Reconstructing whose social order?
NGOs in disrupted states

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RECONSTITUTING WHOSE SOCIAL ORDER? NGOS IN DISRUPTED STATES

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Médecins Sans Frontières

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Introduction

Recent images of NATO troops establishing camps for Kosovar refugees in Albania and Macedonia raise several questions about civil-military cooperation in disrupted states.[1] What does it mean for humanitarian principles when a belligerent party to the conflict assumes primary responsibility for the refugees? Has the military, by virtue of its logistical capacity and reaction speed, carved out a new niche for itself in the humanitarian milieu? Has refugee law, which bestows responsibility for the protection of refugees to the United Nations High Commissioner for Refugees, become obsolete? Is this the end of humanitarianism, as some observers have suggested?[2]

The recent developments in the Balkans come in the wake of a period of unprecedented criticism of humanitarian action in general, and that of NGOs in particular. The limit of humanitarian action as a remedy for human suffering has been dramatically demonstrated in the Great Lakes region of Central Africa since 1994. Although the stated purpose of humanitarian aid is to alleviate the humanitarian symptoms of crises, not address the political causes, aid organisations have been inculpated in the failure of this endeavour and, in some cases, accused of exacerbating the problem. In response to perceived failures - and a tarnished image – NGOs, UN agencies and government donors have reappraised many facets of humanitarian aid operations, and the application of humanitarian principles. One of the recurring themes which has emerged is that a uniform set of standards should be applied to the provision of humanitarian relief, and

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[1] The term 'disrupted states' refers to states which are disintegrating through the erosion of government authority and structures, and states which, through committing crimes against their own people, forfeit their right to legitimacy. This term is preferable to 'collapsed' or 'weak' states since they preclude crises provoked by the strength of the state, such as the Rwandan genocide in 1994, and the Kosovo crisis in 1999.

that coordination and cooperation should be enhanced among the various actors to assuage some of the difficulties posed by 'complex emergencies' in the post-Cold War world.

This paper argues that, although sound in intention, increased conformity and coordination in the response to crises is not a panacea for the problems inherent in providing humanitarian assistance in disrupted states. Much of the analysis that informs the current discourse of humanitarian assistance is premised on flawed assumptions about the role of NGOs and the context in which they operate. While there are several genuine changes in the nature of conflict in the post-Cold War period which impact upon the provision of aid, the dilemmas confronting aid today are essentially the same as in the past. It is the international response that is more 'complex'; proliferation in the number and type of actors in the field has exacerbated inherent dilemmas in the provision of humanitarian assistance. The convoluted nature of the response warranted reanalysis of the roles and objectives of humanitarian aid, but the proposed solution of closer collaboration among NGOs, UN agencies, governments and military forces is likely to direct aid towards politically expedient outcomes and away from its initial purpose. There is, in fact, a need for greater independence in the actions of NGOs from government donors and military forces.

The paper is divided into three sections. The first briefly discusses the purpose of humanitarian aid organisations, and explores the paradox at the heart of humanitarian action in war. The second examines some of the ways in which aid organisations reacted to the moral dilemmas of the Cold War period, when aid was used by donor governments and beneficiaries alike to pursue political agendas. Having shown that the moral dilemmas and complexity associated with the provision of humanitarian aid are not a 1990s phenomenon, the third identifies some of the additional complications that have arisen with the advent of military forces alongside aid organisations in the response to the human consequences of disrupted states.

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2   David Reiff, 'The Death of a Good Idea', *Newsweek*, 10 May 1999, p. 65.

1.   NGO Diversity in Purpose and Principles

The fact that no better term has appeared in the English or French languages to describe a 'non-government organisation' (NGO) other than by what it is not, says a great deal about the disparate nature of these associations. Differentiated from business by the absence of a motive to make and distribute profits among shareholders,[3] and generally professing a single purpose as opposed to the multiple purposes of governments and the UN, NGOs are supposed to be anchored in and reflect the concerns of civil society. NGOs are generally established to fill a perceived void in government activity or responsibility; to lobby government and inform public opinion about an issue; or a combination of these pursuits. NGOs are typically viewed as having a 'voluntary' and non-bureaucratic nature, and freedom from the sovereignty constraints of states, albeit within the confines of domestic national legislation.

The origins of Western humanitarian NGO activity[4] are embedded in two main traditions, religion and 18th Century European enlightenment philosophies. The distinction between these approaches is still evident today: some NGOs profess a charitable 'duty' to assist the less fortunate, while others base their action on the 'rights' of individuals to certain minimum standards by virtue of their membership of humanity. The earliest ancestors of modern NGOs were established in the 12th Century, when Christian organisations such as the Order of the Knights of St John of Jerusalem (later the Order of Malta) formed to take care of the sick and wounded on an international basis.[5] The first human rights NGO was established in 1839 to fight the slave trade. In 1847 the first secular medical, voluntary organisation was established, the American Medical Association, but it was a few years later, in 1864 that the first universal secular organisation, the International Committee of the Red Cross (ICRC),

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[3]   NGOs are often described as non-profit organisations although this label is not strictly accurate. NGOs often do make profits on investments, but these are reinvested in the organisation rather than distributed among shareholders. Hence not-for-profit is a more appropriate term.

[4]   Acts of charity and benevolence are identifiable in all cultures and societies, but this discussion is limited to the evolution of Western NGOs and humanitarian thought. For a discussion of the universality of such sentiments see Iphraim Isaac, 'Humanitarianism Across Religion and Cultures' in Thomas Weiss and Larry Minear (eds), *Humanitarianism Across Borders: Sustaining Civilians in Times of War* (Boulder: Lynne Rienner, 1993), pp. 13-22.

[5]   Yves Beigbeder, *The Role and Status of International Humanitarian Volunteers and Organisations: The Right and Duty to Humanitarian Assistance* (Dordrecht: Martinus Nijhoff, 1991), p. 8.

was formed in Geneva. Although not an NGO since its mandate is conferred under international law, the ideals and principles underpinning the work of the ICRC became the foundation for the generations of NGOs which subsequently developed in the area of international humanitarian relief.

Humanitarian NGOs profess a common objective to alleviate the suffering of victims of conflict, marginalisation, discrimination or oppression around the globe, and profess to put the concerns of humanity above other considerations. But beyond this objective, humanitarian NGOs exhibit as many differences as similarities in ideology and approaches to the provision of assistance to vulnerable populations. Beyond the 'charity' verses 'rights' distinction above, aid organisations also differ in the importance they place on proximity to government institutions; adherence to the principles of neutrality and impartiality of humanitarian action; and whether pragmatism should be favoured over a principled approach to the provision of aid. Contemporary approaches invariably reflect the basis on which each agency was formed. Oxfam, for example, was created in 1942 to lobby against the starvation caused by the British government blockade of Greece, and has continued to advocate for justice in its subsequent operations. Similarly, Médecins Sans Frontières (MSF) was created by doctors frustrated by delays in Nigerian Government approval for access to starving civilians in Biafra, and has continued to put the right of all people to medical assistance above concerns of state sovereignty. Other NGOs like CARE were created with a more technical than political bent, providing CARE packages to Europe in the wake of the Second World War, and have continued to focus on the technical aspects of the provision of aid.

NGO attitudes concerning relationships with government is one of the areas in which they differ most. European NGOs generally guard greater independence than those of the United States. It is interesting to note that while many important figures from NGOs in France have become senior figures in the French Government,[6] in the US and

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[6] The most famous example in France is Bernard Kouchner, one of the founders of MSF and Médecins du Monde who became the first Secretary of State for Humanitarian Action. Claude Malhuret and Xavier Emmanuelli, both former presidents of MSF, also became senior French Government officials

to a lesser extent Australia, personnel have also moved the other way. Julia Taft, for example, was the director of the Office of US Foreign Disaster Assistance in the US Agency for International Development before becoming the head of InterAction, the NGO Coalition body in the United States in 1993. In 1997 she was reappointed to the US Government, as Assistant Secretary of State for Population, Refugees and Migration Affairs. Similarly Andrew Natsios became the Vice-President of World Vision after serving in a senior position in the US Government, and the former Prime Minister of Australia, Malcolm Fraser, is currently the Chair of CARE Australia. His recent mission to the Federal Republic of Yugoslavia as the special envoy of the Australian Government raises interesting questions about the distinction between NGOs and governments, as does the level of funding that some NGOs receive from government coffers. If an NGO receives 90 percent, or even more than 50 percent of its funding from government sources, can it be legitimately called 'non-governmental'? Most NGOs do not consider this to be of concern, rejecting the idea that government funding necessarily ties humanitarian action to the foreign policy interests of governments. After all, the US intervention in Somalia is widely cited as an example of US Government altruism in the face of massive human suffering.[7] Furthermore, many NGOs claim that by lobbying for and spending government funding in humanitarian crises, NGOs are ensuring that governments uphold commitments to the broader international community and reflect the concerns of their tax-paying constituents.

The diversity of NGO opinions and approaches is a reflection of the variety of concerns expressed by the civil society in which NGOs are anchored. But the diversity is also a reflection of the inherent paradox at the core of humanitarian action, and how individual aid organisations try to reconcile competing moral principles. The fundamental aim of humanitarian action is to save lives and alleviate suffering, but, from its inception, this humanitarian act has the potential to prolong conflict and hence the suffering of its victims. A common question unites humanitarian, political and military actors: is it

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after leaving MSF, Malhuret as Secretary of State for Human Rights, and Emmanuelli as Secretary of State for Humanitarian Action.

[7] See, for example, Martha Finnemore, 'Constructing Norms of Humanitarian Intervention', in Peter Katzenstein (ed.), *The Culture of National Security: Norms and Identity in World Politics* (New York: Colombia University Press, 1996), pp. 153-185 at p. 156.

better to have a brief, decisive war which ignores humanitarian principles, or a conflict prolonged by the respect of humanitarian demands? The noble idea of providing protection and assistance to wounded soldiers on the battlefield was at the heart of the birth of modern humanitarian activity, proposed by the founder of the Red Cross, Henri Dunant, after he witnessed the carnage of the Battle of Solferino in 1859. But in the subsequent intergovernmental agreement to implement Dunant's dream, no provision was made to prevent the return of the wounded to combat. This paradox is illustrated vividly in Afghanistan every time a Mujahid wearing a prothesis appears at a health post with a fresh war wound. The potential role of aid in war is also recognised in the Geneva Conventions of 1949. Article 23 of the Fourth Convention permits a belligerent party to refuse passage of humanitarian aid if there are reasons for fearing that the consignment may be diverted, that control may not be effective, or that a definite advantage may accrue to the military efforts or economy of the enemy.

This central dilemma of humanitarian action has become prominent in the last few years as the end of the Cold War thrust humanitarian issues to centre stage. The early optimism of a new world order with a humanitarian cornerstone was tempered by the US and UN failure in Somalia, but humanitarian issues remained on the agenda as the 'lowest common denominator'[8] in deliberations by the UN and member states of the best way to respond to the increasing incidents of state disruption. This expanded role was accompanied by deeper scrutiny of humanitarian endeavours, as aid failed to achieve the ambition it was set and was even accused of being part of the problem. Influential observers began asserting that 'a new reality has emerged which recognised that humanitarian action does not occur in a political vacuum'[9] in the post-Cold War environment, emphasising 'how much more complex humanitarian work was now than it had been in the past'.[10] The most recent assertion is that this has led to 'a collective identity crisis among aid workers in war zones as well as among those that analyse such

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[8]   Adam Roberts, *Humanitarian Action in War: Aid, Protection and Impartiality in a Policy Vacuum.* (Oxford: Adelphi Paper # 305, IISS/Oxford University Press, 1996), pp. 15-16.

[9]   Thomas Weiss, 'Military-Civilian Humanitarianism: The 'Age of Innocence' is Over', *Peacekeeping* 2 No. 2 (1995): 157-174 at p. 157.

[10]   Emma Bonino, comments attributed in the Final Report from an ECHO-ICRC seminar, 'Humanitarian Action: Perceptions and Security', Lisbon, 27-28 March 1998, p. 6.

efforts'.[11] This 'identity crisis', however, has been ongoing for the last 30 years as aid organisations have struggled to simultaneously reflect the volition of their members; adhere to the mandate of their organisation, whether self-imposed in the case of NGOs or conferred by law for ICRC; alleviate the suffering of victims, however defined; and negotiate a path between conflicting priorities and principles in the highly political and complex environment of the Cold War period.

2.   The Permanence of Moral Dilemmas in Humanitarian Action

Far from working within the 'crisp and simple concepts of the Cold War era',[12] humanitarian aid organisations were confronted with profound dilemmas during the 1960s, 70s and 80s as images of human suffering and the provision of aid was used by donors and recipients alike to pursue political objectives. In the late 1960s, many NGOs came to the aid of Biafrans starved by the Nigerian blockade of the secessionist territory, only to find that their actions increased the intransigence of the secessionist leadership for whom famine was an important propaganda tool with which to gain international legitimacy. The Biafran leader, Colonel Ojukwu, chose to print new legal tender and stamps at the height of the famine which claimed the lives of 1 million people, and only when he fled the country did the fighting stop. In Ethiopia in 1985, famine and the aid that it attracted were also used as weapons of war, this time to facilitate the deportation of northerners accused of sympathising with rebel forces, to the south of the country, provoking the death of up to 100,000 of them.[13] Aid was used as a lure; the Mengistu regime restricted the entry of children to many feeding centres until their parents agreed to be resettled. In refugee camps throughout the Third World, guerrilla movements received protection, sustenance, and a dependent population from which to draw legitimacy and new recruits. Refugee camps in Pakistan harboured Mujaheddin fighting the Soviet-backed regime in Kabul; the US sent 'humanitarian aid'

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[11]   Thomas Weiss, 'Principles, Politics and Humanitarian Action', *Ethics and International Affairs* 13 (1999): 1-22 at p. 1.

[12]   Antonio Donini, 'Beyond Neutrality: On the Compatibility of Military Intervention and Humanitarian Assistance', *The Fletcher Forum* (1995): 31-45 at p. 31.

[13]   Alain Destexhe. *L'humanitaire impossible ou deux siècles d'ambiguïté* (Paris: Armand Colin, 1993), p. 119.

to Honduras to assist the Contras in their war against the Sandinista regime in Nicaragua; and the US dominated the financial contributions to the Cambodian refugee camps in Thailand, preferring to support the revival of the Khmer Rouge than to allow the Vietnamese Government to remain unopposed in its support to Phnom Penh.

Retaining the neutrality, impartiality and independence of humanitarian action in the highly political context was difficult, and the approach adopted by the aid organisations was far from uniform. ICRC applied strict neutrality to its operations which facilitated access to the heart of conflicts in some instances, and restricted access altogether in others, if consent from both sides was not forthcoming. In the Cambodian crisis, for example, ICRC's insistence on a presence on both sides of the conflict successfully overcame the prohibition placed on other agencies, whereas strict adherence to the same principles in Afghanistan curtailed its access to war victims. In some circumstances, organisations like MSF and Oxfam prioritised principles of proportionality over concerns of neutrality, judging that the needs on one side were greater than on the other, or that the nature of a regime precluded the possibility of aid effectively reaching the people. Thus Oxfam's abhorrence of the Khmer Rouge and concerns of justice for the Cambodian people directed its decision to work inside Cambodia and not with the refugees along the Thai-Cambodian border. MSF similarly chose not to work with the Khmer Rouge, but considered that the nature of the Vietnamese-backed regime in Phnom Penh obviated the possibility of aiding civilians inside Cambodia, so limited its assistance to the non-Khmer Rouge refugee camps. In the Afghan conflict, MSF worked inside Afghanistan with the Mujaheddin, judging that the indiscriminate and disproportionate force employed by Soviet troops warranted aiding the victims of these atrocities, regardless of the violation of state sovereignty and of strict neutrality. In Honduras, by contrast, MSF made a concerted effort to assist refugees fleeing the right-wing government of El Salvador and left-wing government of Nicaragua, recognising that there were victims of atrocities on both sides.

Some NGOs operating at this time expressed overtly political agendas according to ideological belief. In Honduras, for example, a spate of American NGOs including the United States Council for World Freedom, Friends of the Americas, and the Nicaraguan

Freedom Fund assisted the Contras in the Nicaraguan refugee camp, while at the other end of the country, left-wing European organisations worked in the camps containing Salvadoran refugees who had fled the right-wing dictatorship in San Salvador. Other NGOs chose to ignore the political context surrounding the aid operation, instead focusing on the technical provision of assistance. After the Biafran famine, NGOs began to professionalise their delivery capacities, developing pre-packaged kits, contingency stocks, and standardised guidelines to facilitate rapid responses to political and natural disasters. However, ignoring the dilemmas did not make them disappear: in the highly political contexts the choice was rarely 'between a political position and a neutral position but between two political positions: one active and the other by default'.[14] Whether they openly acknowledged it or not, humanitarian aid was often an extension of the foreign policy of the donor governments or used by host governments for political ends.

Obtaining access to vulnerable populations during this period involved protracted negotiations with governments, rebel authorities and local leaders. An 'ideal' environment in which to work was one characterised by respect for humanitarian principles, and their practical application in operational standards (otherwise known as humanitarian space). Such standards include the freedom to independently assess the needs of the population; retain unhindered access to the population; conduct, monitor and evaluate the distribution of aid commodities; and obtain security guarantees for expatriate and local personnel, and property. Obtaining all these guarantees was rare in conflict zones, and thus aid organisations were required to prioritise the importance of each, and fix a bottom line of acceptable compromise. In the early 1980s in Cambodia, Oxfam staff considered that opposing the international isolation of Cambodia was more important than monitoring and evaluating the impact of their aid, and Oxfam accepted the conditionality imposed by Phnom Penh.[15] MSF's bottom line, by contrast, was

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[14] Rony Brauman, 'Refugee Camps, Population Transfers, and NGOs', in Jonathan Moore (ed.), *Hard Choices: Moral Dilemmas in Humanitarian Intervention* (Oxford: Rowan & Littlefield, 1998), pp. 177-194 at p. 181.

[15] For a discussion of the inability of all aid organisations to monitor the distribution of relief in Cambodia in the early 1980s, see William Shawcross, *The Quality of Mercy: Cambodia, Holocaust and Modern Conscience* (New York: Simon and Schuster, 1984), pp. 365-370.

ensuring that aid reached the intended beneficiaries, and since this could not be verified, MSF chose not to intervene. Compromises were constantly made when weighing up the need for, and effectiveness of, humanitarian aid against the potential harm that the aid may do. Some negative consequences may be 'acceptable' if the overall objective of saving lives that would otherwise have been lost, could be achieved. MSF draws the line when aid is turned against the very people it is trying to assist. MSF denounced such practices in Ethiopia in 1985 and in the Rwandan refugee camps in Zaire and Tanzania in 1994. Other agencies decided otherwise.

The preceding discussion illustrates that the divergence of opinions and approaches of humanitarian actors to the dilemmas posed by contemporary crises is not new. The collective amnesia of past difficulties reinforces the prevailing discourse of 'complex emergencies' which tends to depict contemporary crises as more dramatic. Claims, for example, that the scale of the Rwandan refugee flow had not been seen 'since biblical times' ignored precedents such as the exodus of up to 100,000 refugees per day from Pakistan to India in one 8 week period in 1971, eventually creating a refugee population of 9-10 million.[16] The 1990s environment is also supposedly characterised by a disregard for international humanitarian law by combatants, and the direct targeting of relief personnel: 'shooting at the Red Cross used to be unthinkable'.[17] Disregarding the deliberate targeting and destruction of ICRC ambulance units by Italian planes in Ethiopia in 1935-36,[18] it is true that aid workers have been increasingly targeted in the mid-1990s than in the past. But there are more lucid explanations for this, elaborated below, than increased barbarism.[19] Moreover, international humanitarian law was not uppermost in the minds of combatants during the wars in Vietnam or Central America.

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[16]   Destexhe, *L'humanitaire impossible*, p. 73.

[17]   Bonino, Final Report of ECHO-ICRC seminar, p. 6.

[18]   See Marcel Junod, *Warrior without Weapons* (trans. by Edward Fitzgerald) (Geneva: International Committee of the Red Cross, 1982), pp. 22-83.

[19]   Robert Kaplan's article 'The Coming Anarchy: How scarcity, crime, overpopulation and disease are rapidly destroying the social fabric of our planet' (*Atlantic Monthly* 273, No. 2 (1994): 44-76) initiated a popular trend which suggests that barbarism was on the rise in many parts of the world, particularly Africa, leading a descent into anarchy. For more lucid explanations of the violence associated with contemporary conflict see Paul Richards, *Fighting for the Rainforest: War, Youth and Resources in Sierra Leone* (Oxford: James Currey, 1996); David Keen, 'A Rational Kind of Madness', *Oxford Development Studies* 25, No. 1 (1997): 67-75; and Jean-François Bayart, Stephen Ellis & Béatrice Hibou, *The Criminalization of the State in Africa* (trans. by Stephen Ellis) (Oxford: James Currey, 1999).

Perhaps because they were 'freedom fighters' and not 'barbarians' it was different. Or perhaps since aid workers were not present beside CNN to witness the atrocities, they did not occur. Civilians have been the primary casualty of war long before the 1990s: guerrilla strategies, if they were to be successful, necessarily implicated the civilian population. An effective way to catch the fish was to drain the sea.

Contrary to this dominant trend of identifying causal factors to explain increased complexity, it is predominantly the reaction which is complicated as competing agendas of the different actors come into contact. The most profound change to humanitarian action in the 1990s is the proliferation of actors from NGOs, the UN, donor governments and the military reacting to the humanitarian consequences of conflict, genocide or state disruption. Few NGOs ventured into the heart of conflicts prior to the advent of 'negotiated access' in Sudan in 1989, but the 'new world order' opened the door to the vast new array of 'humanitarians'. The injection of aid into the heart of disintegrating states in which authority and the state's monopoly of violence is contested, gives aid greater prominence as a potential source of exploitation. The end of superpower patronage to militant factions contributed to their fragmentation, and has lead to increased competition among them for control of resources. Some of the fiercest battles are no longer over the spoils of government but around gold and diamond mines in Sierre Leone, Liberia and the Democratic Republic of Congo (formerly Zaire). Aid is also a target of this wave of criminalisation of legal and illegal economic commodities, both directly and indirectly.[20] The diversion of aid supplies has contributed to the revenue of numerous armed movements, most recently in south Sudan, and the indirect exploitation of aid through taxation and protection rackets was particularly prominent in Somalia and Liberia.

The fragmentation of structures of authority has also left aid organisations with few reliable interlocutors in the field to ensure their safety. Acceptable conditions and security guarantees may be successfully negotiated with faction leaders, traditional elders and local government representatives, but their control may not extend to all

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[20]   François Jean, 'Aide humanitaire et économie de guerre', in François Jean and Jean Christophe Rufin (eds.), *Économie des guerres civiles* (Paris: Hachette, 1996), pp. 543-589 at pp. 571-576.

armed elements. These changes legitimately cause new concerns for aid agencies in the field. But pursuing the discourse associated with 'complex emergencies' confuses the specificities of war, famine, epidemics, drought, population displacement, massacres, and genocide, and renders irrelevant the precedents from the 'simple' past. One observer recently remarked that the vogue for labelling crises 'complex emergencies' is a means with which to conceal 'that one does not know what is going on'.[21] But more insidious than this, the term actually distorts understanding, making no distinction between the causes of suffering, instead defining the crisis in terms of the required 'multi-faceted response'. How often has the Rwandan crisis been described as a 'complex emergency'? The causes of crises are political, some consequences may be humanitarian. But labelling them 'complex emergencies' and 'humanitarian crises' disconnects the consequences from the causes and permits the international response to be assigned to the humanitarian domain.

The dilemmas confronting humanitarian agencies from the unintended consequences of aid have gained prominence in the 1990s because they are now genuinely unintended. The same 'side-effects' that sustained the 'good' anti-Vietnamese factions in the refugee camps in Thailand, or the anti-Soviet fighters in the Afghan refugee camps, also supported the genocidal former Rwandan regime in the refugee camps in Zaire in the 1990s. No longer in the name of a 'just' cause, the inherent paradoxes of aid have attracted unprecedented criticism, accused of being part of the problem. Government donors, particularly the United States, have capitalised on this as a reason to review the rationale for aid, suggesting that in future it should be tied more closely to foreign policy interests. Senior officials from the US Agency for International Development wrote in the *International Herald Tribune*:

> It now seems clear that in those camps more than a million people were
> controlled against their will by the perpetrators of genocide in Rwanda…
> Shocking but true, the provision of humanitarian assistance by the United
> States, the European Union and others helped those who committed
> genocide to control these people for more than two years…The future

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[21]   Gwyn Prins, 'Modern Warfare and Humanitarian Action', Final Report of ECHO-ICRC Seminar, p. 13.

course seems clear: Humanitarian aid must be linked more closely to our foreign policy.[22]

Feigning prior ignorance of the militarised nature of the Rwandan refugee camps and blaming aid for the problem was a shameless attempt to shed responsibility for the failure of political leaders to address the causes of the problem. Fears of 'another Somalia' paralysed the political and military machinery of the UN and member states in January 1994, when allegations of plans to 'exterminate the Tutsi' were first transmitted to New York by General Dallaire, the Commander of the UN peacekeeping force in Rwanda (UNAMIR).[23] According to Dallaire, only 5,000 troops with an appropriate mandate would have been sufficient to stop the genocide once it began in April,[24] but the bulk of the UN force was withdrawn. Having made a concerted effort to avoid American engagement to stop the genocide, even ordering US officials to avoid the use of the word 'genocide' because of the moral obligations it invokes, the US was at the helm of the military engagement to fight the war against cholera in the refugee camps in Goma. Boasting that 'the US Government response so far has been massive, aggressive, and immediate as possible',[25] the cholera vibrio was defeated while the Rwandan leaders and army who orchestrated the genocide and the population exodus to Zaire, regrouped and settled in the refugee camps, in full view of the US, Israeli, French, Japanese, Canadian and Dutch military contingents. Bestowed with a humanitarian mandate, the military forces could participate in the dramatic rescue without risking protracted and potentially dangerous engagement in the political arena, which might have generated adverse domestic repercussions.

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[22] J. Brian Atwood and Leonard Rogers, 'Rethinking Humanitarian Aid in the New Era', *International Herald Tribune*, 12 March, 1997, p. 10. The authors are the administrator of US Agency for International Development and the acting administrator of its Bureau for Humanitarian Response, respectively.

[23] Interview with Iqbal Riza, former deputy head of DPKO under Kofi Annan and currently Chief of Staff to the UN Secretary General, Annan. Accessed 8 April, 1999.
Erreur! Signet non défini.

[24] See Scott Feil, *Preventing Genocide: How the Early Use of Force Might have Succeeded in Rwanda* (New York: Report to the Carnegie Commission on Deadly Conflict, 1998).

[25] Prepared statement of Brian Atwood to the 'Crisis in Central Africa' hearing before the Subcommittee on African Affairs of the Committee of Foreign Relations, US Senate, 26 July 1994, p. 9.

Humanitarian action has thus transformed from being a tool with which governments pursue foreign policy objectives to a tool with which to avoid foreign policy engagement. Furthermore, it has now also become a convenient scapegoat for failures in resolving crises which are misleadingly labelled 'humanitarian'. The situations which create a need for humanitarian assistance, the context in which this aid is provided, and the resolution of the causes of human distress are all determined in the political sphere. Unless the political parameters of crises are addressed, humanitarian action is doomed to failure. The purpose of humanitarian action is to put the concerns of humanity first, and aid organisations prioritise the humanitarian imperative to alleviate suffering, particularly in the critical phase of a relief operation. International military contingents and humanitarian organisations suffer from the same fate if either are deployed in isolation of an overall diplomatic strategy to address the causes of the conflict.

3.   Military – NGO Cooperation in Disrupted States

The end of the Cold War, it was hoped, would usher in a new era of stability and justice. No longer would Western leaders need to support authoritarian regimes as bulwarks against the spread of communism, and humanitarian aid could be deployed in accordance with its original purpose. Appeals to the inviolability of state sovereignty were no longer going to protect brutal regimes from external scrutiny, and military forces were to be deployed in support of humanitarian ideals. The first test of the 'new humanitarian world order' came with Operation Provide Comfort in 1991 in defence of Iraqi Kurds who were oppressed by the forces of Saddam Hussein. Bernard Kouchner, the staunchest humanitarian advocate of the *droit d'ingérence* (the right to intervene) celebrated this 'extraordinary development in our century of horrors and massacres [:] for the first time the international community prevented a genocide, for the first time it permitted a population which was expelled to return to their villages and their land'.[26] Other successes followed in which the roles of the military complemented those of the aid agencies. From August 1992 to February 1993, for example, the US military

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[26]   Bernard Kouchner, 'Sauver les corps', Action Humanitaire Devoir d'Ingérence: Naissance d'un nouveau droit. *Les Cahiers de l'Express*, March 1993, p. 6.

conducted Operation Provide Relief, an airlift which delivered food from Mombasa to aid organisations on the ground in Somalia.

Aid organisations have also publicly called for military intervention when confronted with massive human rights abuses, most vocally in Rwanda during the 1994 genocide. But the absence of any response in Rwanda reversed the last vestiges of optimism held by aid organisations of the new humanitarian world order, already tarnished by setbacks in Somalia and Bosnia. Rather than alleviating the dilemmas confronting humanitarian aid organisations through creating a humanitarian space in which aid organisations could operate, the military have been increasingly deployed in duplicitous circumstances with ambiguous and restrictive mandates. Furthermore, the appearance of the military in the disaster zone has added another, invariably louder, voice to the array of actors responding to the crisis. Having a different fundamental purpose to that of the humanitarian organisations, inevitable clashes and misunderstandings have ensued. Two major sources of recent frustration have been the preference of UN Security Council members for limiting the mandates of military forces to a 'humanitarian' role; and the dominance of the military 'end-state' which accompanies military deployment. Naturally, military forces need a goal and direction, but the high financial and political investment by politicians in such ventures often leads to a politically expedient outcome, to the detriment of longer-term solutions.

Mandates

As highlighted in the example from Goma above, limiting military engagement to humanitarian tasks imbues it with the same short-comings as humanitarian aid: the efforts are only addressing the symptoms, not the causes of the problem. The cholera epidemic in Goma was arrested, but the more profound problem of the presence of the former Rwandan government and army in the refugee camps, which only a military or police presence could have averted, was ignored, resulting in the prolongation of the Rwandan conflict to the present day. The failure of the UN member states to contribute military or police personnel to the refugee camps left humanitarian aid organisations

with a terrible dilemma. Should they prioritise the humanitarian imperative to provide aid to the camps, thereby strengthening the power of the former Rwandan regime residing therein, or prioritise the consequences of the aid and withdraw from the camps, thereby abandoning the *bona fide* refugees to their fate? Unlike other contexts in which remaining neutral in the conflict is an important pre-condition for the legitimacy of peacekeeping forces, international law condemning genocide and providing for the exclusively civilian nature of refugee camps caused no such constraints. There was no clearer case for intervention than during the Rwandan genocide and in the refugee camps: the UN and member states cannot be neutral when confronted with preventing and punishing genocide.

More muscular mandates were given to the military forces in Somalia and Bosnia than to those in Goma, with the military tasked with providing protection, not just material assistance. But the object of protection was humanitarian convoys and personnel, not the local people. The provision of humanitarian aid is a means to an end, the end being the preservation of life and dignity. While insecurity can prevent aid reaching vulnerable populations, the deployment of military forces to protect the means in isolation of the ends is a dangerous travesty. A full belly does not provide civilians with protection. What is the point of protecting the aid supplies when the civilians it is intended to assist are in greater danger of losing their lives to violence? The most appalling consequence of the limited mandate is the false sense of security it provides to civilian populations. In Kigali, Kibeho and Srebrenica troops have stood helplessly by and witnessed the slaughter of civilians because their mandate did not extend to such a role. And to compound the tragedy, the lessons learned by the UN system is not that the abandonment was, in the words of General Dallaire, '*inexcusable by any human criteria*',[27] but that efforts should be made in future to reduce the expectations.

> Many Rwandese believed that the United Nations was there to stop the genocide and were bitterly disappointed when this was not the case… UNAMIR should have done more to inform the public about its limited

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[27] Romeo Dallaire, 'The End of Innocence: Rwanda 1994', in Jonathan Moore (ed.), *Hard Choices: Moral Dilemmas in Humanitarian Intervention* (Oxford: Rowan & Littlefield, 1998), pp. 71-86 at p. 79 (italics in original).

role and mandate early on, particularly for the protection of civilians at risk, so as not to give the people a false sense of security. This might have also averted disasters such as the Kibeho massacre, where internally displaced people in the Kibeho camp believed that UNAMIR soldiers would protect them from the RPA.[28]

This enormous travesty begs the question of the purpose of military intervention. In whose interests are the armed forces intervening?

End States and Political Expediency

The fanfare that accompanies military forays to address the humanitarian consequences of state disruption contributes greatly to the mobilisation of funds for the entire program. One only needs to glance at the tins of chicken pate, foil-wrapped cheeses and fresh fruit and milk provided to the Kosovar refugees to realise that budget allocations are greater there than in forgotten tragedies away from the media spotlight. But just as politicians can gain domestic kudos from the public show of compassion – as George Bush did through sending troops to Somalia in his final days in office – so they can rapidly lose support when casualties appear, as changes in American attitudes to Somalia and Belgian attitudes to Rwanda, attest.

One of the most important lessons to come from the mistakes of Somalia is that strict objectives must be set in advance of the military deployment and an 'end-state' identified that, when reached, signals the successful completion of the mission. Even as American troops landed in Somalia, no agreement had been reached between the UN and the US Administration regarding crucial details of the mission such as the disarmament of factions. Unclear objectives led to a swing from under-engagement to over-engagement[29] as the operation faced increasing opposition from the factions and the Somali people. Subsequent peace operations have been more firmly aligned to specific objectives, such as the facilitation of free and fair elections in Cambodia.

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[28]   *Comprehensive Report on Lessons Learned from United Nations Assistance Mission for Rwanda (UNAMIR), October 1993-April 1996* (New York: Lessons Learned Unit, Department of Peacekeeping Operations, 1996), p. 42.

[29]   John Sommer, *Hope Restored? Humanitarian Aid in Somalia 1990-1994* (Washington: Refugee Policy Group, 1994), p. 117.

The establishment of an end-state is not, in itself, problematic as all external interveners need to identify the point at which their assistance is no longer required. However, the huge investment of money and political reputation inherent in multi-faceted responses tends to sway donors and politicians towards the most politically expedient result, often to the detriment of longer-term solutions, particularly when the agenda of the interveners is not shared by the people in whose name they intervened. One of the first effects of the US intervention in Somalia, for example, was the recognition of General Aideed and Ali Mahdi as the legitimate representatives of the Somali people with whom to negotiate. In one move, the US Special Envoy, Robert Oakley, undid months of thoughtful negotiation by the former representative of the UN Secretary-General, Mohamed Sahnoun, who had gained the respect and trust of the traditional elders and grassroots associations which he was promoting as alternative sources of power to that of the warlords. Relations with Aideed fell apart, and UNOSOM tried to re-establish links with the traditional leadership in order to forge a civilian government. But again political expediency undermined efforts to reconstitute political and social order, as the UNOSOM political leadership imposed Western notions of democracy and rigid timetables on the Somali elders. The push for an outcome neglected the importance of the process and doomed the expensive efforts to failure.

The push towards the end-state invariably prioritises the achievement of short-term stability over issues of reconciliation and justice, to the obvious detriment of longer-term issues of governance and legitimacy. Experiences from Rwanda are particularly pertinent. The solution to the Rwandan crisis was associated with the return of the refugees and the stability of the governing regime, thus when a report suggesting that the RPA had killed up to 40,000 civilians on its march to Kigali, Boutros-Ghali, at the request of the US Government, suppressed the report, claiming that 'it does not exist'.[30] Naturally the UN was reluctant to criticise human rights abuses against the new government when it had done nothing to prevent genocide, and was protecting the perpetrators of the genocide in UN-sponsored refugee camps. But the lack of

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[30] For a discussion of the Gersony Report see Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (NY: Human Rights Watch, March 1999).
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condemnation of these initial killings and subsequent ones such as occurred at the Kibeho camp for the displaced in April 1995, condoned such acts and assisted in the rise of Tutsi hardliners to power at the expense of the moderate members of government.[31] This, in turn, reduced the possibilities for refugee repatriation. Although most observers emphasise the influence of the *genocideurs* in the camps in preventing the return of the refugees, the insecurity inside Rwanda was also to blame for the stalemate in the refugee crisis. As the Special Envoy of UNHCR, Carol Faubert, said in an interview with *Le Monde* in July 1995: 'The violence has disappeared in the camps, but it could recur. For the moment, three months after the Kibeho massacre, the camp extremists have no need to discourage the refugees from returning.'[32]

The Kibeho massacre highlights another dimension of the clash between humanitarian objectives and political objectives which come to the fore in the push for an end-state. Members of UNAMIR and the Independent International Commission of Inquiry[33] into the massacre have apportioned some of the blame to the NGOs operating in Kibeho for not having cooperated more fully with attempts to close the camp and return the people to their communes of origin. The Rwandan government had legitimate reasons for wanting to close the camps, in particular, strong suspicions that the camps sheltered *genocideurs* who were responsible for continuing instability in the south. But the innocent inhabitants of the camp also had legitimate fears of returning to their homes including: widespread incidents of violence and insecurity throughout the country; the growing number of arrests of genocide suspects, many of whom even the government admitted were innocent;[34] and the illegal occupation of houses by returnees from the

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[31] In August 1995 two senior Hutu members of the government, the Prime Minister, Faustin Twagiramungu, and the Minister of the Interior, Seth Sendashonga, were sacked for being critical of the extremist measures employed by elements of the armed forces. The hardening of the regime was also associated with the rise of the 'Ugandan Colonels' to power within the RPA, and the reshuffling of government posts which sidelined the more moderate ministers and empowered people close to the regime leaders and those who were considered to be compliant. See Gérard Prunier, *Rwanda: The Social, Political and Economic Situation in June 1997* (Writenet, July 1997).

[32] Jean Hélène, 'Des organisations humanitaire reprochent aux autorités rwandaise de ne pas favoriser le retour des exilés', *Le Monde*, 30-31 July, 1995, p. 4 (my translation).

[33] Marc Brissel-Foucault, et al, *Report of the Independent International Commission of Inquiry on the Events at Kibeho, April 1995* (Submitted to the Government of Rwanda, 18 May 1995).

[34] Howard Adelman and Astri Suhrke, 'Early Warning and Conflict Management. Study 2 of *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience* (Copenhagen: Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, 1996), endnote 132, p. 94.

Tutsi diaspora, complaints against whom could result in false accusations of guilt and hence imprisonment. Moreover, even the report of the Commission of Inquiry noted that in March 1995 only 60 percent of the 37,000 IDPs who had returned to their home communes had stayed there.[35] When the IDPs resisted the camp closure between 300 persons (according to the Rwandan Government) and 4,000 persons (UN and MSF estimates)[36] were killed.

Apportioning some blame to the NGOs for the slaughter illustrates the depth of misunderstanding of the purpose of humanitarian aid organisations and the priority they attach to the concerns of humanity. To forcibly repatriate a refugee to their country of origin is a violation of refugee law. Refugee asylum is premised on the principle that if the state cannot uphold its responsibility to provide protection to its nationals, then a country of asylum, with the assistance of UNHCR if requested, will provide such protection. The same law does not extend to people who have not crossed an international border, but the principle is the same. For a humanitarian aid organisation to have assisted in the return of people against their will and in fear of their lives would have been contrary to its commitment to put the concerns of this population before other considerations. The NGOs may have agreed to participate in the closure of the camps during the planning stages of the operation, but when it became clear that the camp inhabitants did not want to return home, the NGOs were right to object to their forced removal. To accuse NGOs of responsibility for the killing through their non-cooperation is absurd. The men who ordered and carried out the killings are to blame for the massacre. The refusal to participate in such a process is a legitimate ethical choice. As Rony Brauman has articulated in reference to other situations, 'deciding to act means knowing, at least approximately, why action is preferable to abstention.'[37] Had international personnel been aware that the Rwandan Patriotic Army would open fire on the displaced population if they did not leave the camps, then they were obliged to

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[35]   Brissel-Foucault, *Report of the Independent International Commission of Inquiry,* p. 6.

[36]   *Report Kibeho IDP camp, Gikongoro prefecture from 17 April to 24 April 1995* (Kigali: United Nations Human Rights Field Operations Rwanda, 1995), p. 16 and *Rapport Kibeho* (Amsterdam, Barcelona, Brussels, Geneva and Paris: Médecins Sans Frontières unpublished report, May 1995) as cited in Jean-Hervé Bradol and Anne Guibert, 'Le temps des assassins et l'espace humanitaire, Rwanda, Kivu, 1994-1997', *Hérodote*. No. 86/87, (1997), pp. 116-149 at pp. 128-129.

[37]   Brauman, 'Refugee Camps, Population Transfers, and NGOs', p. 192.

pressure the Rwandan Government to prevent human rights abuses, rather than participate in the violation of one set of rights to achieve another. The donors' preoccupation with stability at all cost undermined crucial considerations of justice and helped set the stage for the Rwandan army and Zairian rebel attacks on the Rwandan refugee camps in Zaire in late 1996, which resulted in further massive loss of human life.

Thus some of the constraints to effective military-NGO cooperation in disrupted states derive from the limited mandate bestowed on military forces which, while useful logistically, does little to address the crux of the crisis. Further complications arise when a rigid end-state is imposed, with which all aid agency activities are expected to conform. Aid organisations which express concerns at the attachment of humanitarian aid to the political goals of the peace process are branded uncooperative and obstinate. But the use of aid as a tool of peace violates the humanitarian principle of impartiality which maintains that aid be given according to need as the only criterion. Similarly, accepting armed escort and permitting the military to negotiate on behalf of aid organisations jeopardises the future of aid activities if the peace operation turns sour. The intervention of the military in a disrupted state is bound to generate some winners and some losers: neutrality is only as valid as the local perception. Thus aid organisations are often better off establishing their own relationships with local authorities and building relationships of trust, independent of the political and military structures. The dilemmas which frequently confront humanitarian aid organisations have no obviously right and wrong response, and aid organisations must weigh up the pros and cons of their action irrespective of the 'quick fix' priorities associated with military intervention.

Conclusion

This paper has attempted to shed some light on the diversity of ways in which NGOs have responded over the last 30 years to the difficulties and ethical dilemmas inherent in the provision of humanitarian assistance. The prevailing discourse of the 1990s emphasises changes in the global environment, but the dichotomy between the Cold War period and the post-Cold War period is overstated. Labels like 'complex emergency'

blur rather than illuminate the causes of crises and the most appropriate response, and undervalue genuine changes in the nature of conflict which impact upon the provision of aid, such as the fragmentation of combatant groups and the criminalisation of economic activity. The proliferation of actors and the insertion of aid into the heart of conflicts has increased the stakes of humanitarian aid in disrupted states, but the fundamental ethical dilemmas and the choices they impose, remain the same. Were aid organisations right to provide food aid inside Bosnia, thereby encouraging people to stay and risk violence at the hands of the Bosnian Serbs, or was it better to transport them to safety, thereby contributing to the policy of ethnic expulsion? Are organisations right to protest the Taliban's prohibition on the employment of women and withdraw their assistance from the country, or is it better to ignore this issue in favour of continued assistance to the Afghan population, thereby risking condoning the policy through acquiescence? Should NGOs have agreed to Charles Taylor's demands for 15 percent of all aid entering his territory in 1995 in order to access the severely malnourished Liberian inhabitants, or should concerns about fuelling the war economy have taken precedence?

The prominence of humanitarian issues in the 1990s is due to the appeal of humanitarian aid as a highly visible, yet low-risk remedy to human suffering. It serves to mollify the intense, but short-lived, concern of the general public to images of suffering conveyed to their lounge-rooms by CNN, without necessitating a potentially protracted engagement in the affairs of a distant land. In recent years, however, it has become increasingly apparent that aid is not a solution to political crises and may exacerbate the problem when deployed in isolation of diplomatic and political engagement. However, instead of committing to a more robust political policy, statements like that of Atwood and Rogers suggest that governments prefer to divert humanitarian aid away from its primary objective of alleviate suffering, to fulfil instead a similar role to that of the Cold War as a tool of foreign policy. But lacking the strong direction of the Cold War, foreign policy is today promoting minimalist goals of 'stability' and low-cost, quick fix solutions, rather than engagement in more profound issues of justice and human rights.

Cooperation and coordination have become the panacea for difficulties in responding to 'complex emergencies' in the 1990s, and the activities of all aid organisations are

expected to conform to the prevailing perspective, particularly when the high-cost military are deployed. Aid organisations, the UN and government donors have increasingly engaged in discussions about regulating the activities of NGOs. Many donors have made adherence to the codes of conducts and minimum standards in the provision of relief,[38] established by NGOs to improve accountability to donors and beneficiaries, conditional to funding, thus turning them from general guidelines to tools of regulation. These standards, however, do not reflect the ethical dimensions of the provision of assistance and, by enforcing conformity in operations, potentially denies the possibility of differing priorities. The technical standards were met in the Rwandan refugee camps, for example, but that did not protect the refugees from attack in late 1996. MSF withdrew from the refugee camps, prioritising considerations of the consequences of the camps over the 'humanitarian imperative' to remain, but this legitimate choice went against the prevailing view and the desire of the major donors. Organisations which espouse different views, based on past experience or differing priorities, are viewed as adversarial in the current climate of consensus. Will NGOs which engage in advocacy or decisions which conflict with the dominant view be excluded from certain fields of activity in the future?

Coordination among the various actors in the field is obviously vital to assure that the needs of vulnerable populations are covered, that duplication of activities is avoided, and to minimise the extent to which the actions of some agencies compromise the actions of others, particularly when negotiating for access and security guarantees. Coordinating NGOs may be like herding cats, but this is preferable to having controls imposed over NGO activity. Who should set the rules and under whose authority should they be enforced? The largest donors are the United States and the European Union, but are their agendas and plans for the reconstitution of social order the same ones desired by the citizens on the ground? The divergence of views among humanitarian actors reflects the lack of clear solutions to ethical dilemmas, and active debate is crucial to a deeper understanding of the issues and choices. The increasing influence of government donors

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[38]   See The Sphere Project. **Erreur! Signet non défini.**

in humanitarian crises, facilitated largely by the acquiescence of quasi-NGOs, risks eroding humanitarian principles in favour of politically expedient objectives, to the detriment of populations in need of unconditional assistance.