisations take a principled stand about the "right to be there", the blurring of roles between civilian humanitarian agencies, commercial contractors, military forces, occupation authorities, religious bodies and Iraqi authorities represents a very hazardous environment for any coherent and independent humanitarian action.

Problems of the same kind exist in Afghanistan and could spread to other countries where comparable situations exist, developing prejudice and ultimately hostility towards humanitarian organisations. We have to surrender to the evidence that levels of acceptance of "westerners" in some countries are very low, and the predominantly Western character, culture, and accountability of the humanitarian apparatus is becoming a burden, hampering the capacity to accomplish the mission. The problem in Iraq is now extended to all foreigners, sometimes including other Arabs.

Priority should be given by the aid community to strengthening the capacities and supporting the action of genuinely humanitarian Arab NGOs, while International NGOs could better invest their

energy in sound advocacy and policy-making, to monitor and advocate for the respect of International Law and humanitarian principles. This has been on the NGO agenda for more than a decade now, translated into terms like “capacity building”, “empowerment” and “de-centralization”, but pursued with scarce coherence. A key challenge for the future is not only how NGOs interact with other sectors but what relationships might develop within the NGO sector itself. The larger North-South divides that have impacts on other global processes also influence NGO relations. While the language of “partnerships” is often used, resource flows remain critical in defining these relationships.

In the field, an effort should be made to clarify the different identities and mandates of “real” humanitarian NGOs, development organisations, solidarity movements, and others. Unity above differences is important for promoting common interests and policies for NGOs, but may create a dangerous confusion in the field, in the midst of a serious crisis, with a negative impact on the way in which the neutrality, independence and impartiality of humanitarian work is perceived by the parties. Indeed, their perception of humanitarian action has a direct influence on the degree of acceptance of humanitarian actors and therefore sometimes also on their actual safety. A clear definition of roles must be consistent with the diversity of technical skills, mandates, behaviours and relations. Everybody has a duty to contribute to humanitarian response, there is no sovereignty for relief and cooperation, but organisations with different mandates should not advertise themselves as “humanitarian”. There is a need to clarify and underline the peculiarity of the humanitarian approach.

Interaction with military and other security actors is as critical as in Afghanistan but further complicated by the considerable presence of private security. The private security business thrived. Private contractors providing security in Iraq numbered an estimated 20,000 in early June, making international private - security firms the second-largest contributor of “troops” after the United States. Dozens of new security firms cropped up to meet the demand for security needs. Some were hired by the U.S. government to protect U.S. civilians in Iraq or to carry out military-related tasks; others were hired by private contractors to protect their employees working on reconstruction projects.

In a paper in October 2004 the UN remind us that “Humanitarian organisations that interact and/or coordinate with the military and/or other security actors in Iraq need to be aware of the constraints and limitations they may face. Their adherence to the key humanitarian principles mentioned above is crucial for their credibility as a humanitarian actor.” And remarks that “procedures adopted by one humanitarian agency/organisation might have implications for all the others, i.e. if one agency is perceived as cooperating closely with the military, or if one agency is seen to have armed personnel in their vehicles such might also be assumed of all the others by the local population”.

The other side of the coin is the increased engagement of the military in force-protection and psychological operations, which includes the distribution of assistance, often seen as critical in the process of gaining the trust of local communities, leading to a crucial 'stabilisation' effect. There is no legal reason why military forces should not be involved in the provision of relief. In law, it is the relief, not the body delivering it, that needs to be impartial. Providing such assistance can very often be a duty of the military, and certainly the duty of the state. Just as certainly, we might want to dispute the use of the word 'humanitarian', in such cases. Iraq is a case where no such interpretation is possible. Humanitarian aid is most effectively delivered by civilian humanitarian agencies under UN leadership. Military involvement can compromise the effective delivery of aid and lead to unintended consequences, potentially threatening the security of civilian aid workers.

In Iraq, humanitarians have entered a very dangerous realm: an extreme political crisis but with low humanitarian needs, and where all the players have a narrow view of issues like rights and protection. Eventually, the occupation will end, and Iraq will become peaceful and secure enough to allow the reconstruction process. At that time, the cooperation between Iraqi and International NGOs will be important to build a fair and sovereign civil society, but they need to get prepared now for the political challenge that this will imply.

The effort for ensuring neutrality and independence to humanitarian aid is far from being over. Achieving the political consensus is even more difficult since September 11 has induced all governments to consider every and each activity concerning international relations as a tool to pursue strategic goals. Still, independent aid has showed the best achievements – also at political level - only when it has been used in strict compliance with the rules and principles of IHL, and the idea it might be more profitable by binding it to the political agenda is a demonstrated illusion. This depends on the extremely delicate nature of this form of aid, the instable dynamics of conflicts and the sensitivity of the public opinion for such issues, concerning humanity, solidarity and fundamental rights.

Responsible politicians and humanitarian agencies are well aware of this truth, and should defend a neutral space for emergency aid based solely on needs and rights.