Humanitarian action and the global war on terrorism: a review of trends and issues
A debate to launch HPG's latest review of key trends in international humanitarian policy

The two years since 9/11 have seen armed interventions in Afghanistan and Iraq, and a deepening of the links between security and aid, including humanitarian aid. The 'war' against terrorism has become constructed along religious lines, and is stretching the appeal to universal values and norms, including those codified in international law. Each of these trends has implications for humanitarian organisations, their relationships with victims and belligerents and with the governments that fund much of their work.

On 3 September 2003, the Humanitarian Policy Group (HPG) held a meeting at ODI to launch the Group's latest review of international humanitarian policy and practice, which takes as its theme the implications for humanitarians of the global war on terror.

This report presents an edited summary of the proceedings. The speaker was Joanna Macrae, the HPG Coordinator and co-editor, with Adele Harmer, of the review. The meeting was chaired by Brendan Gormley.

A slide presentation accompanying the presentation is also available at http://www.odi.org.uk/hpg/events/trends.ppt

Part 1
Speaker's presentation

Over the past couple of years, HPG has run a project that aims to step back from the detail of specific aspects of humanitarian policy and practice, and to look at the broader trends in the humanitarian sector. This year, we have chosen the theme of the global war on terrorism – GWOT, as it is sometimes unattractively known – and its implications for the humanitarian community.

As in the previous year's report, we have done two things. First, we have pulled together various strands from other, related work within HPG and a review of the broader literature. Second, we have commissioned a set of papers by other international commentators on some key themes. Each of these is reproduced as a chapter in the main report, and three of them are summarised in HPG Briefing Papers.

This presentation reflects on some of the main themes and issues emerging from this analysis. It covers four main areas:

- Definitions of terrorism and the global war against it
- International legal issues
- The humanitarian implications of prosecuting the GWOT
- The increasing linkage between the humanitarian agenda and peace-building.

Before going on to explore these themes, one observation and one caveat. The observation is that, while 9/11 changed many aspects of the international landscape fundamentally, it has not changed everything. HPG's analysis suggests that, while the object of the security agenda might have changed substantively, much of the framework for its implementation is familiar, and was established during the 1990s.

Specifically, the framework for human security established at least since the mid-1990s provided for a much more interventionist international culture, and a much closer integration between aid and security objectives.

These trends were seen as largely uncontroversial so long as they were designed to achieve 'humanitarian' objectives. Many aid organisations adapted themselves well before 9/11 to the new opportunities posed by the human security agenda, embracing a role in conflict reduction and in advocacy in relation to politico-military strategies for managing crises states.

The events of 9/11 challenged the assumption that there was a global consensus on the determinants of security, and by implication the role of development in its achievement. This has led to a perhaps belated recognition that treading across the aid–politics divide is now a much more controversial business.

The second caveat, or perhaps omission on our part, has been that we have looked rather squarely at the GWOT, or at least its main theatres. What this has to say about the Liberias or the DRCs is as yet unclear. Undoubtedly, there are and will be implications, but that has not been the main focus of the analysis.

Any attempt to understand the implications of the GWOT must start with an attempt to define what terrorism actually is. The difficulty in doing so reflects, of course, the fact that the term is contested, and there is no internationally accepted definition. In broad terms, it is understood to mean: the deliberate or reckless killing of civilians, or the doing of extensive damage to their property with the intention of spreading fear through a population, and communicating a political message.

Of course, such practices are not the unique preserve of al-Qa'eda or other non-state actors. States, of course, frequently behave in much the same way. As Gearty argues, terrorism is increasingly defined in terms of its being anti-state. Thus, states who oppose it are necessarily counter-terrorists. This, of course, tells us little about the morality or legitimacy of either.

In the aftermath of 11 September, terrorism was elevated from the status of criminality to a threat to international peace and security.

The looseness of the language is reflected in the fact that a wide range of conflicts have been relabelled as terrorist and counter-terrorist operations. From Chechnya to Palestine to Colombia and Zimbabwe, the threat of terrorism has been invoked to justify state security interventions. However, how states choose to define the conflicts in which they are embroiled does not guarantee that they will figure in the Global War on Terrorism: while the geography of the terrorism may be global, the conflict is closely associated with US security interests.

Because the Global War on Terrorism has no clear temporal or spatial limits, and no single identifiable 'enemies', it will be hard to know when it is over. As the US National Security Strategy states, its Global War on Terrorism 'will be fought on many fronts against a particularly elusive enemy'.

Not only does the war have no clearly demarcated spatial and temporal limits, but it is also 'fought' in many different ways: from the battlefields of Iraq and Afghanistan to support for the existing counter-insurgency operations of key allies such as Colombia to intensifying policing and immigration controls.

From a legal perspective, this means that IHL may or may not apply on the many different fronts on which this war will be prosecuted. As such, therefore, the Global War on Terrorism relies on mobilising resources, not only in the military sphere, but across domestic and international policy.

In Europe, immigration policy, including asylum policy, has become linked to the security agenda (incidentally releasing new sources of funding for refugee agencies, including UNHCR). In the UK, the government published a set of Campaign Objectives, and EU heads of state agreed to the introduction of a counter-terrorism plan of action which defined over 60 objectives covering foreign policy, home affairs, judicial cooperation and financial and economic policy. In the US, the creation of a Department of Homeland Security has sought to link domestic and international counter-terrorist efforts.

What Mark Duffield has called the securitisation of aid has continued. In the US, for example, development cooperation has for the first time been elevated to one of the three pillars of the national security strategy. In both the UK and the US, the issue of failed states has attracted renewed policy attention, often at high political levels. This is in turn informing aid initiatives such as that of the World Bank in relation to so-called 'poorly performing countries'.

Despite assurances from Western politicians that the GWOT is not a war against Islam, it has of course been centred on responding to the threats posed by extremist Islamic organisations.

Further, the values for which the GWOT is being fought are those associated with a secular, 'modern' West. This has important implications, in terms of humanitarian action and whether and how it can genuinely appeal to universal values and norms, as opposed to being (and being seen to be) instrumental in Western foreign policy interests.

In a recent Development Assistance Committee (DAC) publication, the issue of religious schools, in particular the *madrassa*, is raised. The document argues that 'while making up for grave lacunae in national education systems, often providing free or subsidised education, food, clothing and books …. some of these schools provide very few practical skills or knowledge and teach, from an early age, intolerance and extremism as well as hatred of "corrupting Western influences"'.

One of the important implications of the GWOT for the humanitarian community has been its effects on the international legal framework within which humanitarian actors have to work.

In the case of Afghanistan, there was a clearly established legal framework that provided for the Coalition's intervention in the country and the ousting of the Taliban regime. While there were issues in terms of the conduct of the conflict, its legal basis was not contested. Despite problems in the prosecution of the war itself, in many ways the UN

system can be seen to have worked quickly and well to provide a legal framework within which the first phase of the war on terrorism could be fought.

Iraq, of course, was different. The US and the UK invoked the right to pre-emptive strike, the legal basis of which remains highly contested, not least because WMD have not been found. Many humanitarian NGOs advocated against the war on these grounds, not only or primarily in terms of its humanitarian effects. As such, the boundary between peace activism and humanitarian action became blurred.

From a traditional humanitarian perspective, the legality, let alone the legitimacy, of the conflict is neither here nor there. However, the deep cultural, financial and even political links between humanitarian actors and the US and the UK in particular, has made it difficult in practice for many humanitarian organisations to distance themselves from issues regarding the legality of the conflict, and to position themselves as independent of Coalition forces.

Important also, of course, have been the very different constitutional arrangements that have followed in the wake of regime change in Afghanistan and Iraq. In the former, the UN was accorded a key role, and the transitional administration of Hamid Karzai granted international recognition. However, the interim administration remains contested within Afghanistan and exerts little effective control outside the capital, raising questions regarding how agencies position themselves in relation to it.

In the case of Iraq, the UK and the US remain as occupying powers, with no clear strategy for the formation of a national government. The responsibilities of the occupying powers are clearly defined in the Fourth Geneva Convention. Again, there are difficult questions regarding how external actors, including NGOs, position themselves in relation to the occupying powers. Are they sub-contractors to states fulfilling their obligations under the Fourth Geneva Convention, or are they independent humanitarian actors?

The demands of the new security agenda have also been seen to legitimise reinterpretations of international humanitarian, human rights and refugee law. The denial

of prisoner-of-war status to 'unlawful combatants' held in Guantanamo Bay is the most obvious example. In his contribution to the HPG report, Chaloka Beyani documents shifts in standards of respect for human rights, and the closure of the Afghan–Pakistan border which precluded refugee outflows.

Underpinning these measures to redefine the rules, it has been argued that this is a necessary and understandable reaction to a series of threats that equally fail to conform to the norms of international behaviour. As Beyani notes with respect to IHL, the fact that opposition forces are not complying with the laws of war does not justify their violation by defending forces. The cumulative effect of these shifts in the interpretation of the various legal instruments makes for a high level of instability and unpredictability in international relations and in the conduct of war, and therefore for the positioning of international actors within it.

Both the Iraq and Afghanistan conflicts have had a significant impact on the volume of aid funding flowing through the 'system'. In the case of Afghanistan, appeals for food aid leaped from a requirement to support three million people to support for seven million. In terms of funding, it is extremely difficult to quantify the real shift in cash terms before and after 9/11, but the $1.4 billion disbursed in 2002 clearly dwarfed previous humanitarian aid programmes.

In Iraq, WFP alone appealed for $1.3bn, equivalent to 20% of the global humanitarian aid budget in 2002. DFID earmarked £210m, nearly double its total humanitarian aid budget in 2001.

While assurances have been given that this level of investment will not detract from humanitarian operations elsewhere, these sudden shifts indicate a continued willingness on the part of agencies and donors alike to make major decisions regarding humanitarian need and resource allocation on the basis of scant evidence. The indirect effects of this in terms of the surge capacity needed to spend such huge sums of money alone would bear further investigation.

Arguments about the legality and legitimacy of the war on Iraq also affected the ability of the humanitarian community to prepare for it. In its report on the issue, the International Development Committee (IDC) noted that, in both the UK and the UN, preparedness was slowed because of political fears that to make such preparations would signal that war was inevitable and so undermine diplomacy. Similar constraints did not apply to the ICRC.

Such political obstacles to preparedness are not new. What was then the government of Zaire refused to countenance contingency planning measures by UNHCR in 1994 in preparation for the influx of thousands of Rwandans into the country. Similarly, Macedonia in 1999 refused to accepted contingency planning for a major refugee influx from Kosovo. What was different in Iraq was that these political blockages were associated with the same governments that are the primary supporters and financers of humanitarian action.

In both Afghanistan and Iraq, access for international organisations was very poor during the main fighting and has not increased significantly; indeed, it has deteriorated.

Both conflicts have deepened the pre-existing trend of increasing military involvement in the delivery of humanitarian assistance, and its protection. In Afghanistan, the controversy regarding armed soldiers, delivering humanitarian assistance dressed in civilian clothing, was particularly visible. More broadly, the creation of provincial reconstruction teams has integrated security and aid issues, in the hope of establishing a 'virtuous circle' of providing security to enable rehabilitation and so, it is hoped, enhance security. How this model progresses will be important as it is supported by an increasing number of donor states, and may be seen as worth replicating elsewhere.

In Iraq, particularly in the early days of the conflict, many units were involved in the delivery of assistance. As Beyani notes, Umm Qusar and Basra became designated as military targets for the purpose of delivering humanitarian assistance. The ability to provide secure humanitarian access is thus recognised to be key, not only to fulfilling obligations under IHL, but more broadly to legitimise intervention to domestic publics

and internationally. Both the UK and US governments have used military units as a channel for the disbursement of humanitarian aid funds.

In different ways, each of these issues raises questions regarding how humanitarian organisations, including NGOs, can position themselves in relation to the GWOT. Abby Stoddard's chapter provides an interesting approach to analysing how NGOs have related historically to their 'home' governments. Equally, Jonathan Benthall analyses how Islamic charities relate to state and non-state political actors. In different ways, both point to the difficulties of positioning humanitarian action 'outside' a conflict in which humanitarian organisations are deeply embedded, culturally and financially.

Benthall's analysis outlines how the idea of coherence between military, political and humanitarian policy is not the sole preserve of modern Western democracies. Non-state actors such as Hamas and Hizbollah are working as multi-mandated organisations – with both military and charitable wings. In the case of these and similar Islamic organisations, these integrated approaches have, of course, attracted a high degree of censure from the West, including efforts to scrutinise and sanction flows of funds into Islamic charities allegedly associated with terrorism.

Very few organisations had formulated formal policy statements with regard to the Global War on Terrorism, as opposed to particular sub-conflicts of it. It is not surprising, perhaps, that many agencies have not done so, for they are positioning themselves not only in relation to their *governments* but also in relation to the general public and the media. As Stoddard notes, navigating the politics of the GWOT is very complex and does not make for easy advocacy.

There is an interesting question as to whether it is possible to establish a shared dialogue within and across the different cultural, religious and political traditions within the humanitarian 'community' grounded in an appeal to universal values. Both Benthall and Stoddard note that clustering humanitarian debate around technical norms may seem promising. However, within both the Islamic and secular humanitarian community there are concerns that to do so would strip humanitarian action of its political identity and

meaning.

In both Afghanistan and Iraq, the process of regime change was extraordinarily swift. What has proven much more difficult is establishing a secure and legitimate framework for political transition. For humanitarian actors, this has raised difficult questions: are they there to treat the continued symptoms of political turmoil, or are they there to assist in building the peace? This represents an important set of issues, but these could not be researched fully this year. Next year's monitoring trends will therefore focus on the issue of how humanitarian aid 'links' with wider peace-building and developmental agendas in politically unstable situations.

In her contribution to this year's report, Chris Johnson notes the tensions that have inevitably emerged as aid agencies have sought to tread this difficult line. On the one hand, the Afghan authorities feel undermined because so little aid is being channelled through them, while many agencies claim to be playing a role in rehabilitation. On the other hand, many agencies are uneasy about how they have become seen as part of a wider process of building a state, the legitimacy of which remains contested.

Underlying all of this is the fundamental difficulty of building peace in the midst of a major counter-terrorist operation.

In Iraq, the complexities are more intense. As in Afghanistan, aid, including humanitarian aid, has been portrayed as contributing to soft security. This implies associating aid with the occupation.

To different degrees in both Iraq and Afghanistan, agencies have had to respond to the constitutional vacuum associated with transitional and occupying authorities. In this context, decisions about the ownership and coordination of humanitarian aid necessarily become very fraught, as do questions regarding the accountability of humanitarian action.

Part 2
Questions and comments from the floor

Questions and comments are unattributed

What is a 'humanitarian organisation'?

Response (Macrae): Which would you like defined, 'humanitarian' or 'organisation'? Using the term in a deliberately loose sense, I would include NGOs who would call themselves humanitarian. That would include organisations such as MSF, who clearly locate themselves firmly within a humanitarian tradition, and organisations like Oxfam, who cross both divides. Of course, there are specialist humanitarian organisations such as the ICRC, and UNHCR has a protection mandate in relation to refugees, so I would include them there. I am talking fairly loosely here and I think there is an important issue behind this.

New speaker: The thesis is that the Global War on Terror (GWOT) is hugely important and qualitatively different from the 1990s and from Brahimi and all the debates that we had about the integration of military, political and humanitarian actors, stands, policies. So maybe where we should start is to test whether GWOT is actually different. There is a line in one of the Monitoring Trends documents that says that the humanitarian actors have continued in a similar mode, and there has not been an apparent shift of gear. So let's start with the question of whether life is different after 9/11.

New speaker: Since you mentioned the Brahimi word, to some extent the engagement in Afghanistan is meant to be a test case of what Brahimi's report should have rolled out in terms of UN engagement. At the same time, it is a test because of the GWOT.

I would argue that it is very much business as usual, both as far as humanitarians are concerned and also in terms of the political engagement, which as we all know is fairly light. The expectations that rolled out of Bonn have not necessarily created the space which the humanitarians in the Taliban era perhaps longed for. I am a little surprised about Joanna's fairly upbeat assessment (or perhaps it is not Joanna's and is from the

report) that somehow Bonn was a better agreement. Bonn is basically a cornerstone of a new type of agreement which is basically a reaction to a terrorist strike. Its legality in terms of how it plays out and in terms of the ability of the international community to hold the few signatories to Bonn accountable has been demonstrated in the last year and a half by the fact that a lot of the space that has opened up on the humanitarian side has been created on the basis of negotiation and argument and not through strict adherence to either International Humanitarian Law (IHL) or the responsibilities on a transitional administration, and that situation persists.

There is the Afghan side of it, where one is holding the Afghans accountable, which is, as it were 'old business'. In terms of the 'new business' in Afghanistan, as far as creating the humanitarian space is concerned, I would argue that what is interesting is the fact that the coalition cannot be held accountable. I think that the PRTs [Provincial Reconstruction Teams] are to some extent a case in point, where the vagueness about what they are they to do – everything from extending the remit of the transitional administration to bringing security (whatever that means – they are very clear that they are not enforcers, they are negotiators, arbitrators, and they are also providers of aid) – has created huge dilemmas, particularly for NGOs. But I would argue that the NGOs have not helped themselves because whilst they have said everything that they do not want, they have not necessarily had the opportunity to define – on the basis of what in some cases is quite a lot of experience in the country – where they feel the PRTs would best be positioned and where they would position themselves in relation to non-uniformed or uniformed coalition elements who are there in political terms to facilitate their work but who, in practical terms, could compromise their work.

I think the PRTs to some extent are the cutting edge of what has not changed. We have new titles and new collections of terms where we now do regime change at a provincial level, PRTs, but we need, as humanitarians or analysts, to keep a little bit ahead of this game to see whether we are just reacting all the time or whether actually experience in the case of Afghanistan could have been used to get ahead of the game and position some of these kinds of initiatives in the best way for the Afghans. I should add that the Afghans are even more confused in terms of what the PRTs are there to do, which is also very

worrying. There is the idea that this is a model. The term model was used in the very early days by the British in Mazar-e Sharif, I do not think they even had dust on their boots yet and it had become a model. It is terrifying the speed with which we cut and paste and use some of these concepts – I am not saying we as in 'humanitarians', we 'the West' perhaps – but suddenly an idea has become something that can be replicated and it does not always work.

New speaker: I do not really think that something new is developing. 9/11 and the Global War on Terrorism has allowed something that was already taking place for many years to be consolidated. I think you have summarised it well with both the privatisation of security and the privatisation of aid and humanitarian assistance. I think that there is a bit of arrogance right now in both state and donor behaviour, but also within the aid community, to say that this is now how we are going to work because we are in this tense security environment. Suddenly I think there is much less space for humanitarians to get involved without competing against private military companies/militaries and there is less space also to take a position. You asked whether we could still find a common humanitarian position. I would ask whether there is less space now to do so. I have a feeling that there was a time, right at the time of 9/11 and when the War started, for humanitarians to stand up and take a position and maybe even to do advocacy. Perhaps now it is too late because the actors are already competing, states are already putting money into private military and security companies, and into private logistic companies and whatever else. There is a trend now and I am not sure that you can change that easily.

New speaker: Certainly the issue of access to advocacy on these important issues has shifted higher up and, perhaps because of the Global War on Terrorism, is a US-led initiative. Access to those decision-makers has lessened and therefore, for example when trying to talk about the issues that humanitarian agencies face with PRTs, we did not necessarily have the access to decision-makers that would have allowed us to make them aware of the impact that these would have. Certainly at the UK level, I think that that shift in the decision-making position to higher up and closer to the US government and the State Department has definitely affected the opportunity to impact these debates.

New speaker: When I think of the word 'humanitarian', I think of principles. There are a lot of principles behind humanitarianism, but the two that everyone seems to agree on are impartiality and independence, and when George Bush said that you are either with us or against us, it put us in a very difficult position. My answer is that yes, the Global War on Terrorism has changed everything for us in my view. I think that the risks are the deaths of aid workers, and the attack on the UN in Baghdad is an example of what will happen if we do not position ourselves clearly outside of all political influences. For me, it is a call for an engagement with the electorates in Western democracies, it is much more about political action in the West.

New speaker: We seem to be hearing that on one level there is policy work, but it is at the level of the access issue and not that the agencies are coming together to review how they have to react on the ground, but the big challenge still needs to be addressed.

New speaker: I wanted to add that I think that the humanitarian community is quite bad at coming together quickly in response to these issues with a common voice. In a way we are hampered by the fact that we talk through these issues for too long and by that time, the opportunity has passed.

New speaker: I think that to a certain extent, it is a bit too early to say. If you look back at the whole rhetoric around 'coherence' you can see how little it was followed up by the levels and nature of state funding that would have been necessary to achieve the goals that were being talked about. What we do not know yet is the willingness of the 'coalition of the winning' to actually pay the kinds of sums of money that it will take to achieve even their stated objectives in Afghanistan, let alone Iraq. I strongly suspect that at some point, the rhetoric of the War on Terror will shift away from engaging with these failed states, and move on to some other cheaper way of achieving what they want. So I think we have to keep an eye on the way that funding is maintained for the kinds of operations that they want to do. To bring it back to the PRTs, the one in Mazar-e Sharif was clearly looking at operations that would take two, three or four years and it will be interesting to see whether there will be funding, and whether there will be the political

will to maintain that presence for that long. I am not sure that there will be any more than there was to support the kind of politics of coherent humanitarianism that we used to hear about before.

New speaker: I agree in part with the comment about humanitarian agencies bypassing the political framework. Perhaps to add to that, is there not an obligation on humanitarian agencies to bypass altogether the bandwagon that is the Global War on Terrorism? As far as I can see, the GWOT is a semantic construct, constructed as stage four or five of America's military industrial complex. So is there not an obligation to de-link from this?

New speaker: At the last meeting organised by the Humanitarian Policy Group here at ODI, we had a discussion about whether Iraq was actually a humanitarian crisis at all and there was a consensus that it was a reconstruction and rebuilding crisis but there was no consensus about it being a humanitarian crisis as traditionally understood. I would like to hear what Jo thinks about that.

On the wider issue, I was struck by what Jo was saying about Hamas and multiple-mandate organisations. The reason I asked my question about definition was not to be trivial but because almost all the organisations in this room who call themselves humanitarian also do other things. I think of Kevin Watkins as being the military wing of Oxfam, for example, and all the organisations that call themselves humanitarian also do other things, so it would be quite sensible for Oxfam, Save the Children and other agencies to be in Iraq helping with reconstruction, helping to fund health clinics and doing lots of relief-to-development kinds of things and I guess the same would be true in Afghanistan. This multiple mandate issue raises a big question about the nature of humanitarianism. We know that there are lots of benefits to labelling things humanitarian because of the independence and the neutrality and the protection of humanitarian space, but I wonder whether there are also costs of over-complication associated with that, if one is to engage in Iraq and Afghanistan. So my questions are: if there are clear benefits to labelling things humanitarian, are there also costs? Should the same organisations be trying to do things which are both humanitarian and not humanitarian? It seems to me there is a bit of a morass here which I would like some

help with.

New speaker: I suppose that this is a question about the scope of the Global War on Terrorism and what is meant by it. Firstly, I do not think that it is something that we can bypass or ignore, or that we can assume that business will go on as usual, if only because, as I think this report points out, it is having a significant impact on aid flows, and agencies are therefore going to be faced with difficult decisions, for example about whose money to take to do their humanitarian work. My question would be about the scope of this concept. Do we, for example, include in the Global War on Terrorism, those states that visit terror on their own people? It seems to me that the way that the concept is being used does include those situations, such as North Korea and Zimbabwe, as being potentially on the list in the Global War on Terror. What does that mean, if it is true, for humanitarian agencies? I think there are a number of elements to this. There are those states which are thought to export terrorism or be responsible for supporting terrorism in other states. Afghanistan fell into that category before 9/11. As I understand it, the issue of drugs and terrorism was central to US policy in Afghanistan before 9/11. So there is the export of terrorism but there is also the visiting of terror on the population itself. The Taliban were deemed to fall into that bracket too, and a large part of the justification for that war being waged was to get rid of an abusive war. That starts to run into a set of humanitarian questions about the protection of people. So I think that there are questions of humanitarian purpose in the Global War against Terror that we cannot ignore or run away from. It is a scope question.

Joanna Macrae: This point is very helpful. It reminds us that since 9/11, and to some degree before 9/11 in relation to Kosovo, what we have seen is a lot of slippage in argument about intervention and the purpose of intervention. Iraq is a classic case where looking for the weapons of mass destruction is no longer as important an issue as freeing the Iraqi people from an oppressive regime. I think the question is whether and how one keeps on the agenda a very important debate about the role of the international community in protecting populations who can no longer rely on their own states to protect them.

How can we rely on that kind of humanitarian intervention agenda in a context where it

is going to be very difficult to separate that from a very hard-edged security agenda? I guess part of trying to do that might be about trying to analyse more carefully how these wars are being prosecuted and what their implications are in terms of protection. There are questions about whether we understand what the net benefits are in terms of protection of civilians, and how these conflicts are being conducted in terms of civilian protection. I would not want to volunteer a conclusion on that, but obviously the evidence so far is not too encouraging.

Interestingly, in relation to North Korea, I do wonder whether it is on the agenda because it is oppressing its people as opposed to its potential nuclear threat. Reconciling the humanitarian agenda in North Korea with those hard security interests has been very difficult for a very long time. I think the broader question about the scoping of the conflict is a very tricky one and I think that part of what is important is that we do start trying to unpack the Global War on Terrorism as an accepted construct, looking at what all the elements of that are in terms of how it is playing out, and disaggregating it. That would help again in terms of unpacking the motivations in order to see whether this is a hard security agenda or an humanitarian agenda. Those two things do not have to be mutually exclusive but, if you are going to maintain a humanitarian agenda, then you need to maintain a humanitarian output.

The answer to the question about whether Iraq is a humanitarian crisis must increasingly be 'yes' in terms of the protection issue, even if you do not have major changes in terms of malnutrition (and I am afraid I have not followed that data very carefully in terms of classic physiological indicators). In terms of the security situation deteriorating so markedly, from that point of view we are much nearer to a humanitarian crisis than we had anticipated.

I agree that the question about 'what is humanitarianism anyway' is tricky, quite worryingly so. I should make clear that of course I was not comparing Hamas at all with Oxfam and would distance myself entirely with the position of Kevin Watkins. There is of course a serious issue there about how we use the humanitarian label, whether that be to provide a rationale for military intervention (which is what we did in relation to

Kosovo and on occasion have been doing in relation to Afghanistan and Iraq), which as discussed, is not *a priori* problematic but becomes problematic when there is also a hard security agenda there.

I think there is an issue about whether or not one ends up retaining the humanitarian label for a particular and maybe quite small and elite group of people and what the costs are of broadening out usage of that label. What is troubling is that if ICRC, of all organisations, cannot appeal to its symbol any more for its protection, something very bad is happening out there now. You can go through the arguments about something bad happening in terms of the nature of non-armed groups and their social contract with their people having failed, so that whatever flag was being waved they would not care, which would be one reasonable set of arguments. The other important set of arguments is that it is becoming quite difficult for humanitarian organisations even internally to distinguish between these multiple purposes that they are selling, let alone for belligerents who are facing a wide range of labels. I think part of the answer to that would be to understand better how belligerents do perceive this and what is driving these attacks. This is why I think that the 'Poor Performers' agenda is worth watching, because even if you said that the humanitarians were the ones with the red crosses on, if you have all these other guys running around who also have Land Rovers and are spending aid and are doing things like building hospitals and so on, in a sense the whole field is becoming more crowded and I am not sure that the rebranding of humanitarian would be very easy to sustain. I think the whole area is an important debate and, as you may know, we have a project in HPG which we keep nearly getting to and keep wishing we had done, which is 'what is humanitarianism anyway?' I will let you know if we find the answer.

New speaker: That is a nice loop back to your first question, which is about whether what we are discussing is the multi-mandate of those actors, about the difficulty of pinning down either to our own or to a third party's satisfaction what humanitarianism is and questions of speed or access. Is that in part some of the reasons why you are asking that question? Because the family of humanitarian actors are struggling to define themselves and get their act together? Do we think this challenge is not being lived up to because of some of that complexity?

New speaker: Our international staff came out of Iraq to Jordan nine days ago, so there is a low level of activity in Iraq from our own staff now. Because of this, we have had an opportunity to take stock of how we think we have done. What came out of these reflections (though I cannot say that these reflections came out of a substantial amount of talk with the Iraqi people) is that their feeling is that the position that Oxfam has taken is noted and understood by at least some of the Iraqi people: the measures that have been taken about not taking funding from the US and the UK governments, and a very strong line with our staff about managing space between ourselves and the coalition and the military. This is the first time we have ever articulated, prescribed and written down these sorts of measures. So that was the perception of our staff when they were reflecting on this last week. Of course, we do need to understand much more about what it looks like to your average Iraqi or Afghan and whether they can tell the difference between these different groups. Some will be able to of course. We might imagine that the more intellectual, engaged parts of the population would, but what about your typical man or woman on the street or in the fields? Probably not so much. And what about these extremist groups who are seeking to target agencies? Does it really matter to them anyway?

New speaker: And do you have an answer to those final questions? Because it seems to me that that is where all the good practice and local rootedness and the careful way in which you have tried to position yourselves in the conflict context comes into play. Somehow there seems to be a shift at another level where you become a target and all those other things do not count for a lot. What triggers that shift?

New speaker: Some of us who are here now were just touching on those issues this morning. We were talking about why some organisations are targeted and we were reflecting upon ICRC and acknowledging their high profile and also high volume of work. If one wants to target the system as a whole, then choosing your targets would be a criteria for example. But the diversity of humanitarian actors is as great as the diversity of views within the population of a particular country. As we know, now there is a lot of outside influence coming into Iraq in the form of various sorts of groups organising

these attacks and we can only take account of some of the positions.

New speaker: Until there is a consensus about what humanitarianism means across all the agencies that call themselves humanitarian, it is hard to see how the principles that many of us feel are absolutely fundamental are going to make a really significant difference to how humanitarian agencies are perceived on the ground, thereby reducing the likelihood that they become targets and are able to carry on their work. One sees within each agency a real struggle with those issues, not just in terms of the big words of impartiality and independence, but in terms of what that means for day-to-day actions and decisions which have to be made. As each agency is struggling massively with those questions, it is hard to see how some kind of wider consensus is even close to emerging around that. I suppose that does link to the second question about whether humanitarianism is a universal construct or a tool of the West. I am not even sure that it is a construct just of the West at the moment in terms of what it means on a day-to-day basis. The other interesting point is the extent to which other organisations, Islamic organisations, NGOs in the South, in Asia and so on, are engaging in that debate as well. I think that this is a big challenge for humanitarianism.

New speaker: I was particularly struck by Jo's point about peace-building and the way that humanitarian actors are struggling around this notion of peace-building, which feeds into a huge amount of the humanitarian agenda: the extent to which we are dealing with acts in war and the extent to which it has political ramifications. I am fairly new in the Foreign Office but one striking observation for me is that I do not think that anyone here should underestimate the extent to which these same struggles are taking place within government. You talked about the PRTs. I do not know what went into the formation of them, but I have a feeling that people in government are dealing with these same issues. They do not really know how to do nation-building, how to do peace-building. It is very striking that the Bush administration came in saying that they did not do nation-building and now they are trying to do just that. Yet it is not entirely clear that they know how you do so and we are not at all sure that we know how you do so. So you have both sets of actors, the state and the humanitarian agencies, both trying to get engaged in something or not being able to avoid engaging in something without really knowing

how you do it. To an obvious extent, the humanitarian agencies depend on what the state is doing because your positioning can only be in relation to the state, but if the state itself does not know what it is doing and where it is going forward, I think that that is why this debate is so complicated. So no answers I am afraid and I am not even sure that I have a specific question.

Joanna Macrae: I was very struck by the very full and frank admission from the Foreign Office that they do not know what they are doing either! What follows from that is being very careful then about our assumptions. The bit of the equation that bothers me is that this is a formidable task about rebuilding states that have gone through not just a few years of turmoil, but decades of it. I think this connects to the point that [another speaker] was making, in that what we saw in the latter half of the 1990s and in the early part of this century before 9/11 was that there was going to be increased political engagement and increased military engagement in order to facilitate resolution and long-term recovery from conflict. There is actually very little evidence, I would suspect, of very profound political engagement or very well organised, targeted military intervention, in order to analyse why it is that these states are in such a pickle in the first place, let alone what our role is as external actors. I think where it gets deeply worrying is when the diplomatic toolbox is looking a bit thin on the ground for dealing with these very messy conflicts and where we are a bit cautious about sending in loads of troops because that is politically very difficult, somehow it is believed that aid instruments are going to provide some sort of solution and rebuild these states. There seems to be a rather simplistic analysis that aid is going to promote a process of recovery and that people will look and realise that they have new health facilities and cease fighting each other. I am caricaturing it, but unfortunately not by that much.

One of the difficulties is that we need to have a much more robust political analysis and tactics and a greater honesty about the political difficulty of engaging, which needs to be put on the table to be worked out. From a humanitarian perspective, the complexity of that political analysis is, while the Foreign Office and the rest of them are sorting out the politics, how do we find spaces to work and make sure that people's basic needs, including their need for protection, are being met? And it is protecting that space,

including the ability to ask questions, that is really important, because if that political complexity is so great, having the idea that aid is going to fix it or play a very important role is, I think, to slightly miss the target. A bit of modesty is needed on the aid side too about what its role in the reconstruction process is in the absence of a clear political strategy. At the moment we are getting the worst of all worlds if aid is being implicated in a precarious political strategy but not being able to manoeuvre within it.

I was very interested in the point being made about how the positioning of Oxfam was being understood. I was talking to a colleague who had been in Sierra Leone and was also struck at how detailed an understanding there existed within the community and amongst belligerents about who was receiving funding and from where. I think that that matters, but it raises a challenging question about whether, from the point of view of extremist groups, that kind of nuanced position is going to make any difference. Just the fact of who you are means that you are located within a spectrum and that is very challenging. How one works around that will be very difficult.

New speaker: I have been in the military and have been involved in these discussions. I feel very strongly that humanitarian agencies and the military, or government if you like, need to be able to engage more clearly together and be able to work together and understand what each other's roles are. I felt that there was a clear understanding in the military of what the humanitarian roles were. I was working in Sri Lanka with the Sri Lankan army and we got the ICRC to educate the Sri Lankan soldiers in their role and in why ICRC had to go into the Tamil territories and work. They understood that and it did work. There is a lot more engagement that could be done, and especially in the planning of large operations, such as Iraq. NGOs should be engaged. I know DefEds are engaged in the military planning. We had them engaged in that to look at the post-conflict disasters that would follow thereafter and to plan to it. So I think that there is much more work that can be done and I think that humanitarian agencies are standing back sometimes and saying that they do not want to work with the military, but we have to work together if the end state is to improve things.

New speaker: When I was over in Iraq, what I found with the US military, and to a lesser

extent with the British military, was that they were on a bit of a learning curve. I was consciously giving away our own state secrets to belligerent nations in order for them to improve the way in which they deliver humanitarian services. It was a real dilemma. Do you go and speak to the military about Geneva Convention issues, about protection issues, about their need to protect a population under occupation, in the spirit of humanitarianism, or do you, by the very fact of doing that, give away all these secrets in order for the next time round, the next nation that applies for a regime change, for them to be serious contenders in giving humanitarian aid on a massive scale. Luckily that did not happen in Iraq. For me it is a chronic humanitarian crisis in Iraq, but we did not have the expected exodus of hundreds of thousands of people from Iraq to neighbouring countries. One wonders what the position of coalition forces would have been in Iraq had that happened. Would there have been the possibility of our interventions being swamped by a massively resourced military machine capable of providing all the material that is normally provided by the humanitarian organisations?

Joanna Macrae: I think it is about differentiating between the kinds of secrets that you were sharing. There are secrets about how you do service provision well. But I do find it a bit alarming that you were having to inform the British military about their responsibilities under the Geneva Conventions. It is their obligation to know that. I am being a bit pedantic in pressing this point, but I do not think that the responsibility for the protection of civilians should lie primarily with humanitarian organisations. It is a key responsibility of the occupying powers to know what their obligations are and to live up to them. It does raise an interesting question about how SCF responds if and when it is seeing that our own armies are not conforming to those standards. I think that there would be an interesting debate (as someone mentioned earlier in the context of Afghanistan) about how the coalition forces are being held accountable in relation to their obligations. There are some interesting questions about who within parliament is scrutinising the day-to-day conduct of the occupying powers, since after all, this country now has significant responsibility for millions of people who live thousands of miles away. I want to pick up on the language there of what is a technical secret about enabling the military to do their jobs in the way that you do and to that professional standard, which is a very interesting set of questions, and what the role of NGOs is in watching the

conduct of these operations and their adherence to the Geneva Conventions.

New speaker: Some of you might have seen Hugo Slim's article to ICVA earlier this year, which again is about how sometimes we may be too precious about the boundaries and that there is a challenge to the humanitarian sector to look at its own record in living up to the principles and the needs of so-called beneficiaries.

New speaker: The reason that the NGOs and the humanitarian actors want to be independent is to get access. What we have to look at now in the War on Terror is what is stopping us getting access. Is it immediate security concerns because of what we symbolise? It comes back to the question of whether humanitarianism is a secular construct of the West. The reason that we can have organisations that fly people around the world and be nice to people, is because we are rich compared to the rest of the world, and the fact that in 50 years of doing that, we have done nothing to let other people do that. In Afghanistan, it is still predominantly the West sending people and that is why we are a symbol. The other reason that we are attacked is banditry to get the land cruisers, and to stop that we need security. We are denied access because we ourselves are afraid that we are going to be targeted because we come from the same places as the belligerents, or because there is no security because the military of one sort or another have no access. So it strikes me that there is fundamental change going on because of the War.

New speaker: I wanted to flag for you all that next week the British government publishes its White Paper on the next EU treaty and in that, it will respond to the draft that was produced by the convention on the future of Europe. As it stands, the treaty draft has clauses that define EC humanitarian action, and therefore ECHO, in terms of its contribution to the War on Terror. It also talks about humanitarian aid being one of the instruments that would be at the service of a new post of EU foreign affairs minister which has also been proposed under the convention.

The meeting ends.