The Relevance of Humanitarian Principles in Contemporary International Humanitarian Affairs

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Abstract

The study employs case studies from various contexts to argue that the four humanitarian principles of humanity, neutrality, impartiality, and operational independence possess only medium relevance in modern-day international humanitarian affairs due to pressure applied from the donors who fund such assistance projects and the obstacles put in place by the internal armed actors participating in conflicts. The International Committee of the Red Cross and Médecins Sans Frontières are the two main organisations in the sector that seek to maintain these principles through negotiations and by building trust with local communities. One chief perspective of interest for this paper is that of Kurt Mills, who has claimed that these principles can be considered 'dead' because they are entirely irrelevant to the practice of contemporary humanitarianism. This paper argues that this opinion is unfair and that the principles in question have become more relevant than ever before, but that non-governmental organisations struggle to implement them due to the intensification of contemporary conflicts, which makes it harder to adhere to these principles. Finally, the paper proposes that recently developed initiatives such as the Humanitarian Accountability Partnership and Good Humanitarian Donorship are working to help Non-government organizations (NGOs) to abide by humanitarian principles and to overcome some of the challenges they face in the field.

Keywords: Non-government organizations, humanitarian principles, disasters, red cross, food dropping, united nations

1 Introduction

This paper argues that the central humanitarian principles of humanity, neutrality, impartiality, and operational independence only possess medium relevance in international humanitarian affairs that occurred in the modern era such as the conflicts and crises in Kosovo, Afghanistan, Pakistan, Myanmar, Iraq, Somalia, Haiti, Syria, and the countries affected by the 2004 Asian tsunami. In addition, the paper offers an analysis of humanitarian non-governmental organisations (NGOs) — especially the International Committee of the Red Cross (ICRC) and Médecins Sans Frontières(MSF) — and the extent to which they attempt to adhere to humanitarian principles during their work. It will be stressed that these agencies face considerable challenges and obstacles, whether from external sources in their donor countries or internal sources such as armed state and non-state actors, which can hinder the application of humanitarian principles in their missions. Overall, the paper will use case studies taken from a variety of contexts and types of disaster to show that humanitarian principles only possess medium relevance in contemporary international humanitarian affairs.

2 The definition and relevance of humanitarian principles

The humanitarian principles that were articulated following the 1999 Kosovo War remain the same as those in place during previous 20th-century crises such as the Rwandan genocide, the Nigerian Civil War, and the Afghan Civil War of the early 1990s. However, as Fiona Terry (2013) has stated, contemporary governments pursue complex political agendas and the cruelties enacted against people are more tangled than in previous eras. This context puts pressure on relevant organisations to follow humanitarian principles because if an NGO were to breach the principle of neutrality, they would be unable to continue their work in the same impartial manner. According to Kristalina Georgieva (2012), humanitarian principles should be adhered to more than ever in contemporary international humanitarian affairs because their relevance is directly proportional to the extent of the complication of a disaster and/or conflict, and since contemporary crises are increasingly complicated, it is all the more vital to implement humanitarian principles. As a result, it can be argued that NGOs need to display more self-control to ensure that they maintain and protect these principles.

There are four chief principles that guide humanitarian NGOs as they provide relief and assistance to suffering communities and should be present whether the emergency is natural or man-made: i) humanity (alleviating the misery of any needy person with respect to his/her dignity); ii) neutrality (refraining from involvement in arguments and disagreements related to any of the conflict parties based on religion, politics, or any dispute of an ideological nature); iii) impartiality (acting without any discrimination and based on an assessment completed before a relief operation, and operating on an as-needed basis); and iv) operational independence (disregarding the aims and targets of governments and the warring parties on the ground; humanitarian operations should be politically, economically, and militarily independent) (McAvoy, 2010). The abstract 'humanity' principle is considered to be the guiding umbrella that covers the other three principles, which are more practical in nature (Terry, 2013). These principles have been integrated into the ICRC's Code of Conduct (1994), which has so far been signed by around 515 humanitarian NGOs (2014), the MSF Charter, and two United Nations (UN) General Assembly resolutions: A/RES/46/182 (1991), which states that humanity, neutrality, and impartiality are the basic principles of humanitarian relief and resolution; and A/RES/58/114 (2004), which covers operational independence for humanitarian NGOs.

It could be argued that there are many reasons that have influenced and are still influencing the relevance of humanitarian principles in contemporary humanitarianism. One of these was the reaction by the United States government in the aftermath of the 9/11 terrorist attack on the World Trade Center and the Pentagon that resulted in an estimated 3,000 deaths and the subsequent launch of counter-insurgency operations to fight terrorism in countries such as Iraq and Afghanistan. The US justified its war in Afghanistan and invasion of Iraq by claiming that they represented threats to US internal security, thereby disregarding the breakdown of these countries' internal systems and the negative consequences for civilians' lives and the countries as a whole (Runge, 2003). These developments affected the neutrality of the humanitarian assistance funded by US donors during this period because the receipt of funds from the US or any of its supporters meant that NGOs would be seen as taking sides in a conflict, which would have violated the neutrality principle (ATHA, 2021.). The same situation occurred during the humanitarian intervention in Kosovo by the North Atlantic Treaty Organization (NATO) in 1999, where various armed forces worked together closely and contributed to humanitarian relief operations, which violated the principle of impartiality. As explained by the International Council of Voluntary Agencies (ICVA, 2000):

Being a warring party and trying to be an impartial humanitarian actor at the same time, are diametrically opposed. This merger of roles has fundamental implications for the definition of humanitarian aid and its principles.

Furthermore, the UN guidelines (1994) on the use of military and defence assets to support humanitarian operations state that:

Humanitarian work should be performed by humanitarian organisations. Insofar as military organisations have a role to play in supporting humanitarian work, it should, to the extent possible, not encompass direct assistance in order to retain a clear distinction between the normal functions and roles of humanitarian and military stakeholders.

Most current conflicts are of a non-international nature, involving large numbers of armed insurgents and rebels fighting against armed state actors. This results in a need for more negotiations by NGOs to gain humanitarian access to civilians who are suffering and in need of assistance, and gives rise to the intentional targeting of relief workers in the field because armed state actors are motivated to use humanitarian assistance to 'win the hearts and minds' (ATHA, n.d.) of civilians. In such a situation, NGOs are often accused by both sides in a conflict of supporting their enemies (Boudreau and Hubert, 2010). It was this situation that caused the death of Ricardo Munguia from the ICRC in Afghanistan in 2003, which provoked the ICRC to seek to 're-establish on both sides the ICRC's credentials as an effective, purely humanitarian, organization. The ICRC has long recognized that words and promises are not enough to promote acceptance within a community; that the organization has to have something concrete to offer' (Terry, 2011). Moreover, geopolitical interests play an important role in donors' strategies as to which countries they target for the provision of humanitarian assistance (Curtis, 2001). This was evidenced in 2004, a year that saw the continuation of the Darfur conflict in Sudan and a major tsunami in Asia. At the time, more humanitarian funds were allocated to tsunami relief because Sudan did not represent a strategic interest for most of the international community, while the media also assigned more importance to reporting on the devastating effects of the tsunami (Udombana, 2005).

3 Challenges to the Implementation of Humanitarian Principles

3.1 In Conflict Settings

This section focuses on the challenges that prevent or limit the implementation of humanitarian principles in various countries and outlines a number of case studies and additional evidence to support the notion that humanitarian principles are only of medium relevance in contemporary international affairs.

During the Darfur conflict in 2003, the Sudanese government tried to force the ICRC to shift its funds to the Sudanese Red Crescent, which provided aid to government-supporting civilians and allocated nothing to those who were in need of assistance, but living in areas controlled by the Sudan Liberation Movement/Army (SLM/A).

This request was, of course, refused by the ICRC, which is a strong proponent of the principle of humanitarian neutrality, but in response, the Sudanese government prevented the ICRC from performing its operations, which only increased the level of civilian suffering (Reeves, 2014). The decision taken by the Sudanese government meant that civilians did not receive any security from the African Union Mission in Sudan (AMIS), which was mandated to protect civilians (Bekoe and Campbell, 2021) but left them at the mercy of armed troops.

The US invasion of Afghanistan in 2003 is an example of a conflict when military forces were tasked with also performing a humanitarian intervention, leading to the instrumentalisation of aid for military purposes. Here, government troops were disguised as locals and provided aid to civilians on the condition that they would provide the disguised soldiers with information about insurgents' whereabouts (Terry, 2011). The US deployed provincial reconstruction teams in Afghanistan with the purpose of maintaining safety, control, and development, but they performed poorly in the field and their reconstruction tasks were overlapped with those of humanitarian NGOs, which made it difficult for local civilians to distinguish between fighters and relief workers, thereby further affecting the humanitarian principle of neutrality (USIP, 2005). As a consequence, insurgents attacked the civilians living in such rebuilt places to punish them and the ICRC struggled to maintain its humanitarian principles, even though it had been told that it could support the insurgents and that neutrality was impossible in this situation (Terry, 2011). According to Renzo Fricke of MSF (2013), humanitarian principles collapsed in Afghanistan due to the arrival of funds from donor countries that also had armed forces on the ground. They provided humanitarian assistance to support settlement and expansion projects, an 'approach [that] completely ignore[d] the reality on the ground and the major ongoing humanitarian needs.' Action Against Hunger (ACF) decided not to accept donations from the US since that country's armed forces were involved in the war and instead preferred to accept donations from France because French forces were not deployed. For the sake of the suffering civilians, a compromise was struck whereby nutrition parcels were accepted from the World Food Programme (WFP), which is funded by the United States Agency for International Development (USAID) (Dyukova and Chetcuti, 2013). The case study of Afghanistan shows that even when NGOs merely want to maintain neutrality and perform their stated work, they can be subjected to influence from donors and interference from military groups.

A somewhat similar situation came about following the US invasion of Iraq, where NGOs sought to alleviate the suffering of civilians in a neutral, impartial, and independent manner, but knew that they were being exploited by American donors for political interests. At the same time, however, they knew that if they left Iraq and refused to perform their humanitarian actions due to the principle of independence, they would fail to fulfil the principle of humanity, which mandates that they alleviate civilian suffering (Ford, 2003; De Torrente, 2004). Another challenge was the position political leaders took towards these NGOs; politicians tried to force them to intervene in favour of certain parties, or would claim that assistance was being used as a foreign policy tool, which put relief workers in danger; a number of ICRC staff members were killed because the other side in the conflict considered them enemies who were acting in support of US 'foreign policy' (MSF, 2003). Similarly, in the Angolan Civil War, NGOs were unable to operate except in areas controlled by state actors and were unable to enter the parts of the country controlled by the other party due to the intensification of the conflict and absence of a peace agreement between the warring parties. This led to malnutrition and high levels of deaths among civilians because, according to Erwin Van der Borght from MSF:

...there were other political interests, because neither the government nor UNITA [National Union of Total Independence of Angola] was really concerned about the well-being of the populations, and that, for a large extent, explains the situation we [saw] in Angola. (MSF, 2002)

In Somalia, the ACF was also forced to provide relief only to people living in areas controlled by state actors because they were prevented from doing so in other areas. The ACF needed to engage in a considerable number of negotiations to gain access to this unreachable population (Dyukova and Chetcuti, 2013).

The same problems have been observed in the ongoing conflict in Syria. The organisation Mercy Corps has sought to provide relief to civilians on both sides of the conflict, whether they are living in state- or rebel-held areas, by means of cross-border assistance launched from neighbouring countries and targeted at civilians in non-state areas, until the official government ordered them to stop doing so. As a result, Mercy Corps was forced to call a halt to its relief activities in state-held areas because it decided not to violate the principle of impartial humanitarianism (Mercy Corps, 2014). These examples are just some of the historical cases of the obstacles that NGOs face as they seek to maintain the

principles of impartiality and neutrality. Unfortunately, such situations can bring about the cessation of NGOs' activities as a result of their concern not to favour one side in a conflict above another.

3.2 In Natural Disaster Settings

Natural disasters are a global problem and can be catastrophic when they occur because of their sudden onset. The issues that arise can be even more severe if the population of the disaster-affected country is also suffering from human rights abuses and discrimination. In such a situation, when the disaster hits, inequality and unfairness is likely to affect the distribution of relief items to affected communities, whereby one ethnic or religious group is favoured over others, which makes it harder to enforce the traditional principles of humanitarian action. This was observed to be the case during the Asian tsunami of 2004. The report After the Tsunami: Human Rights of Vulnerable Populations published in 2005 by the Human Rights Center at the University of California, Berkeley found that in Sri Lanka, more aid was distributed to Sinhalese people in the south of the country than to Tamils in the north; as such, the aid was distributed on a biased basis, rather than according to need and humanitarian principles. This occurred due to the political background of the country. Before the disaster hit, there had been a protracted armed conflict between the Sinhalese-dominated government and Tamil insurgents (known as the LTTE, or the Tamil Tigers) who controlled certain parts of Sri Lanka. Since the government was responsible for distributing aid, civilians living in insurgent-controlled areas did not receive assistance relative to their needs. The same marginalisation occurred in India:

The majority of disaster victims in India are fishers and the government used lists of members of fishermen's societies as the vehicle for distributing relief. Victims whose names did not appear on these lists were ineligible for temporary shelter and assistance and were forced to rely on private groups for support. (HRC, 2005)

In Thailand, ethnic Burmese people who had suffered from the tsunami were not given medical assistance free of charge, whereas it was freely provided to international visitors. The Burmese were never reimbursed for any healthcare costs brought about due to the tsunami. When a natural disaster occurs in a country in which human rights abuses are a problem, the government will usually refuse any offers of aid from foreign humanitarian bodies, partly due to a belief that such an intervention would be a blow to its sovereignty but mainly because as a condition for their interventions, NGOs will demand the right to follow their humanitarian principles, especially those of impartiality and neutrality (HRC, 2005).

Likewise, when a major earthquake hit Pakistan in 2013, the government initially said that foreign humanitarian assistance was not needed and was very slow to grant approval for NGOs to access the country, even though the NGOs that were already there had reported an urgent need for assistance, and claimed that neither the government nor local NGOs were able to provide adequate assistance in certain areas (Bhalla, 2013). In contrast, the Haiti earthquake of 2010 gained a considerable amount of media attention and an influx of donations that went far beyond the amounts sent to Pakistan. Both disasters suffered from the politicisation of humanitarian aid, whereby 'selfish politicians in the receiving countries [benefitted] from the humanitarian aid at the expense of the suffering humans in their communities' (Guyah, 2013). There has been a history of problems with the distribution of aid in Myanmar (formerly knownas Burma), a country with a history of conflicts between religious and ethnic groups. This was seen following Cyclone Nargis in 2008, as well as after other natural disasters that have hit the country. According to JérémieLabbé from the International Peace Institute, 'Sticking to the principle of impartiality [and providing aid on the basis of need] means that the bulk of aid [is] directed toward the group that suffered the most during the violence and now faces the biggest needs, in [this] case the Muslim Rohingva' (MacLean, 2013). According to a briefing paper published by Burma Campaign UK (2013), the Burmese Citizenship Law of 1982 prevents and blocks the Rohingya community from obtaining citizenship in the country, while they are also subjected to a considerable amount of discrimination and racism. In a publication that stipulates certain standards of behaviour towards minority groups, the United Nations Office of the High Commissioner of Human Rights (OHCHR, 2010) stated that 'while citizenship as such should not be a distinguishing criterion that excludes some persons or groups from enjoying minority rights under the Declaration, other factors can be relevant in distinguishing between the rights that can be demanded by different minorities. Myanmar, however, is not a signatory of the International Covenant on Civil and Political Rights (ICCPR) (UN, 1966).

The cases of Sri Lanka, India, Thailand, Pakistan, and Myanmar show that the presence of a human rights problem or discrimination against a minority group before the occurrence of a natural disaster can lead to aid marginalisation and discrimination when such a disaster hits the country.

In such a situation, an organisation like the ICRC will be limited in its ability to apply its humanitarian principles in the field because it will usually be prevented from supplying humanitarian assistance to certain communities and might suffer from the targeted killing of its staff (Biersteke et al., 2021). However, it will be able to successfully advocate its humanitarian principles because in such a situation, the provision of impartial humanitarian assistance requires

consent from the local people. The ICRC follows its principles by continually promoting them before a disaster hits through national Red Cross or Red Crescent societies or by itself when a disaster hits. In this way, it is able to work as far as possible in an impartial and neutral way, when necessary (Ryniker, 2012).

3.3 In Humanitarian Operations

To end this section, it can be argued that one of the most controversial ways of supplying humanitarian aid to crisis-affected populations has a negative effect on the principles in question: airdropped humanitarian assistance. This is a type of humanitarian relief operation used mainly by the WFP whereby food parcels are delivered to inaccessible areas by dropping them from aeroplanes to areas where affected communities live (IRIN, 2009). If, as in most situations, the humanitarian agency performing this operation does not have staff on the ground to complete the chain of distribution, the process is likely to be only partially successful because it requires people to go and pick up the dropped aid. In times of crisis, this strategy generally enables the strongest and most powerful people locally, usually men, to monopolise access to the products, potentially side-lining disabled people and women and children. Given that this aid reaches those who first access it, locals who own cars—usually community leaders—will be able to decide how it is distributed (Filipov, D and Neuffer, E, 2001; Oxfam, 2008; Tang, 2013).

Although this paper argues that humanitarian principles are still relevant to contemporary humanitarianism, the political and security agendas that have been covered here mean that NGOs are facing a number of challenges and obstacles that can prevent them from following humanitarian principles as strictly as they would like. It is for this reason that commentators like Kurt Mills (2005) have argued that humanitarian principles are 'dead' in contemporary humanitarianism:

...because of the changing nature of conflict and other broad changes in international relations, we are entering an era of what I call neo-humanitarianism, which is characterized by the embeddedness of humanitarianism within, rather than at the margins of contemporary conflict....as a result International humanitarian organizations have found themselves manipulated by a wide range of actors in the middle of the conflict. (p. 162)

4 Conclusions

In the contemporary world, it is very difficult for humanitarian NGOs to maintain and abide by humanitarian principles, and they themselves would do well to work harder to ensure that this is the case, even though they usually fail to abide by these principles not due to failures on their part but as a result of factors such as the nature of the donor countries or the warring parties on the ground. According to Elisabeth Rasmusson (2012), 'some states are not convinced or are doubtful that aid organisations are in fact independent and neutral. That means that we as humanitarians have a responsibility to build trust through our actions and dialogue on the ground.' Through its national civil organisations, the ICRC is striving to build this trust and make it integral to its role in the field. Its code of conduct (1994), which NGOs can sign and follow, stipulates conduct that is self-policing and as of 2021, there are no legal obligations for signatory NGO to follow the principles (International Federation of Red Cross and Red Crescent Societies). The Humanitarian Accountability Partnership (HAP) was established to hold NGOs to account and ensure that they follow the principles proposed by their beneficiaries. The HAP 'contain[s] seven principles that commit agencies to integrate transparency, stakeholder involvement, reporting mechanisms, and other accountability standards into their programming. These principles form the basis for the HAP International Standard in Accountability and Ouality Management' (Bennett et al., 2006). It works together with the Good Human Donorship (GHD) organisation to 'enhance donor accountability by ensuring that the responses of donor governments are effective, equitable and consistent with the principles of humanity, impartiality, neutrality and independence', and 'seeks greater coordination in donor policy approaches to decision making and resource allocation; more predictable, flexible and timely funding for crisis response; and international responses based on needs assessments using objective criteria and ensuring equitable funding to all crises' (Bennett et al., 2006).

The case studies derived from the contexts of Kosovo, Afghanistan, Pakistan, Myanmar, Iraq, Somalia, Haiti, Syria, and the 2004 Asian tsunami indicate that humanitarian principles can be said to possess medium relevance to contemporary international humanitarian affairs. NGOs such as the ICRC and MSF are struggling to maintain the relevance of their principles in humanitarian operations through negotiations and advocacy, even as they come under pressure and face obstacles that hinder them from providing principled humanitarian action. These principles are needed more than ever in contemporary international humanitarian affairs and should not be judged to be 'dead.'

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