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59 HUMANITARIANISM AT THE CROSSROADS: DILEMMAS AND OPPORTUNITIES OF THE 'WAR ON TERROR'

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Articles in journals: Paulo Gorjão, "Japan's Foreign Policy and East Timor, 1975–2002" (Asian Survey, Vol. 42, No. 5, September/October 2002), pp. 754-771.

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Humanitarianism at the Crossroads: Dilemmas and Opportunities of the 'War on Terror'

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The post-Cold War era has seen the emergence of a more coherent and integrated approach to complex humanitarian emergencies, one which challenged the traditional views of humanitarian response based on classic humanitarian principles. This shift contributed to the debate on the role of humanitarian action as a response to conflicts, which was significantly reinforced after the terrorist attacks of 11th September 2001. Through a critical analysis of the evolution of relief and humanitarian operations in today's complex scenarios, this article will shed light on the impact of the 'War on Terror' on the theory and practice of humanitarian action in contemporary humanitarian crises. From a critical perspective it will be argued that the most negative and detrimental practical implications of the 'new humanitarianism' have been reinforced since the 9/11 attacks, thus creating complex problems and dilemmas for relief and humanitarian agencies working in the field.

Humanitarianism: The 'Old' and the 'New'

During the last few decades, and especially since the end of the Cold War, the world has seen a growing number of humanitarian assistance missions, due not only to an increase in the quantity and scale of natural disasters, but also because of an increase in so-called 'complex emergencies'. This change, together with abuses of the 'humanitarian' label, has created a certain confusion regarding the true character and purpose of humanitarian action. Besides being frequently used and abused, the concept of humanitarian action also became more complex and fragmented, referring to an increasing variety of situations and serving many different purposes. In this context, humanitarian activities were progressively taken from the exclusive control and territory of humanitarian agencies. Besides the traditional humanitarian agencies, which are by principle and by mandate concerned with humanitarian work, a growing number of other types of organizations

and agencies have also included humanitarian relief concerns in their mandates.¹ These developments have had a direct impact on the way in which the traditional approach to humanitarianism was implemented and pursued.

According to classic humanitarianism, there are some specific conditions and principles that must guide any humanitarian activity, such as the provision of relief and protection without advantaging one of the parties to the conflict. This neutrality principle was seen as fundamental and instrumental to impartially guarantee that everyone would be assisted equally and on the basis of their needs only. This meant that aid and assistance provision should only be necessity-based, disregarding political, ethnic, religious or any other type of interests and considerations. More significantly, together with impartiality, protecting human rights and dignity would be the underlying and guiding principle of all agencies acting according to the classic paradigm. Neutrality and independence would then be necessary operational tools to ensure effective responses. Thus this humanitarian system was based for many years upon three key assumptions: separation between relief and development; recognition and acceptance of the limitations of operations imposed by sovereignty; and conception of humanitarian aid as neutral, impartial and independent from political and military objectives. Examining the forms and dynamics of classic conflict and humanitarian crises, this was also considered for decades the most effective response.

The end of Cold War, however, brought significant changes to this traditional view of humanitarianism and humanitarian assistance: a 'new world order' emerged that was characterized by shifting geopolitical concerns and an increasing number of internal conflicts, where the traditional distinction between combatants and non-combatants was blurred. The increasing visibility of mostly internal 'new' wars defined by the United Nations as 'complex emergencies' (i.e., major humanitarian crises of a multi-causal nature, all-encompassing and involving every dimension of a society and the lives of the whole population)³ confronted the humanitarian community with new scenarios, new actors and new challenges. However, the responses to these conflicts often tended to be confused and ill-conceived, reflecting an international community concerned with alleviating human suffering, but at the same time highly unprepared to face such crises and sharing different priorities and interests.

All these factors contributed to a complex situation characterized by a kind of paralysis and laden with wrong responses by the international community in the face of catastrophic humanitarian crises. As a consequence, humanitarian assistance came under intense criticism, with many voices blaming humanitarian agencies for largely ineffective responses, often resulting in the aggravation and perpetuation of crises. At the center of these controversies and criticisms were not only the neutrality principle as applied to the significantly different nature and circumstances of the crises, but also and more significantly, the palliative and short-term character of classic humanitarian relief. In conflicts

characterized by gross human rights violations being committed by almost all belligerent parties, many believed that being neutral basically meant being a part of such violations, thus acting in a counterproductived manner. For other organizations, on the other hand, maintaining neutrality in such polarized circumstances was the only way to guarantee impartial access to all victims and respond to the humanitarian imperative.

Towards the end of the 1990's, a new and more political conception of humanitarianism emerged, claiming to correct the wrongs of the past and constituting a radical rupture with the classic conception of humanitarian assistance. This so-called 'new humanitarianism' has gained importance and been adopted by most donor governments, multilateral agencies and many NGOs. Clearly challenging the classic paradigm because it considers that in such different conflict and post-conflict circumstances, the traditional objectives of saving lives and relieving human suffering are insufficient and merely palliative. The underlying idea was that humanitarian assistance should incorporate longer-term objectives such as development, human rights protection and, in a last stage, peace-building, instead of focusing solely on humanitarian activities *per se*. Far from being neutral, this 'new humanitarianism' emerged "as an answer, or even as a substitute or a supplement to the liberal, democratic ideology".⁴

The 'new humanitarian' policy thus started shifting from mere short-term assistance towards conflict resolution and post-conflict reconstruction, developing tools and institutions able to undertake transformations that would lead to violence reduction and conflict prevention. To a certain extent, this association of conflict with underdevelopment and instability - which could threaten World Peace and stability - helped blur security and development concerns. In other words, and as argued by Mark Duffield, the promotion of development has become synonymous with the pursuit of security, while at the same time, security has become a prerequisite for sustainable development.⁵ In this sense, the use of 'humanitarian' rhetoric easily became another instrument of foreign policy used by states, paving the way for a growing politicization of humanitarian action and for a weakening of its traditional mandate and objectives. Clearly contrasting with the classic humanitarianism, which tended to ignore political contexts, this new conception of humanitarian assistance was much more politicized, no longer aimed at responding to the humanitarian imperative of alleviating human suffering, choosing instead to stimulate more political and social processes. The dominant approach was that aid should be 'politically intelligent and conscientious' of the context in which it is used, in order to contribute to such broader and longer-term objectives.6

The traditional principle of 'humanitarian imperative' was then progressively replaced by so-called 'consequentialist ethics', according to which humanitarian action should be undertaken, or not, simply according to its effects and its contribution to established objectives in the longer-term. Humanitarian action then became conditional on assumptions regarding future outcomes. Through a reinforcement and re-emergence of earlier

policies linking relief to development, conflict resolution and social reconstruction, this New Humanitarianism was meant to do no harm and to avoid the entrenchment of violence while attempting to diminish its effects. From then on, donor governments gained the initiative and control of the humanitarian agenda, leaving the mobilization of public concern about humanitarian issues to independent aid agencies. This led not only to an erosion of the traditional 'humanitarian space' – a concept related to the need for a space in which humanitarian action, protection and access to victims is possible without being subordinated to military, political or other sort of constraints – due to a politicization of humanitarian action, ⁸ but also to the questioning of the deeply rooted principles of impartiality, independence and neutrality in humanitarian assistance.

In sum, this new conception merged development with security concerns, giving global liberal governance an expansive and inclusive political logic, with repercussions at whole levels of humanitarian assistance. As a way to adapt itself to these difficulties and to the complexity of new humanitarian crises and subsequent ethical and operational dilemmas, the 'new humanitarianism' agenda adopted a more flexible plan of action according to the circumstances and their predictable outcomes. As a result, a number of humanitarian agencies and NGOs faced difficult and uncomfortable dilemmas in their work due to the mounting difficulty in separating their traditional humanitarian activities from such new, wider and political aims.

However, this new framework began to raise problematic ethical questions and concerns. With the objectives of humanitarian assistance progressively shifting from providing palliative relief for the most vulnerable, to an embrace of developmental and conflict resolution goals, and with humanitarian decisions being, from then on, based less on need and more on political and developmental criteria, humanitarian consequences came once again under criticism. We shall now briefly look at the content of each of these critiques, attempting to demonstrate the challenges and dilemmas faced by the international community in this "new world disorder".¹¹

Political Instrumentalization of Humanitarian Assistance

It can certainly be argued that humanitarian action has always been a highly political activity, for the simple reason that it implies making decisions and dealing with different political and social actors. Because of this inherent political character, humanitarian actors have sought to define a set of rules to guide their relationship with warring parties, and by implication with donor governments. Embodied in the International Humanitarian Law (IHL), the rules of impartiality and neutrality implied a distinction between humanitarian activities and the more partisan attitudes or foreign policy interests of other states. In donor countries, this separation was actually marked by institutional and funding ar-

rangements that often stressed the independent and unconditional character of humanitarian assistance. Nevertheless, this relationship between aid and politics changed significantly, with relief aid being increasingly seen as an integral part of donors' strategy to transform and resolve conflicts, decrease violence and promote Peace and human rights. 'New humanitarianism', with its focus on political analysis and integrated liberal development notions, characterized essentially by models of market economy and participatory democracy, was put in place as a new way to govern, and somehow control, the "borderlands", given the changes in the global context and the perceived failure of traditional humanitarianism.¹²

The problem is that this broadening of humanitarian objectives has not been matched by a revitalized and effective international engagement and action in preventing and addressing conflicts in the poorest countries. Instead, humanitarian assistance was seen as the primary form of political engagement, marked by a commitment to conflict resolution and reconstruction of societies as a whole in such a way as to avoid future conflicts. These pressures on aid agencies to promote development in such new frameworks of assistance have clearly contributed to a reinforcement of their subjugation, and have had serious implications for humanitarian assistance at the level of relations between donor and recipient countries, damaging perceptions of relief assistance by the international community.

Strong criticism of the effectiveness and ethical dimension of this approach emerged mainly based on the view of humanitarian assistance as a limited instrument that should be used to prevent human suffering, but is not designed to prevent wars. According to this view, the main problem of politicization of aid is the fact that humanitarian agencies run the risk of being perceived as a resource conduit and a mechanism for providing aid dependent on the political will of donors. 13 According to Mohammed Atmar, although there has always been a complex historic relation between aid and politics in Afghanistan, this is an obvious example of how current humanitarian assistance policies and practices became determined by Western policy goals. In sum, what makes this new conception of humanitarianism a suspicious and uncomfortable one is its willingness to sacrifice lives today on the promise of development tomorrow, under the premise that if the right conditions are not in place, no action will be undertaken. In response to this, many humanitarian agencies and actors (both NGOs and international organizations) have maintained that humanitarian action can never be a substitute or an instrument for political action. The argument is that neither are there humanitarian solutions for mainly politically problems, nor should the use of humanitarian assistance for foreign policy purposes be allowed.14

There has also been the issue of conditionality. It has been an established practice that donors place conditions on development and security assistance, but with development aid declining since the end of the 1980's, it was up to humanitarian and emergency aid to

become an increasingly important form of Western states' support and engagement in the developing world. 15 Although traditionally exempt from such conditionality (especially in areas not thought to be of vital strategic importance by most donor states), humanitarian aid itself begin to be subject to such conditions. By pursuing longer-term political objectives, humanitarian assistance became managed on the basis of a 'carrot and stick' strategy, with donor governments rewarding or punishing recipient countries according to their human rights practices and responses to donors' policies. 16 To this extent, the 'new humanitarianism' marked the rejection of the universal right to humanitarian assistance and relief in times of war, since the response to human suffering should be conditional on compliance with human rights and on the achievement of wider political objectives. 17 As a consequence of all these factors, it becomes more or less evident that an inevitable tension emerged between the use of humanitarian aid with a longer term strategic view towards addressing causes of conflict and stimulating development on one side, and the imperative to provide relief on the basis of need and protect the victim's human rights, on the other side. 18 In this sense, and despite the 'good faith' aim of promotion of human dignity and rights, conditionality must never be employed at the expense of the humanitarian objectives of meeting basic human needs and saving lives.

Oblivion of Humanitarian Principles

By gradually taking hold of humanitarian action, politicization and conditionality in the name of Peace and human rights have also tended to put aside the substantive principle of impartial humanitarian action, which, as mentioned before, dictates that humanitarian aid should obey no other imperative than that of human or individual need. Instead, the determination of the purposes and extension of humanitarian response was based on political goals. Furthermore, it also resulted in the creation of a moral hierarchy of victims deserving or not of assistance, according to the priorities of donor governments, ¹⁹ in a clear challenge to traditional humanitarian principles. Even if donor governments and the UN sometimes emphasized the importance of impartiality and neutrality, many relief agencies have argued that strict adherence is all but impossible due to unpredictable operating conditions. On the contrary, the International Committee of the Red Cross has argued that where impartiality and neutrality are not respected, humanitarianism is but a façade. Where such principles are absent, partisan politics will dictate the nature and scale of external assistance and inevitably a humanitarian action effectively becomes a political action.

However, it must also be said that strictly abiding by these principles without adapting them to the complex context of emergencies may not always be the most useful or appropriate way to undertake humanitarian work. In such sensitive and problematic cir-

cumstances, it may be better to see principles not as absolute morals, but as fundamental objectives upon which humanitarian action should be oriented.²⁰ Nevertheless, this does not mean that substantive humanitarian principles like impartiality and humanity should simply be replaced by political reasoning in total disregard for the victims' interests and needs. There must then be a reasonable balance between humanitarian principles and political action, a balance that has not been reached in the 'new humanitarianism'. These problematic trends seem to have been further reinforced after the terrorist attacks of 9/11 in the subsequent response of the international community in general and the United States in particular. The particular effects of the 'War on Terror' will be addressed and illustrated with the specific cases of Afghanistan and Iraq after 2001 and 2003.

The 'War on Terror': Dilemmas and Opportunities for Humanitarian Action

The call for a more coherent and integrated approach to humanitarian action that emerged in the 1990's resulted in a growing concern with the practical results of merging the humanitarian agenda with political, military and economic objectives. These concerns become even more evident in the context of the War on Terror, which has to a large extent contributed to a reinforcement of the most problematic and negative features of the 'new humanitarianism' as it was applied in practice. As Nicolas de Torrenté affirms, ²¹ the measures taken by many Western governments (and especially the US) following the 9/11 attacks have emphasized the challenges and dilemmas of independent humanitarian action at several levels. First, by seeking to subordinate humanitarianism to this so-called war's broader purposes, the impartiality and independence of humanitarian assistance is further undermined, making it harder to respond to the crises at the margins of what is perceived as strategically important. Secondly, the governments have directly questioned the applicability of humanitarian law through the adoption of military strategies that clearly weaken the protection and assistance to which civilians are entitled and that create categorization of victims.

The War on Terror has also blurred the basic distinction on which humanitarian law is grounded, the one between civilians and combatants; in a global war against such an ill-defined enemy and where everyone can be a threat, it becomes almost impossible to distinguish a terrorist from a civilian, truly compromising humanitarianism. At the same time, by assuming a position of moral superiority, those waging this War have created the dangerous idea that superior forces acting in the name of a greater good for humanity are allowed to commit abuses and ignore international humanitarian regulations. This assumption limits the capacity for action of humanitarian agencies and actually contributes to increasing vulnerability.

There has also been a new trend of military encroachment into what has traditionally been considered the humanitarian space, raising significant issues of principle, as well as operational dilemmas for humanitarian agencies working in the field, since it contradicts the existence of distinct roles for military and humanitarian agencies. Moreover, both military and humanitarian agencies represent very different cultures: while most NGOs regard military bodies as being too bureaucratic, rigid and potentially counterproductive in such circumstances, militaries tends to consider aid workers as undisciplined, disorganized and resistant to military coordination. In the context of humanitarian action, this blurring of roles and the confusion it entails for local perceptions has endangered and undermined the purpose and aim of humanitarian activities.

This has been particularly clear in the context of the interventions both in Afghanistan in 2001 and Iraq in 2003. In the case of Afghanistan, the increasingly explicit link between military, political and humanitarian roles was actually materialized when the the coalition forces dropped food while simultaneously bombing military targets as part of the strategy to win the 'hearts and minds' of civilians who could not really distinguish between military and humanitarian workers. Whereas authors like Barry and Jefferys consider this merging of roles and goals to be inevitable and desirable for the better achievement of conflict resolution and Peace-building objectives, 23 others argue that by bringing political, military and humanitarian objectives within the same framework there is a danger that humanitarian objectives and principles become totally compromised by a strategy that makes aid delivery a means of achieving larger politico-military objectives. For example, the Provincial Reconstruction Teams (PRTs), which were established after the intervention in Afghanistan as a way for the international community to both improve security and facilitate reconstruction and economic development throughout the country, have deliberately used humanitarian projects as a means to achieve military goals such as collecting information on terrorist groups working in the country.

These teams would be working mainly outside Kabul implementing humanitarian programs through cooperation with former warlords and their power structures, thus conferring them some sort of legitimacy at the eyes of the population. Humanitarian agencies, on the other hand, had many problems getting access to the population, since these warlords would impose taxation on humanitarian aid, which constituted an important source of income. Furthermore, these PRTs also assumed a broad mandate in bringing reconstruction to the people of Afghanistan, engaging with key government, military, tribal, village, and religious leaders in the provinces, monitoring and reporting on important political, military and reconstruction developments or assisting in the deployment of an Afghan national Army and police units assigned to the provinces. In partnership with the Afghan Government, the United Nations, other donors and NGOs, PRTs provided much needed development and humanitarian assistance, and in some cases directly supported assistance projects that addressed local needs, at the same time building Afghan

capacity. Besides creating indisputable tension and confusion between humanitarian and military actors and roles, this broad mandate constituted a clear subversion of humanitarian objectives and increased security risks for humanitarian workers in an already highly insecure environment.

Also in the case of Iraq in 2003, humanitarian assistance was an integral part of the military intervention plans, which were to be characterized by surgical attacks in order to limit civilian casualties, and by the delivery of food and medicine by the coalition forces. An Office for Reconstruction and Humanitarian Assistance was created within the Pentagon in order to immediately respond to humanitarian and reconstruction needs. As a result, the role and involvement of humanitarian agencies was highly limited by the politico-military agenda and operated on the basis of a 'with us or against us' type of doctrine. Basically, this meant that most humanitarian agencies willing to work in such polarized circumstances would have to abide by the rules and principles underlying the intervention. Whereas this was a more or less common and accepted situation by most US-based organizations (which, in a very Wilsonian approach to humanitarianism, have traditionally embraced the objectives of American foreign policy as their own in exchange for financial support), this sort of co-option was not welcomed by the majority of European (and Dunant-inspired) organizations. Many tried to keep their independence while undertaking their activities in resistance to the directives of the coalition forces, but they were nevertheless confronted with the shortcomings of such a highly polarized context. As the attack on the Red Cross's headquarters in Baghdad showed, not even public displays of opposition to the military's intervention and strategy kept many of these agencies from being constantly associated with the intervening force's goals and strategies, or from becoming direct targets of violence and attacks by insurgent groups. In such complex circumstances, it becomes necessary to rethink the role and place of the military in the humanitarian field.

What can be concluded from this analysis is that while the significant changes in the international context and in the types of crises emerging in the post-Cold War era demanded a new conception of humanitarianism, the results achieved by the 'new humanitarianism' have not been satisfactory,²⁴ especially in its post-9/11 era version.

Conclusion

Two conclusions can be drawn from observing the state of humanitarian assistance in internal conflicts during the second half of the 1990's, and especially after 9/11: one is that the obstacles faced in providing humanitarian aid are largely caused by the disregard that both combatants and the international community have for much of the applicable international humanitarian law; the second is that it is necessary to pursue a more ad-

equate and beneficial relationship between humanitarian, political and military action, preferably leading to coherent solutions for crises and avoiding, as much as possible, the subordination of humanitarianism to politics.²⁵ In such a complex and dynamic context, a few ideas must be stressed. Firstly, although neutrality is an important principle that should, whenever possible, be applied and respected (especially to avoid negative politicization of humanitarian assistance), its usefulness has been seriously questioned by many humanitarian actors. One must be aware that in order to achieve effective humanitarian assistance, principles like this should not be seen as absolute ends, but rather as operational guidelines that should be adapted to the complex contexts in which they are applied, but never at the expense of the victims' lives. Secondly, in today's emergency settings, cooperation, coordination and combination of complementary expertise between different actors have become crucial for responding effectively to crises. This is even more important in a time when all these actors literally stumble into each other while getting on with their activities, when mandates overlap and competition for resources and visibility is increasing. Thirdly, in a world in which humanitarian aid is continuously being used as a foreign policy instrument by Western governments, keeping an aid space free of political conditions becomes even more necessary. 26 It is a fact that, apart from its core purpose of saving lives and ending suffering, humanitarian assistance also aims at protecting victims' rights. It must, therefore, be reaffirmed that when people are actually suffering, humanitarian imperatives must prevail over political aims.

As José Sanahuja correctly affirms, in the collective imagination, humanitarian assistance is one of the most immediate and effective forms of expression of the solidarity principle and of the respect for the lives and dignity of other human beings. ²⁷ By providing it, donor governments and humanitarian agencies give people hope that the circumstances can improve, that they will be able to enjoy their rights and participate fully in their own development and well being. Consequently, it is crucial that the various obstacles and challenges that we face today not be seen as detracting from the value of humanitarian assistance, but rather as offering an opportunity to contribute to the enhancement of its potential and effectiveness. In a time characterized by a poorly-defined war against such a poorly-defined enemy – a war waged by any means and posing many important challenges to humanitarian work – undertaking such an approach seems hardly feasible or at least likely to face many obstacles. It is our opinion however that the context of the War on Terror must not be seen as an excuse for lost momentum, but rather as an opportunity for rethinking the role and place of effective humanitarian action in today's many humanitarian crises.

(Endnotes)

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- 2 José Castilha, "Ayuda humanitaria suministrada por los ejércitos: el ejemplo del lanzamiento desde el aire de racions humanitarias en Afganistán" (Cuadernos para el debate, No.14, 2002), pp. 15-17.
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- 24 Armiño, op. cit., p. 29.
- 25 Francisco Rey and Victor Currea-Lugo, El Debate Humanitario (Barcelona: Icaria, 2002), p. 25.
- 26 Fox, op. cit., p. 288.
- 27 José Antonio Sanahuja, Guerras, desastres y ayuda de emergencia: el nuevo humanitarismo internacional y la respuesta española (Barcelona: Icaria/Intermón Oxfam, 2002), p. 7.