

# Humanitarian space: a review of trends and issues

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# Chapter 1

## Introduction

There appears to be an overwhelming consensus among humanitarian actors that humanitarian space is contracting. This is largely attributed to developments since the attacks on the United States on 11 September 2001, particularly the use of humanitarian assistance by Western governments to further political and security objectives. According to this narrative, the ability of humanitarian actors to provide relief and protection to affected populations is dramatically in decline. To arrest this decline, greater respect for the principles of humanitarian action (especially impartiality, neutrality and independence) is required.

This HPG Report reviews key trends and issues affecting humanitarian space over the last decade. In doing so it seeks to challenge the dominant narrative on the subject. It argues that the discourse of ‘shrinking’ humanitarian space, to which the solution is simply greater adherence to principles, is not borne out by the evidence. It is in fact a myth, based on diverse, narrow and misunderstood definitions of the concept of humanitarian space; simplistic historical narratives that obscure the reality and complexity of the humanitarian endeavour; mistaken interpretations of the principles of humanitarian action and their possible outcomes in challenging political and security environments; and an overwhelming preoccupation with the role that external actors play in challenging humanitarian action, at the expense of an introspective analysis of the nature of the ‘humanitarian system’ itself, and its evolution over time.

### 1.1 Humanitarian space: concept, definitions and uses

The concept of humanitarian space means different things to different people (see Box 1 for a summary of definitions). Despite over 20 years of use, it remains poorly defined and understood. The term appears to originate in the Cold War conflicts in Central America, where it was reportedly used by the UN High Commissioner for Refugees (UNHCR) to describe a space for humanitarian dialogue with belligerent parties, and to characterise the broader operating environment within which humanitarian agencies were working (Abild, 2009; Loescher, 1988; Hubert and Brassard-Boudreau, 2010).

Humanitarian space entered into wider usage in the early 1990s, when former Médecins Sans Frontières (MSF) President Rony Brauman spoke of an ‘*espace humanitaire*’ in which humanitarians should be ‘free to evaluate needs, free to monitor the delivery and use of assistance, free to have dialogue with the people’ (Tennant et al., 2010; Hubert and Brassard-Boudreau, 2010). The independence of humanitarian action from politics is central to this definition, and has informed consequent understandings of the term. For example, there is a similar focus on an apolitical ‘agency space’ in the definition

#### Box 1: Definitions of humanitarian space

**Humanitarian space as agency space:** the humanitarian agency is at the centre of this definition, with humanitarian space delineating the agency’s ability to operate freely and meet humanitarian needs in accordance with the principles of humanitarian action.

**Humanitarian space as affected community space:** the affected community is at the centre of this definition, with humanitarian space delineating their ability to uphold their rights to relief and protection. The humanitarian agency is still essential; however, it recognises the role that other actors play, including the affected community themselves, in meeting humanitarian needs.

**Humanitarian space as international humanitarian law:** humanitarian space is analogous with respect for international humanitarian law under this definition, and therefore focuses on the actions of warring parties with regard to their responsibilities in upholding the law. This includes their responsibilities to meet humanitarian needs or allow impartial humanitarian organisations to provide relief and protection of civilians.

**Humanitarian space as a complex political, military and legal arena:** the definition put forward by this HPG study highlights the context in which humanitarian action takes place. It highlights the highly political nature of the task humanitarian agencies seek to achieve and that humanitarian needs (and their relief) are a product of the dynamic and complex interplay of political, military and legal actors, interests, institutions and processes.

Source: OCHA, 2003; Grambach-Wagner, 2005; Oxfam, 2008; Tennant et al., 2010.

used by the Office for the Coordination of Humanitarian Affairs (OCHA). Humanitarian space is equivalent to a conducive ‘humanitarian operating environment’ in which agencies can adhere to the principles of neutrality and impartiality and maintain a clear distinction between their roles and functions (saving lives and alleviating suffering) and those of military and political actors (OCHA, 2003: 14–15).

Some humanitarian agencies also emphasise people’s rights and their ability to obtain assistance and protection. Like MSF, the Oxfam definition elicits an obligation for political actors to respect and maintain an environment for humanitarian action that is protected from political interference. However, humanitarian space is also ‘an operating environment in which the right of populations to receive protection and assistance is upheld, and aid agencies can carry out effective humanitarian action by responding to their needs in an impartial and independent way’ (Oxfam International, 2008). UNHCR similarly defines humanitarian space in relation to both crisis-affected

communities' ability to exercise and enjoy basic rights and the agency's ability to carry out its mandate in a secure and enabling environment (Tennant et al., 2010). As with Oxfam's definition, and reflecting its specific mandate, protection is central to UNHCR's concept of humanitarian space – indeed, for UNHCR humanitarian space is essentially about the quality of 'protection space' enjoyed by refugees and other civilians (*ibid.*).

While for UNHCR the concept (and its protection emphasis) is rooted in international refugee law, for the International Committee of the Red Cross (ICRC) humanitarian space is essentially synonymous with respect for international humanitarian law (IHL) in situations of conflict. The 1949 Geneva Conventions and Additional Protocols do not mention the term 'humanitarian space', and so IHL does not explicitly define it. Nevertheless, a number of provisions of IHL can help us understand the term from a legal perspective. By taking IHL as the starting point, the concept is automatically wider than other definitions focused on 'agency space', since the obligation to respect IHL falls primarily upon parties to a conflict and regulates their behaviour in that conflict, including by imposing legal duties and constraints to ensure that civilians are protected and, where necessary, assisted. Specifically, the bulk of the Fourth Geneva Convention (1949) and sections of Additional Protocol I (1979) protect civilians in international armed conflicts and provide for them to receive humanitarian assistance and medical care. These provisions apply in both international and non-international conflicts.

The operations of specialised humanitarian agencies are mentioned in the Geneva Conventions. Article 10 of Convention IV refers to 'humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of civilian persons and for their relief'. Common Article 3, which is applicable in non-international armed conflict, states that 'an impartial humanitarian body, such as the ICRC, may offer its services to the Parties to the conflict'. While contracting parties cannot arbitrarily withdraw their consent to relief, authorities may refuse humanitarian action if it interferes with a military strategy or aids the other side of the conflict. This reflects the fundamental pragmatism of IHL, which is always concerned with balancing military and humanitarian necessities.

The provisions in IHL highlight several key issues concerning humanitarian space. First, any concept of humanitarian space should not only be about relief, but also civilian protection. Second, the idea of humanitarian space should not focus solely on humanitarian actors – indeed, there is no international legal basis for an exclusive 'agency space' for humanitarian organisations. National and other authorities (both civilian and military) have the primary obligation to protect and provide for the well-being of the civilian population, with humanitarian agencies only sanctioned to provide relief as a supplement or substitute if they have consent from the authorities and if that

action is impartial and humanitarian in nature. Third, there is no provision in IHL that specifies explicitly that humanitarian relief should be independent or neutral, although the fact that humanitarian action can be legitimately refused by the authorities if it negatively affects military strategy carries the practical implication that humanitarian action should be neutral in order to maintain access and avoid offering military advantage to one side.

IHL thus implicitly supports the formula, embodied in ICRC's principled approach, that humanitarian organisations should be allowed to assist populations in need in conflict situations if their relief action is impartial, humanitarian and neutral. But IHL also highlights the importance of consent: access for humanitarian actors is not a given, but rather needs to be negotiated and earned (Grombach-Wagner, 2005). Practically speaking, whatever the duties imposed by international law, it is humanitarian organisations' persuasive power and relevance on the ground that matter most in the end.

## **1.2 Humanitarian space as a complex political, military and legal arena**

Whether approached primarily from the viewpoint of humanitarian agencies and their operational preoccupations, or from a broader concern with civilians' protection and access to assistance, 'humanitarian space' is essentially about context – the context of humanitarian action and the context of needs to which humanitarian actors are seeking to respond. Although concerns with humanitarian space sometimes evoke a delimited practical, even physical, space within which humanitarian action can be undertaken, it often seems synonymous with humanitarian action 'writ large', covering everything from general insecurity to administrative delays (Hubert and Brassard-Boudreau, 2010). Humanitarian space is therefore an unavoidably wide and subjective concept, since different actors with different priorities, interests and viewpoints will inevitably focus on different aspects and attributes of any particular context, and reach different understandings of what they see or experience.

This is reflected implicitly in the various definitions of humanitarian space reviewed above. Early uses of the concept emphasised the political aspects of the evolving humanitarian situation associated with the Cold War conflicts in Central America. Later uses of the concept by MSF and other humanitarian agencies revealed a preoccupation with political independence, neutrality and access to populations in need, as agencies sought to expand their operational engagement into the heart of conflict zones after the end of the Cold War. OCHA's definition reflects a growing concern across the sector with the civil–military aspects of humanitarian space in the face of a rapid expansion in international peacekeeping and stabilisation interventions. The ICRC has tended to focus on the legal aspects of humanitarian space as defined by respect for IHL.

The variety of different definitions reflects the arbitrary and often quite narrow basis upon which particular problems affecting humanitarian action or populations in need are selected or prioritised by agencies at particular points in time. However, any credible concept of humanitarian space needs to be inclusive and comprehensive if it is to take account of the many and varied issues potentially affecting humanitarian action. In addition to the operational priorities of specialised humanitarian agencies, it must, at a minimum, also capture the protection and assistance needs and priorities of people affected by conflict or crisis, and the roles and duties of other key actors, including political authorities and armed actors.

In this respect, reassessing the relationship between politics and humanitarianism is paramount. For many humanitarian agencies, there is a clear dichotomy between these two spheres of action. Many agencies claim to be 'above' or 'outside' of politics: humanitarian action is seen to be quintessentially positive as it represents ideas such as humanity, benevolence, compassion and altruism, whilst politics is understood as self-serving, scheming, manipulative and unscrupulous (Cutts, 1998). In other words, humanitarianism is principled whilst politics is not. At the practical level, a separation from politics is deemed necessary to gain access to populations in need and ensure the safety of humanitarian aid workers. Humanitarian engagement in conflict contexts is based on an implicit 'deal' with belligerents: in exchange for non-interference, i.e. following the principles of neutrality, impartiality and independence, belligerents allow humanitarians to operate and respond to needs (Leader, 2000). This implies focusing on alleviating the immediate symptoms of crises, rather than dealing with its causes. According to this perspective, the principles of humanitarian action embody the humanitarian ideal of unconditionally alleviating suffering without ulterior motives, while protecting humanitarian action from manipulation or involvement in the realm of politics (de Torrente, 2004).

While not all agencies interpret or seek to apply these principles in a uniform way – ICRC's strict adherence to neutrality is not shared by many multi-mandate, solidarist or rights-oriented agencies, for instance – and despite the varying definitions of humanitarian space in circulation, the perception of 'shrinking' humanitarian space by actors across the sector is based on a broad consensus that humanitarian agencies' ability to adhere to these principles is generally under assault and in decline. This is often articulated in terms of the perceived 'politicisation' of humanitarian aid, which is seen as fundamentally detrimental to principled (and hence effective) humanitarian action. The response is to call for a renewed commitment to the 'traditional' principles of humanitarian action, so as to resist or reverse the politicisation of humanitarian aid and the consequent decline in humanitarian space (see e.g. Rieff, 2002; de Torrente, 2004; Donini, 2009).

Is a strict separation between humanitarianism and politics either possible or desirable? Humanitarian actors have perhaps underestimated the nature of their task. Influencing the behaviour of warring parties in order to save lives and alleviate suffering is inherently political. So too are the consequences that will inevitably stem from the delivery of aid resources for sustained periods of time in conflict contexts. As argued by Slim (2003):

*Humanitarianism is always politicized somehow. It is a political project in a political world. Its mission is a political one – to restrain and ameliorate the use of organised violence in human relations and to engage with power in order to do so. Powers that are either sympathetic or unsympathetic to humanitarian action in war always have an interest in shaping it their way ... [T]he 'politicization of humanitarianism' is not an outrage in itself. Ethics and politics are not opposites. I believe that there can be good politics, bad politics and some politics that are better than others. So for humanitarianism to be a political project is not a contradiction or necessarily a problem. The real questions for our debate are the ones that follow from this recognition ... Who is politicising humanitarianism today, how and to what end? Does the predominant politicization of the day matter to victims? If so, what can humanitarians do about it?*

Have humanitarians ended up believing their apolitical narrative – an idealised space between humanitarianism and politics – that was invented in order to agree a 'deal' with belligerents that would grant them access and ensure their safety? If humanitarians genuinely believe that the aspiration of humanitarian action is to operate in isolation from politics, and humanitarian space is defined accordingly, there is a risk that the associated discourse around principles and humanitarian space will divert attention away from the fundamentally political nature of the key challenges and trends affecting humanitarian action in conflict contexts. The issues that agencies themselves typically point to as primary causes of declining or 'shrinking' humanitarian space are largely political, such as the growth of asymmetrical warfare and an increase in the targeting of civilians, deliberate attacks on humanitarian workers, the co-option of humanitarian response into counter-insurgency operations and the push for coherence within integrated UN missions (Hubert and Brassard-Boudreau, 2010; Tennant et al., 2010).

This report argues that the political nature of these issues demands that humanitarian space be defined and understood from the outset in essentially political terms: rather than being somehow distinct from politics, humanitarian space is essentially political. Thus, rather than focusing on a particular operational problem, a more comprehensive and grounded

concept of humanitarian space can be derived from a recognition that most of the important aspects of humanitarian space are determined by the interplay of interests among a variety of political, military, economic and other actors, organisations and institutions (including legal institutions), in addition to humanitarian agencies and affected populations (Allie, 2011; Hillhorst and Jansen, 2010).

In this regard, it makes little sense to speak of humanitarian space shrinking or expanding. Humanitarians rather need to better understand the precise nature of this essentially political space as it affects particular actors – including civilian groups and specialised humanitarian agencies – or as it affects broader humanitarian problems in particular places and at particular points in time. Many organisations have a direct role to play, including human rights organisations, military actors, development specialists and peace-builders; the key challenge for humanitarian organisations is how to engage and influence all the key actors involved so as to promote a more humanised politics and more effective humanitarian action.

### 1.3 Organisation and methodology

This HPG Report identifies some of the key trends and issues affecting humanitarian space in conflict-affected crises. It is based on a comprehensive review of the literature, interviews

with key actors both within and outside of the humanitarian sector, a series of workshops in Pakistan in June 2010 and a roundtable meeting series between October 2010 and March 2011.<sup>1</sup> Chapter 2 places these trends in historical perspective, arguing that many of the problems faced today in delivering relief or providing protection are not only familiar when compared with what has gone before, but in many respects are as much a consequence of expanding humanitarian engagement, as the humanitarian system extends its reach and ambitions into new and more complex spheres of action. The third and fourth chapters present detailed discussions of two trends of particular significance to current debates on humanitarian space. Chapter 3 outlines the origins and meaning of coherence between politics and humanitarian action and the impact this has had on discussions of humanitarian space. Chapter 4 focuses on changes in the international humanitarian system itself, and the impact these have on improving humanitarian space. The concluding chapter summarises the key findings and outlines the core challenges that humanitarian policymakers and practitioners face going forward.

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<sup>1</sup> The roundtable meeting series focused on the concept and meaning of humanitarian space, the role and nature of the humanitarian system, counter-terror legislation, UN integration and challenges in Somalia and Sri Lanka. For more information and meeting summaries see <http://www.odi.org.uk/events/details.asp?id=2646&title=humanitarian-space-review-trends-challenges>.



# Chapter 2

## Shrinking humanitarian space? Trends and issues in historical perspective

A common narrative among humanitarian actors is that they are working in an increasingly hostile and difficult operating environment, in which direct security threats are growing and the ability of humanitarians to act is becoming more constrained. This narrative of ‘shrinking’ humanitarian space calls for some scrutiny, since it currently plays a very powerful part in supporting, explaining and motivating the actions of key humanitarian donors and actors, and is central to the discourse through which many humanitarian actors identify with and seek to defend the ‘humanitarian system’. Perhaps the most dominant and ubiquitous theme within this narrative is the sense of things getting worse as compared to the past: access is becoming more difficult; attacks on aid workers are increasing; aid is becoming more politicised; respect for humanitarian principles and humanitarian law is declining. The overall message is clear, and is widely shared and accepted right across the humanitarian sector. What is far less clear, however, is what this message is based on – what baselines, and what evidence?

Furthermore, most discussions of humanitarian space tend to focus on the impact of external geopolitical trends (e.g. the ‘global war on terror’). Whilst their impact on humanitarian action is undoubtedly significant, disproportionate attention to external challenges fails to account for changes among humanitarian actors and institutions themselves, and how these actors and institutions interact with the wider political and security environment. An increase in attacks on aid workers, for instance, cannot be explained simply in terms of prevailing political and security conditions; any credible explanation must also take account of the fact that many more agencies and aid workers are trying to operate in dangerous places compared to the past. It must also take into account what they are trying to do in these places, and how they are trying to do it. As noted by the authors of the Feinstein International Center’s 2008 study of the state of the humanitarian enterprise: ‘When it occupied the margins of conflict ... humanitarian action was an activity of generally minor consequence to belligerents. Aid agencies were accepted or tolerated as beneficial, or at least non-threatening. Now humanitarian action is very often at the center of conflicts and of international concern’ (Donini et al., 2008). In other words, it is not only the context and nature of need that has changed, but the humanitarian system and its responses, and both sides of the equation and the relationship between them need to be scrutinised if one is to get any sense of what might be influencing humanitarian space at any point in place and time.

To get a sense of trends one needs a clear understanding of

historical processes. This understanding is, however, largely absent from the narrative of shrinking humanitarian space that has become so firmly established across the humanitarian sector in recent years. This chapter charts the major shifts and changes since the Cold War to explain some of the trends related to the contexts in which humanitarian action takes place, and the nature of the ‘system’ that seeks to uphold that action. Against this backdrop, the final sections of the chapter consider in more detail key aspects of contemporary humanitarian action, with a focus on risk and security management and its implications for improving ‘agency space’. It also considers the tenuous standing of civilian protection in humanitarian actors’ responses to warfare. This problem sits at the heart of humanitarian agencies’ responses to restricted humanitarian space in many contexts, a theme discussed in greater detail in Chapter 3.

### 2.1 Restricted humanitarian space during the Cold War

During the height of the Cold War, humanitarian space by almost any measure or any definition was highly restricted. The decades from the 1950s through to the 1980s witnessed a progressive and sustained escalation in conflict, particularly in the so-called Third World, causing massive humanitarian suffering and refugee flows. By modern standards, the international humanitarian response was minimal. Respect for norms of state sovereignty meant that, until the late 1980s, aid organisations were largely relegated to assisting refugees in camps in other countries, with few able or willing to venture inside countries affected by war (Terry, 2002). In Algeria (1954–62), Vietnam (1967–75) and El Salvador (1980–92), non-governmental humanitarian actors played a limited and carefully circumscribed role (including the ICRC); most were refused admission by one or both sides to the conflict. NGOs did not yet represent a major force in international humanitarian action, with most operating in more stable environments (Barakat et al., 2010). Likewise, UN agencies were not centrally involved in these interventions.

A partial exception was UNHCR, which saw its mandate progressively expand to respond to refugee problems in the Third World from the 1960s onwards. But it was also mainly seen as having a role to play once victims of persecution and conflict had left their countries as refugees. The 1951 UN Convention on the Status of Refugees and the 1969 Organisation of African Unity (OAU) Convention on refugee problems in Africa explicitly restricted international protection and assistance to people who had left their country of origin, in deference to the principle that the international community should not interfere in the internal affairs of a state. UNHCR’s

competence and action in respect of other groups deemed ‘of concern’, including people displaced within their own countries, was largely *ad hoc*, determined by reference to its own gradually expanding mandate and the particular political circumstances of the people needing protection, rather than by any particular treaty, law or instrument (Collinson, 1993; Collinson et al., 2009).

Triggered by the Biafran crisis and the growing international refugee crisis during the years that followed, the 1970s saw the beginnings of what might be called an international humanitarian system, with the creation of relief departments within donor governments and UN agencies and an accelerating expansion of the Western-based NGO sector, with the growth of established organisations such as Oxfam, Save the Children Fund and World Vision International, and the emergence of new organisations such as MSF (Duffield, 2007; Kent, 1987). Many NGOs adopted an explicitly solidarist and partisan stance with a variety of liberation and self-determination movements, seeing themselves as siding with ‘victims’ over their superpower ‘oppressors’ (Duffield, 2007; Terry, 2002). MSF – originally created in 1971 in direct reaction to the ICRC’s position of neutrality and its silence in the face of atrocities in Biafra – openly sided with the Palestinians in Lebanon and the Sandinistas in Nicaragua during the 1970s, and adopted an explicitly anti-communist stance during the 1980s (Barnett, 2011). In the minds of the Western public the Afghan resistance was idealised during the 1980s, and the notion of a ‘just war’ motivated many of those working in Pakistan’s refugee camps and with the *mujahideen* in illicit cross-border operations into Afghanistan. As noted by Fiona Terry, ‘whether NGOs adopted a position of solidarity with the mujahideen, became channels of US anticommunist policy, or simply focused on the technical provision of humanitarian assistance, it was difficult to remain apart from the highly political context of the Afghan refugee camps’ (2002: 75).

Meanwhile, engagement in the refugee camps of Central America and Cambodia ‘polarised the aid community around contending images of the “good” side’ (*ibid.*: 220). In the case of Nicaraguan refugees in Honduras, a number of US NGOs publicly opposed the US government’s use of the term ‘humanitarian’ in connection with aid, including military support, being channelled to the Contras, yet lobbied for renewed aid to the Sandinistas rather than for impartial humanitarian assistance to all victims of the conflict (*ibid.*). In the low-profile relief operation that ran across the border from Sudan into Eritrea and Ethiopia’s northern province of Tigray during the 1980s, NGOs worked directly with the relief wings of the Eritrean and Tigrayan liberation fronts through the ‘Emergency Relief Desk’ (Duffield and Prendergast, 1994; Duffield, 2007).

Even where humanitarian agencies’ engagement was less directly influenced by solidarist political objectives, this did not mean that humanitarian assistance was neutral

in terms of its influence or impacts. Experience in Biafra exposed early on how easily and effectively humanitarian actors and humanitarian assistance could be manipulated by belligerents to further their political and military objectives, with catastrophic humanitarian implications (Barnett, 2011). In Somalia during the 1980s, the Barre regime ran a lucrative racket out of the aid resources delivered by UNHCR and NGOs into camps accommodating Somali Ethiopian refugees from the 1977–78 Ogaden War (Menkhaus, 2010). The regime also recruited large numbers of refugees into its military, turning the refugee camps into *de facto* training camps and international aid into logistical support for the military units established there. All this was known by international aid officials in Somalia, but was only discussed behind closed doors, with UNHCR and NGOs continuing to oversee the delivery of food and services into these camps for over a decade: ‘[t]he option of openly criticising the government’s egregious violations of humanitarian principles, or of calling for the suspension of aid to the refugee camps on the grounds that it was being misused, was not on the table. Somalia during the Cold War was too valuable an ally of the West’ (*ibid.*: 322).

## 2.2 Negotiated access: the expansion of the international humanitarian system into active conflict zones

From the mid-1980s, the waning of Soviet influence in Africa, combined with a growing sensitisation of Western publics to humanitarian suffering in Ethiopia and elsewhere, encouraged the US and other Western governments to seek ways of assisting people on all sides of Africa’s civil wars (Duffield, 2007). The Ethiopian relief effort was significant in this respect, with the expansion of NGO assistance into both government and rebel-held areas paving the way for a series of international humanitarian responses at the end of the Cold War supported and facilitated on the basis of ‘negotiated access’ (*ibid.*). These new access initiatives included ‘Operation Lifeline Sudan’ (OLS) in 1989 (led by UNICEF), the Special Relief Programme for Angola in 1990 (led by UNDP), Southern and Northern Operations in Ethiopia in the same year (led by WFP) and relief responses in Liberia in the mid-1990s. This was a significant departure for the UN, as its agencies directly engaged with warring parties other than recognised governments, and in conflict zones in advance of any peace deal. It was indicative of an important but relatively brief period of expanded political space allowing for more purposefully ‘neutral and impartial’ humanitarian action. With direct financial and political support from Western governments, it became possible for UN agencies and NGOs to extend their presence into active conflicts in ways that had been more or less impossible at the height of the Cold War. According to Duffield, ‘[r]ather than prioritizing the Third World state, which had been the custom and practice of the Cold War, humanitarian emergency demanded of Western politicians new ways to act directly in support of civilians, irrespective of their location or side in a civil war’ (*ibid.*: 75).

Most of these early negotiated access programmes were set up as time-limited operations in the context of limited ceasefires or temporary ‘corridors of tranquillity’ enabling some humanitarian access directly into war zones (*ibid.*), usually with a number of conditions attached that had to be carefully negotiated with the belligerents concerned. While humanitarian actors directly benefited from this new form of humanitarian interventionism in terms of both access and funding, experience in countries such as Sudan and Liberia demonstrated that the success of these agreements was contingent on wider political factors that were beyond the control of humanitarian agencies themselves (Leader, 2000). In practice, the space opened up through organised negotiated access initiatives proved limited and fragile. At the same time, short-term relief into complex and long-running wars and political crises came under growing criticism for potentially doing more harm than good by fuelling war, failing to address the root causes of conflict and failing to provide effective protection for people directly affected or threatened by violence. It was in securing and protecting agency space that negotiated access frameworks such as the Principles and Protocols of Humanitarian Operation (PPHO) and Joint Policy of Operations (JPO) in Liberia and the second Ground Rules in Sudan were most effective; indeed, as Leader notes, while these mechanisms were designed *a priori* to enhance *humanitarian* space, on the ground, most field workers treated them mainly as mechanisms to enhance *agency* space, rather than to ensure the protection of civilians. In the end, the Ground Rules in Sudan were widely criticised for being unenforceable in respect to compliance by the SPLA/M, and the JPO in Liberia appeared to make almost no impression at all on the warlords (*ibid.*).

Whether or not they were negotiated with the aim of supporting explicitly neutral humanitarian assistance, these mechanisms represented highly political initiatives (*ibid.*). The Ground Rules in Sudan and the PPHO and JPO in Liberia were all intended to promote humanitarian principles – not just principles of humanitarian action, but also respect for broader humanitarian principles as codified in IHL and international human rights norms (see Box 2). As such, these initiatives moved purposefully into issues of governance and accountability. The JPO, for instance, capitalised directly on the broader political pressure being brought to bear on the warlords by the international community; indeed, it was the threat of political conditionality by donor governments, rather than humanitarian conditionality by agencies, that ultimately created some humanitarian space in Liberia (*ibid.*).

### 2.3 The abandonment of neutrality and the expansion of UN peacekeeping in the 1990s

In conflicts where civilians were the direct and primary targets of violence, there was often scarce prospect of aid agencies negotiating or exploiting any kind of ‘neutral’ space that could ensure assistance and protection. The manifold humanitarian

#### Box 2: Humanitarian principles and principles of humanitarian action: what is the difference?

Humanitarian principles represent the idea that there are limits in the way in which wars are fought. In the twentieth century, this is embodied in International Humanitarian Law – the Geneva Conventions and the Additional Protocols – which have been further strengthened through International Human Rights Law. In sum, these principles serve to restrain the manner in which belligerents fight wars.

The principles of humanitarian action, in contrast, represent a framework to guide humanitarian organisations’ behaviour in conflict situations. They consist of the well known principles of humanity, impartiality, independence and neutrality and were developed by the ICRC as an ethical and pragmatic framework to facilitate their engagement in conflict zones. They are a means to prevent and alleviate human suffering and have been widely adopted by humanitarian organisations, such as through the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs, established in 1994.

It is important to note that humanitarian principles were established to regulate the conduct of warring parties, whilst the principles of humanitarian action were developed to regulate the behaviour of humanitarian organisations in conflict situations.

Source: Leader (2000).

challenges experienced in Somalia and the extreme violence against civilians that unfolded in Northern Iraq, Rwanda and Bosnia in the early and mid-1990s exposed the severe limitations of frameworks of relief-focused negotiated access as the primary form of humanitarian engagement in active conflict zones (Mayall, 2008). In Somalia, most of the violence that followed the fall of the Barre regime was directed at civilians. Atrocities, mass displacement and widespread looting led to a famine in southern Somalia in late 1991 in which nearly a quarter of a million people died (Menkhaus, 2010). The small number of international humanitarian agencies operating in Somalia at that time depended on armed escorts to operate. As more relief agencies arrived in 1992, each brokered its own logistical and security arrangements with militia leaders or other local authorities, resulting in relief agencies becoming effectively ‘captured’ by whatever clan militia controlled their area of operation (*ibid.*: 324).

Against this background, a far more robust form of humanitarian intervention began to take hold. A variety of factors prompted this shift, including the erosion of assumptions of non-interference in sovereign states, the growing preoccupation of Western governments with mass refugee flows across their borders and growing outrage among Western publics at the humanitarian catastrophes witnessed on their TV screens. At the same time, humanitarian actors themselves were growing increasingly sensitive to the limitations of short-term relief

in situations of war, and increasingly frustrated by the lack of international political engagement in crises. Following the Rwanda genocide, many organisations were shamed by the consequences of delivering ostensibly ‘neutral’ and ‘impartial’ assistance into the refugee camps of Goma, where they found themselves directly assisting the perpetrators of genocide. Many aid agencies accepted the need for greater coherence with political actors and threw in their lot with Western governments and international military actors that appeared willing and able to take decisive action where civilians were under direct attack. In Kosovo, for instance, UNHCR actively sought the protection of NATO’s intervention force, and humanitarian agencies readily aligned themselves with the Kosovar Albanians against the Serbian government and Serbian minority (Porter, 2000).

UN Secretary-General Boutros Boutros-Ghali’s 1992 report *Agenda for Peace* advocated for the increased use of UN military force to support a new role for the UN in peacemaking, peacekeeping and post-conflict peace-building (Slim, 1995a). Over the following two years, a succession of Security Council resolutions was passed in response to a series of humanitarian emergencies around the world (*ibid.*). There was an unprecedented expansion in UN peacekeeping, peace enforcement, post-conflict peace-building and humanitarian operations in conflict situations, including Somalia, the former Yugoslavia, Cambodia, Mozambique, Rwanda, Angola, Haiti and East Timor (*ibid.*). In addition, the UN Security Council delegated UN-sanctioned peacekeeping operations to regional organisations including ECOWAS (Liberia) and NATO (Bosnia-Herzegovina), and in 1999 NATO took action in Kosovo without Security Council authority (Borton, 2010). Between 1992 and 1994 the number of military and police personnel operating as UN peacekeepers around the world increased from 12,000 to just under 80,000 (Slim, 1995a, citing IISS, 1994); whereas the 40 years of the Cold War had seen the launch of just 13 UN peacekeeping operations, 21 were launched in the six years between 1988 and 1994 (*ibid.*, citing Fetherstone, 1994). Meanwhile, the UN Security Council started to demand international access to displaced and other populations affected by conflict and human rights abuse; a Representative on Internally Displaced Persons was appointed in 1992, and by 1998 the UN had formulated its *Guiding Principles on Internal Displacement*, which set out the key rights of IDPs and the responsibilities of their governments and other actors prior to, during and following displacement (Martin et al., 2005).

Unlike the UN’s traditional peacekeeping principles of impartiality, consent and minimum force to support agreed ceasefires, these operations were mounted in active conflicts, and were far more assertive, interventionist and partisan than previous UN peacekeeping activities (Slim, 1995a). In both former Yugoslavia and Somalia, UN military intervention preceded rather than followed the implementation of a serious ceasefire; with the exception of East Timor (where the political objective was settled in advance by a referendum) and the

partial exception of Haiti (where the task was theoretically limited to restoring an elected government), these operations all involved the UN attempting to broker political settlements to civil conflicts in deeply divided societies (Mayall, 2008).

How this period of military humanitarianism affected humanitarian space is a deeply controversial question. At the time, the majority of aid organisations criticised not so much the partisan nature of military humanitarianism, but its inconsistency and weak resolve, reflected in the lack of effective or decisive military action at crucial points to protect people under threat. This included the failure to ensure the safety of so-called ‘safe zones’ in Bosnia, the total absence of any significant international action in places that ranked lower on the international political agenda, notably Burundi and Rwanda, and the shortcomings of NATO’s military intervention in Kosovo, where the failure to commit ground troops led to the mass flight of Kosovar Albanians following NATO’s bombing campaign. Thus, while the rhetoric of robust humanitarianism, the promise of more active and effective peacekeeping and the formulation of the *Guiding Principles on Internal Displacement* looked good on paper, their realisation in practice continued to fall far short of what was needed to ensure effective, reliable and impartial humanitarian protection and assistance.

While the sovereignty principle was perhaps less of a break on powerful states’ intervention than in the past, lack of strategic interest frequently was. Following hard on the heels of the United States’ withdrawal from Somalia, the international community’s failure to prevent the genocide in Rwanda exposed the geographical and strategic limits of the West’s new commitment to humanitarian intervention. In areas that fell outside of Western strategic interest, humanitarian action was still essentially a substitute for robust foreign policy. Seeking to access populations in the midst of these ‘un-strategic’ conflicts, but lacking an agreed structure of negotiated access or the backing of decisive international political or military intervention, humanitarian agencies and the civilians they were trying to help found themselves directly exposed to the vagaries of extremely complex and violent conflicts that they lacked the power, authority or capacity to influence.

Where there was stronger international engagement, aid agencies’ implicit support for military-supported humanitarian intervention, and the funding and operational benefits they derived from it, obscured the extent to which the expanding humanitarian enterprise was caught in the broader web of key donors’ foreign policies. While aligning with humanitarian interventionism extended many agencies’ reach into new territories and contexts of conflict and humanitarian need, this largely Western-sponsored expansion came at a significant political price. According to Duffield (2007: 54), ‘NGOs were not simply taken over by donor governments or just turned into auxiliaries of Western foreign policy, but instead, the independent sovereign power they already enjoyed ... was orchestrated, pulled together and given a new strategic direction by changes



in the funding, direction and management of international aid – i.e. the petty sovereignty of NGOs was governmentalised'. In the process, a new spotlight was shone on basic but unresolved questions around the principles, priorities and goals that ought to guide humanitarian actors in complex crises, and how (if at all) humanitarian action should relate to politics or engage with the root causes of crisis (Barnett and Weiss, 2008).

#### **2.4 The post-9/11 shift: stabilisation and the perceived 'shrinking' of humanitarian space**

The explicit promotion of humanitarian priorities in Western strategic thinking during the 1990s meant that the relatively new and quickly expanding humanitarian aid sector could not easily resist its growing proximity to their donors' foreign policies. Many aid agencies accepted the need for 'coherence' between humanitarian and diplomatic and security agendas as long as they trusted the basic humanitarian intent of the main donor governments, and hence this alliance did not appear overly controversial. But the events of 9/11 triggered a significant turn in Western foreign policy. The humanitarian sector suddenly found itself bound into a rapid shift away from the comparatively conservative imperatives of humanitarian intervention to the much more ambitious goals of stabilisation in the context of the 'global war on terror'. Where once the primary concern of Western governments had been with addressing refugee flows, after 9/11 the focus shifted to the crises unfolding *within* conflict-affected states, which were now cast as direct threats to international peace and security (Collinson et al., 2010).

As explored in Chapter 3, humanitarian objectives were now to play a secondary role to a much more explicit security agenda in Western foreign policy (*ibid.*). In Afghanistan, for instance, security and stability have been the desired end of US-led operations, with development and humanitarian activities seen as a means to achieve these goals and ultimately to legitimise the Afghan government and an internationally-sponsored political settlement (Gordon, 2010). Where humanitarian action is seen to be counter-productive, for instance by legitimising or financially aiding predefined 'terrorist' groups, legislation has been introduced to criminalise these actions (Pantuliano et al., 2011). The UN's support for many of these initiatives has constrained the 'neutral' political space for its specialised humanitarian agencies. The position of NGOs has varied according to their direct or perceived relationships with particular donor governments and the UN: while some have sought to create at least a rhetorical separation between themselves and the dominant political players, many have nevertheless found themselves situated uncomfortably on one side (and not necessarily the winning side) of new and apparently deepening international political fault lines in contexts of high strategic importance and extreme humanitarian need.

Western governments' use of aid in support of stabilisation objectives and the associated 'blurring of the lines' between

political and humanitarian interventions has been widely blamed by humanitarian practitioners and policy-makers as a primary cause of what is seen as an increasingly dangerous operating environment for humanitarian agencies. Yet, as Hubert and Brassard-Boudreau point out, 'sweeping claims about limitations on humanitarian access seem inconsistent with a decline in the number of civil wars and a continued expansion of humanitarian operations' (Hubert and Brassard-Boudreau, 2010). The assertion that security for aid workers is getting worse and that humanitarian space is 'shrinking' only stacks up if there is some kind of baseline that can be used for comparison, and explanations of the causes of this trend are only credible if they are supported by evidence of particular causal links. Both are entirely lacking as regards Afghanistan, Somalia and other contexts of humanitarian engagement where agency space is perceived to be shrinking. A comprehensive study in 2006 concluded that, while the absolute number of violent incidents against aid workers nearly doubled between 1997 and 2005, the overall increase in the frequency of incidents was explained primarily by an increase in the overall number of aid workers in conflict-affected contexts (Stoddard, Harmer and DiDomenico, 2006). While subsequent data indicated an increase in violent incidents between 2006 and 2008, the majority of this was accounted for in just three countries – Afghanistan, Somalia and Sudan (Darfur) – all of them very violent high-risk countries where the international aid system has been heavily engaged with the support of large volumes of donor funding (Stoddard, Harmer and DiDomenico 2009; Fast, 2010). Meanwhile, there is very little empirical evidence to support the common contention that hostility towards humanitarian action in countries that have been the focus of Western-led intervention are mainly due to the politicisation or militarisation of aid. The anecdotal evidence is highly context- and situation-specific, and any direct links between the decline of impartiality among humanitarian actors and increasing incidents of violence are difficult to find (Fast, 2010; Slim, 2003).

Arguably, most of the problems that are commonly attributed to 'shrinking' humanitarian space are, in fact, the types of problems that inevitably result from humanitarian actors' attempts to involve themselves directly in large-scale assistance or protection efforts in the midst of conflicts. Humanitarian action has always been difficult and dangerous in situations of active conflict, where violence against both civilians and humanitarian agencies is often a deliberate and sometimes a primary tactic or objective of war: understanding why belligerents violate humanitarian and human rights law depends on understanding their deeper political motives and the strategies behind their violence. Slim and Mancini-Griffoli (2007) note how political and military actors engaged in wars will often actively reject humanitarian action. While IHL seeks to protect civilians' access to humanitarian relief, in practice belligerents' respect for these norms is often trounced by competing or conflicting political and military imperatives. This is evident in action taken by the Sudanese government

in 2009 to expel aid agencies in Darfur and by Al Shabaab in 2011, which banned a large number of agencies from South Central Somalia despite the UN declaring famine conditions (IRIN, 2011).

Looked at in this light, the recent targeting of aid workers in places such as Afghanistan, Sudan and Somalia is perhaps the predictable consequence of a heavy Western-led aid and intervention footprint in countries where there is a complex history of conflict and foreign intervention that has generated particular dynamics of hostility and violence towards Western institutions and organisations. But it would be a mistake to extrapolate from recent experience in Afghanistan, Somalia, Sudan and Iraq to posit a wholesale deterioration in aid worker security or a ‘shrinking’ of humanitarian space relative to the past. Even the most cursory review of the history of war over the past century raises questions over the claim that civilians and humanitarian agencies are being *increasingly* targeted in contemporary conflicts. A more pertinent question is how the humanitarian aid industry is positioned or prepared to respond to belligerents’ disregard for or rejection of humanitarian laws or principles, including indiscriminate and extreme violence against civilians and aid workers.

## 2.5 The new security paradigm: stay and deliver

Increasing donor funding and growing competition within the sector for those funds have created powerful incentives for aid agencies to be present and operational in conflict-affected countries. Official funding for humanitarian assistance increased from \$2.1 billion at the beginning of the 1990s (Buchanan-Smith and Randel, 2002) to \$12.4 billion in 2010, with total recorded humanitarian assistance including private donations totalling an estimated \$16.7 billion in 2010 (Global Humanitarian Assistance, 2011); meanwhile, estimates of the number of field-based aid workers employed by the UN humanitarian agencies, the ICRC and international NGOs now exceed 200,000 (Harvey et al., 2010).

The imperative to be present, particularly in high-profile conflict-affected countries, is reflected in the evolution of approaches to security management across the sector, with an increasing emphasis on the means to stay, as opposed to triggers to leave. A recent study of good practice in risk and security management for OCHA, entitled *To Stay and Deliver*, notes that ‘The objective for humanitarian actors in complex security environments ... is not to avoid risk, but to *manage* risk in a way that allows them to remain present and effective in their work ... Key to this shift is the concept of the *enabling* security approach – an approach that focuses on “how to stay” as opposed to “when to leave”’ (Egeland et al., 2011). The ‘how to stay’ approach to security rests on an assumption that presence and proximity to affected populations is a prerequisite of effective humanitarian action and acceptance on the ground. It therefore advocates strongly for humanitarian organisations to do more to avoid ‘bunkerisation’ through

a better understanding of the nature and levels of risk, and employing better means to manage and mitigate these risks (Egeland et al., 2011). The *Stay and Deliver* study concluded that organisations that have succeeded in maintaining or expanding operations in the most dangerous environments have employed a combination of highly localised programming, with a low-profile stance and low visibility at national level (*ibid.*). The study suggests that the more active and diligent an organisation is in its acceptance efforts, and the greater its capacity to communicate and negotiate with all parties, the better its overall access and security.

However, in the most dangerous environments no organisation can rely solely on acceptance-based security, and obstacles to access, such as state-imposed restrictions or active warfare, cannot always be overcome (*ibid.*). More fundamentally, what this pragmatic and arguably somewhat technocratic approach to risk and security management masks is the fact that operating in any conflict zone is almost always a messy, dangerous, uncertain and highly compromising process. Current discourse and received wisdom on operational risk and security management beg a huge question about what it really means to be ‘present’, and what the ultimate objectives of this presence are.

As regards the means of operational engagement, the *Stay and Deliver* study highlights the extent to which many agencies now rely on national staff, subcontracting to national and local organisations of various kinds, and – in the most extreme cases, such as in Somalia and Darfur – ‘remote management’. Indeed, the biggest NGOs and the UN’s specialised agencies are hardly operational in many places, subcontracting a large part of their operations to local and national organisations; what operations they do have are increasingly implemented by national staff, albeit still often ‘led’ by international staff from a distance. Although there is nothing new about this type of ‘long-arm’ programming – it was first used by Oxfam in India more than 50 years ago, and has been employed in a series of crises since including Afghanistan, Biafra, Chechnya and Burma (Hubert and Brassard-Boudreau, 2010) – its prevalence across a whole range of contexts of humanitarian action is certainly novel. While there are doubtless various factors behind this trend, some primarily financial or managerial, one principal reason is that these organisations have sought to expand their reach into violent contexts without being fully willing or able to take on all the associated risks directly.

While seen as positive in maximising institutional acceptance in hostile operating environments, these practices also have the effect of transferring risk away from the centre of these organisations to individuals and organisations at the margins. Delegated or sub-contracted implementation – often combined with the bunkerisation of international staff – is frequently pursued with little oversight or knowledge of what national or local staff, partners or contractors are actually experiencing or doing on the ground. The *Stay and Deliver* study found few

examples of good practice in this area, and concluded that international humanitarian organisations have significant room for improvement in tackling the mismatch between the security resources, support and capacities provided for international and national staff (*ibid.*, 2011). In this context it is noteworthy that the rate of incidents affecting national aid workers averaged two or three times the rate of incidents affecting international staff between 1997 and 2008 (Stoddard et al., 2009).

Current mainstream guidance on operational security management isolates the management and mitigation of risks to access from other, broader forms of risk in hostile or dangerous operating environments, including threats to national staff and to the civilian populations aid agencies are seeking to assist. Indeed, what is perhaps most striking about the current risk and security agenda is the extent to which it is focused on managing the risks for humanitarian agencies themselves – especially for international personnel, and particularly for the purpose of gaining or maintaining access to deliver material relief – as opposed to prioritising the security and protection of beneficiaries and national and local personnel. As such, it is almost entirely concerned with maintaining or expanding *agency* space, rather than *humanitarian* space.

Strategies and mechanisms that might be effective for protecting aid agencies do not necessarily protect civilians in the same context. History is replete with examples of how the aid sector and the wider international community have failed to achieve both objectives, with the security and access of aid agencies often winning out over that of civilians. When international intervention finally arrived in Bosnia in the early 1990s, for instance, ‘it did so in the form of armed escorts for humanitarian relief convoys ... [and] while the policy of protecting aid convoys saved hundreds of thousands who would otherwise have perished during the harsh Balkan winters of 1992–4, helping the needy in this way is not the same as rescuing them from danger’ (Wheeler, 2000: 282). In Somalia, the 1995 Code of Conduct for International Rehabilitation and Development Assistance to Somalia, developed by donors, UN agencies and international NGOs, was clear that the security it insisted upon for the delivery of

aid was intended for international agencies, not local people (Menkhaus, 2010).

## 2.6 Conclusion

Every conflict and every war is characterised by highly particular and fluctuating trends and patterns of violence; the extent to which aid agencies are exposed to violence in these contexts is as much a function of the extent and nature of their operational presence as it is of the external threat environment itself. Writing over a decade ago, Hugo Slim observed how:

*[t]he increased complexity of today’s civil wars does not refer to an increase in the difficulties of war for those who suffer them. Instead, this term refers to an increase in the difficulties experienced by outsiders in the international community who seek to respond to such wars as essentially non-combatant, humanitarian and peace-promoting third parties. The appalling atrocities of war and genocide in the 1990s have precedents in previous wars; the great majority of the 20 million people who died in the Cold War did so as a result of political and military strategies similar to those deployed in today’s wars – the aspect of today’s emergencies which has much less of a precedent is thus the determination of such a large part of the international system to join together to some degree and intervene in so many civil wars in the name of peace and humanity (Slim, 1997a).*

A decade and a half later, the humanitarian sector appears no closer to overcoming the difficulties Slim evokes. Indeed, if anything the complexity of aid engagement and the challenges that this complexity poses for humanitarian action have only proliferated over the past decade or so. Recognising this growing complexity, many actors have developed frameworks that seek to enhance coherence between humanitarian and political interventions. Maximising the collective impact of the international response system is seen as a prerequisite for addressing many of the key challenges to humanitarian space. This proposition and subsequent efforts to implement it are the focus of the next chapter.





# Chapter 3

## The search for ‘coherence’: aid, politics and humanitarian space

This chapter focuses on the search for ‘coherence’ between humanitarian and political action. Since the mid-1990s, there has been a general consensus among those engaged in conflict-affected settings that a certain level of coherence is necessary to overcome the challenges to humanitarian space and effectively meet development, security and political objectives. More recently, however, humanitarian organisations have begun to contest the manner in which coherence is being pursued by donor governments and the UN. Rather than being the basis for complementarity, there is a feeling that efforts at achieving coherence, particularly since 9/11, have subsumed humanitarian activity into political and security objectives, to the detriment of humanitarian space.

This chapter examines the reasons why many humanitarian organisations have come to reject the search for coherence, particularly since it was initially conceived as a means to resolve some of the shortcomings of humanitarian response in difficult conflict environments. The first part of the chapter outlines the origins and meanings of coherence, and the second part assesses the manner in which coherence was initially implemented in practice. The third section analyses the changing nature of coherence after 9/11. The final part looks at the implications of these developments for humanitarian space.

### 3.1 The origins and meaning of coherence

The early 1990s were seen as a departure from the Cold War politics of supporting authoritarian regimes, and a renewed opportunity to take further the progress on human rights made in the aftermath of the Second World War with the signing of the Universal Declaration of Human Rights, the Convention on Genocide and the Geneva Conventions. Democracy, markets and the rule of law were to be the foundations on which greater prosperity, peace and security could be achieved (Duffield, 2007; Barnett, 2011). State sovereignty was no longer seen as sacrosanct, but was contingent upon states upholding their responsibilities, including their responsibilities towards the protection of their citizens. The UN Security Council became more active in the internal affairs of states, authorising interventions on humanitarian grounds in Iraq, Somalia, Bosnia and Rwanda (Wheeler, 2000).

This optimism was punctured by the failure of these responses to end conflict, large-scale violence and even genocide. As already noted, these failures were attributed to an inability within the international community to agree on political solutions to what were essentially political problems; in contexts such as Bosnia and Rwanda, humanitarian assistance

became a (poor) substitute for international political action (Kent, 2004).

The mismatch between humanitarian and political engagement instigated a search for ‘coherence’ between ‘the political effort to bring peace, the human rights attempt to prevent impunity, and the humanitarian effort to save lives’ (CHD, 2003: 4). The UN Secretary-General called for ‘unity of purpose’ and for the UN system to ‘act coherently’ at both headquarters and in the field (UN, 1997). Similarly, donors sought to develop institutional mechanisms that better linked their aid and political departments (Macrae and Leader, 2000). The search for coherence was also a response to increasing criticism during the 1990s that humanitarian aid was doing more harm than good by fuelling the very conflicts that were creating the human suffering humanitarian assistance was intended to alleviate (Anderson, 1999; de Waal, 1997). In Somalia, warlords were controlling humanitarian resources to maintain their war efforts (Gundel, 2003), and in the aftermath of the Rwandan genocide humanitarian assistance sustained the *genocidaires* and enabled them to regroup (Terry, 2002). Minimising the diversion of aid, it was thought, meant taking into account the political contexts in which humanitarian organisations were working.

In addition, the nature of conflict was deemed to have changed. Globalisation and the demise of Cold War patronage were thought to have weakened state authority, redefining the nature, goals, methods and financing of warfare (Kaldor, 1999). These so-called ‘new wars’ seemed no longer to be about politics, but more akin to organised crime (*ibid.*), whereby belligerents sought to enrich themselves through transnational networks and war economies (Duffield, 2001). Reflecting this confusing ‘new’ reality, these conflicts become known as complex emergencies, indicating a humanitarian crisis in the context of a widespread breakdown of authority, extensive violence and civilian casualties and mass population displacement (*ibid.*). Whether these ‘new’ wars were really new at all is up for debate (see for example Terry, 2002; Cramer, 2006); nonetheless, there was broad agreement at the time that confronting these emergencies required more comprehensive solutions than the simple provision of relief.

Thus, coherence takes on various meanings. First, it refers to the need to accompany humanitarian aid with more robust political action in contexts of large-scale human rights abuse. In this regard, it relates to then UN Secretary-General Kofi Annan’s call for a doctrine of ‘humanitarian intervention’, culminating in the adoption of the ‘responsibility to protect’ at

the UN World Summit in 2005.<sup>2</sup> Second, it aims to ensure that humanitarian aid is more politically informed, thus mitigating its possible adverse effects on conflict. Third, it seeks to develop innovative approaches that link relief to other forms of intervention, such as development and peace-building, to more effectively deal with the multi-dimensional challenges of ‘complex emergencies’.

### 3.2 Coherence in practice: early experimentation (1995–2000)

Starting in the mid-1990s, there have been multiple attempts to implement coherence in practice. At the UN, there was a move away from the traditional peacekeeping model based on consent and impartiality. The UN was expected to run more complex operations, tasked with the ambitious goal of managing transitions from war to peace (Mayall, 2008; Holt, 2006), and its interventions were increasingly required to draw simultaneously upon aid, political action and where necessary the use of force (Eide et al., 2005). The concept of ‘integration’ was introduced to facilitate coordination and coherence between these various capacities; ‘strategic frameworks’ developed for Afghanistan in 1998 and Sierra Leone in 2000 constituted the first formal attempts at linking the UN’s political, humanitarian and development actors into one coherent strategy (Metcalf et al., 2011).

Donor governments also sought to ensure greater coherence among their ministries and departments, calling for more ‘joined up government’ (Macrae and Leader, 2000). This involved creating internal mechanisms for coordination, although in practice coherence was often interpreted as using humanitarian action as a conflict management tool, particularly in areas of lower strategic importance. The UK government developed principles for a ‘new humanitarianism’ (*ibid.*), marking a shift from a needs-based approach to a form of humanitarianism that openly took sides with the oppressed and sought to contribute to building peace (Macrae and Leader, 2000; Duffield, 2001). Donors also began to play a greater role in operational decision-making, earmarking contributions to multilateral bodies, creating tougher contractual and managerial regimes to scrutinise performance, increasing their involvement in humanitarian coordination, directly contracting NGOs and augmenting their presence in the field (Macrae et al., 2002).

In areas of greater strategic importance, these humanitarian responses were accompanied by military intervention, most notably NATO’s ‘humanitarian war’ over Kosovo in 1999. Although designed to protect Kosovo’s majority Albanian population from Serbian forces, the campaign had the effect of escalating Serbian violence, triggering massive displacement. UN agencies and NGOs were restricted to a facilitative

<sup>2</sup> After the former Secretary-General’s call, the UN General Assembly created the International Commission on Intervention and State Sovereignty (ICISS), which presented recommendations to the General Assembly that informed the ‘responsibility to protect’.

role as NATO led, coordinated and partly implemented the humanitarian response (Barnett, 2011). Most humanitarian organisations accepted these arrangements on the basis that NATO shared the same objectives. Many humanitarian organisations also saw the Kosovo experience as a positive intervention in light of the recent humanitarian catastrophe caused by international political inaction in Rwanda. While not all humanitarian agencies shared this view – MSF, for instance, discontinued its activities in Kosovo – the pragmatism and flexibility with which agencies treated the principles of humanitarian action demonstrated that, in practice, these principles were seen as a means to an end, rather than as sacrosanct obligations in and of themselves (Porter, 2000).

This pragmatism stemmed not only from the changing role of external actors in conflict settings, but also from changes within the humanitarian community itself. The concern with the negative effects of humanitarian aid and how to respond more effectively to ‘complex emergencies’ saw many aid agencies expand their activities beyond the realm of relief. They came to accept the need for a transformative approach, with humanitarian action as part of broader attempts at promoting human rights, development, peace-building and state-building (Barnett, 2005). No longer content with dealing with the symptoms of crises, many humanitarians aspired to influence the causes and risks that shaped vulnerability and suffering. Achieving this required close collaboration with other actors, including states. There was, however, no coherent paradigm to bring together these different spheres of action (Collinson et al., 2010). Most humanitarians sought a middle ground, emphasising the importance of tackling root causes, whilst remaining uncomfortable with the idea of openly taking sides and abandoning neutrality (Leader, 2000). This tension was less evident in areas of lower strategic significance, where humanitarian action was the main form of international engagement. Changes in the geopolitical context after 9/11, however, would throw these tensions into sharp relief.

### 3.3 Coherence in the post-9/11 decade: a humanitarian backlash

The events of 9/11 reinforced the view that sovereignty is not sacrosanct but rather contingent on various responsibilities, both to one’s own citizens and to international security and stability. This derived from a wider realisation that globalisation presented both an opportunity and a threat. Whilst globalisation may have created unprecedented opportunities for global governance and the expansion of capitalist development, it also opened up space for transnational threats such as organised crime, terrorism and weapons proliferation. After 9/11, the primary source of these threats has been identified as ‘fragile states’ (a new nomenclature for complex emergencies), with their spread seen by Western states and within the UN as a major risk to national and international stability. This has driven the imperative to intervene and stabilise these contexts to the fore of international politics, leading to the invasion

of Afghanistan and the overthrow of the Taliban in 2001 and numerous other international ‘stabilisation’ interventions in contexts such as Colombia, Iraq, Pakistan, Yemen and Somalia (Collinson et al., 2010).

Although ultimately concerned with eliminating or containing identified sources of instability (terrorism in Afghanistan/Pakistan, weapons proliferation in Iraq, narcotics in Colombia), these interventions go beyond narrow security objectives, and instead seek to enable the political and social conditions necessary for recovery, reconstruction, development and peace (*ibid.*). Achieving short-term security objectives is deemed to require longer-term transformation that tackles the structural causes of instability, such as poverty and weak governance. As a corollary, Western governments have sought to enhance coherence between ‘hard’ and ‘soft’ forms of intervention, with a focus on development, diplomacy and defence. This has involved further institutional changes within donor governments, in which new structures and mechanisms are created in pursuit of what are labelled ‘comprehensive’ or ‘whole of government’ approaches (Patrick and Brown, 2007). Enhancing civil–military relations to improve collaboration and strengthen civilian capabilities has been a central component of these efforts (Gordon, 2006).

These developments seemed to complement the aspirations of those aid agencies that sought to tackle the structural causes of suffering. Delivering emergency health, education, water and sanitation is considered crucial to bolstering security, creating immediate benefits that enhance the legitimacy of stabilisation interventions and undermine support for rivals. Improved stability is then meant to create the space for recovery and longer-term development and state-building (Collinson et al., 2010). These theoretical assumptions underpin most stability efforts. NATO forces in Afghanistan have sought to weaken support for the Taliban through the delivery of humanitarian and development aid (Donini, 2006). The Pakistan military has used a similar strategy against Islamic militants (HPG, 2009), and the Colombian government has used the same tactics to recover territory from leftist guerrillas (Elhawary, 2010). The international community in Somalia, particularly the US government and the African Union, have also used humanitarian and livelihood support to bolster their stabilisation strategy (Menkhaus, 2010; Bradbury, 2010).

These strategies have been implemented in different ways in different places. In Colombia, efforts were led by the government with US funding and humanitarian and development programming was linked with an anti-narcotics and counter-insurgency strategy (Elhawary, 2010). In Afghanistan and Iraq, donor governments developed Provincial Reconstruction Teams (PRTs) that combined military and civilian efforts to deliver humanitarian and other assistance. This included the military playing a direct role in the provision of relief, and funding NGOs and private contractors to carry out assistance. As then US Secretary of State Colin Powell famously put it, NGOs

were seen as ‘force multipliers’ in these stability efforts. Whilst subsequent language has become less explicit, the perceived role of aid agencies in stabilisation contexts remains largely the same. This was evident in 2009, when the Pakistan government called for international humanitarian assistance to help respond to large-scale displacement triggered by military operations against Taliban insurgents. The government coordinated the humanitarian response through a civil–military Special Support Group, dictating where assistance could be provided and to whom (Young, 2010). This was designed to ensure that the humanitarian response supported the government’s stabilisation efforts, first by meeting the needs of the displaced and then helping them to return to their areas of origin (HPG, 2009; UN, 2010: ix).

Efforts to enhance coherence also evolved within the UN, as the organisation sought to meet its aspirations to support peace and protect civilians. The 2000 *Report of the Panel on United Nations Peace Operations* (widely known as the Brahimi report) proposed additional planning mechanisms to enhance coherence within the UN system (UN, 2000). Leadership reforms were pursued to enhance structural integration between UN missions/offices (peacekeeping/political) and UN country teams (development/humanitarian). This entailed expanding the responsibilities of the SRSO and creating a ‘triple-hatted’ leadership role, incorporating the function of Deputy SRSO, Resident Coordinator and Humanitarian Coordinator (DSRSO/RC/HC). In fully integrated UN presences, OCHA was also brought into the mission structure, as was the case in Afghanistan (2002) and Liberia (2004). Since 2008 UN integration has become the ‘guiding principle for *all* conflict and post-conflict situations where the UN has a Country Team and a multi-dimensional peacekeeping operation or political mission/office’ (UN, 2008; emphasis added).

Discussions of UN integration initially focused on structural relationships, creating tensions as different UN agencies sought to protect their mandates and accountability lines (HPG and Stimson, 2011). Subsequently, the focus has shifted to the broader objective of achieving coherence at the strategic level, including the interface between the mission/office and UN humanitarian agencies. This is determined by the principle of ‘form follows function’: in other words, by the context in which the UN is intervening (UN, 2006). In strategically important stabilisation contexts, UN missions have been tasked with supporting intervening forces, such as ISAF in Afghanistan and AMISOM in Somalia. In areas of less strategic importance, such as the DRC, the UN has found itself taking a lead in stabilisation efforts.

The pursuit of coherence in the decade since 9/11, among both donors and the UN, has reshaped the debate on humanitarian space. Agencies that had opposed earlier ‘humanitarian wars’ on principle were outraged at what they saw as the overt politicisation of aid, with humanitarian assistance explicitly used to further stabilisation activities. The consequence,

they argued, was limited humanitarian access to vulnerable populations and increasing insecurity for humanitarian aid workers (see for example de Torrente 2004; Krähenbühl, 2011). MSF blamed this trend for a fatal attack on five of its staff in Afghanistan in 2004, which prompted the agency to suspend its activities and withdraw from a country in which it had worked for more than two decades (MSF, 2004). High-profile attacks on the ICRC and UN in Iraq were likewise explained in a similar manner (Hansen, 2007). As violence against aid workers appeared to increase, many argued that humanitarianism was facing an existential crisis (Donini et al., 2008). Coherence was rejected, the independence of humanitarian action was reasserted and principles were once again sacrosanct. There was a concerted backlash against donors' stabilisation efforts; even agencies that had willingly embraced coherence argued that there was no room for humanitarianism in comprehensive approaches (Cornish and Glad, 2008), and that military action and humanitarian aid had to be kept separate (Oxfam, 2010). There has subsequently been a profusion of civil–military guidelines and common positions emphasising the distinction between civilian and military actors, and stressing that any collaboration between them can only be countenanced as a last resort (Metcalf et al., forthcoming 2012).

This backlash has extended to UN integration too. NGOs and many UN agencies argue that the integration of UN humanitarian agencies and the wider humanitarian coordination function with peacekeeping missions and political offices compromises the principles of humanitarian action (Metcalf et al., 2011). This is deemed particularly problematic in stabilisation contexts, in which the UN is not seen as a neutral peace-broker but as playing a partisan role in support of a contested government or international forces (for example in Afghanistan, Iraq and Somalia). The effects of integration are seen as going beyond issues of principle, affecting access and security and undermining the reach and effectiveness of humanitarian aid (*ibid.*, 2011). That political imperatives trump humanitarian concerns has become the leitmotif of the sector.

Analysts have tended to support this view; according to Mark Duffield, for instance, 'rather than aid and politics being complementary, *politics is now in the driving seat*' (Duffield, 2007: 158). Antonio Donini argues that coherence has become the 'code word for the integration of humanitarian action into the wider political designs of the United Nations' (Donini, 2011: 1). NGOs in Afghanistan successfully pressed for OCHA to be brought out of the mission, and argued for an independent HC (Metcalf et al., 2011). In Somalia, NGOs have threatened to withdraw from UN humanitarian coordination fora if greater structural integration is pursued (Somalia NGO Consortium, 2010).

Why has there been such a backlash against coherence when it was so widely embraced in the late 1990s, and when many aid agencies still aspire to tackling the structural and political causes of suffering? Part of the answer lies, perhaps, in

the fact that most post-9/11 stabilisation interventions have failed to deliver what they promised (Collinson et al., 2010). This lack of evident success, coupled with the sheer cost of these operations and waning domestic political support, has prompted a retreat away from the transformative ambitions of stabilisation and a renewed focus on narrow security objectives related to containing specific threats – as has been evident in the US approach to stabilisation in countries such as Yemen and Somalia over the last decade. Thus, engaging with coherence in stabilisation contexts means that humanitarian agencies might find themselves serving narrow security interests rather than the humanitarian or liberal peace-building objectives that they espouse. This appears to have encouraged even the most pragmatic humanitarian actors to retreat to the apparent ethical safety zone of the principles of humanitarian action (*ibid.*). This conclusion is supported by the fact that, where stabilisation appears to be succeeding in delivering wider peace-building and development objectives, some aid agencies are still willing to cooperate. In DRC, many are content to work closely with the UN integrated mission on the protection of civilians and are supporting stabilisation activities through their programming – a stark contrast to the position in Afghanistan and Somalia (HPG and UNHCR, 2011).

Humanitarian agencies' retreat from coherence raises once again the fundamental question of how best to protect civilians in these contexts. Most agencies include the protection of civilians in their mandate and in their definition of humanitarian space, yet their ability to provide effective protection is severely limited (see e.g. DuBois, 2010). This was precisely the reason for previous calls for greater coherence between humanitarian and political and military action. At the heart of this issue there is a straightforward and as yet unresolved 'coherence dilemma': the humanitarian objective of protecting civilians clearly requires concerted political effort and sometimes military force, yet humanitarian engagement with politics and armed action is deemed to contradict the core principles of neutrality, impartiality and independence, or at least the dominant interpretations of these principles.

This dilemma came to the fore with the large-scale human suffering that marked the last phase of the war in Sri Lanka. The responsibility for that suffering falls primarily on political actors and belligerents, either for failing to uphold IHL in their conduct of the war or failing to ensure compliance with international human rights standards and their responsibilities to protect civilians. However, the humanitarian community remained largely silent on the ground that agencies needed to maintain their access to continue to provide material assistance. Yet the very limited access that was achieved did little for the large numbers of civilians who were directly threatened by violence and human rights abuse. Whilst tens of thousands of civilians were killed and hundreds of thousands more forced into militarised camps, humanitarian agencies responded with water, food, medicine and plastic sheets (HPG, 2010; Weissman, 2011). These tragic events highlight the shortcomings of



humanitarian action in protecting civilians, and underline that any attempt to protect humanitarian space requires some degree of coherence. This does not mean the subordination of humanitarian concerns to political imperatives, but it does require developing a framework for a principled and strategic engagement with politics that promotes a wider understanding of humanitarian space, beyond agency access.

In the decade since 9/11, humanitarian actors have turned away from the pursuit of coherence. This is perhaps understandable given the manner in which this agenda has evolved over the last ten years. The danger, however, is that the recourse to a more limited humanitarianism that seeks to isolate itself from the political sphere, or which, more worryingly, sees itself as above politics, is fundamentally naïve (since humanitarian action can never be apolitical in its means or its intent), and will do little to help address the fundamental dilemmas of humanitarianism that were brought into such sharp and tragic relief in the 1990s.

### 3.4 Moving beyond agency space: coherence and the role of principles

In order to address the perceived ‘shrinking’ of humanitarian space, many humanitarian organisations have found solace in a renewed commitment to the principles of humanitarian action. This has included proposals for a ‘humanitarian consensus’, in which the boundaries of humanitarian action and the actors that constitute it are more clearly defined in opposition to stabilisation and other spheres of international action (Donini, 2010a; Hofman and Delaunay, 2010). It is argued that a return to a ‘time-tested’ model would eliminate current confusion and address the misperception that humanitarian actors are aligned to the political and security objectives of states, thus opening up agency space (Donini et al., 2008). The principles of humanitarian action are deemed to foster greater acceptance among communities and warring parties and, in conjunction with good security management, allow humanitarian organisations to operate effectively in insecure and high-risk environments (Egeland et al., 2011).

The difficulty with this argument is that respect for the principles of humanitarian action by belligerents has been consistently poor. Principles in themselves do not automatically guarantee access; rather, access is a product of the dynamic interplay between competing interests, institutions and processes, and a function of the ability of humanitarian actors to exert positive influence over humanitarian conditions and the operating environment. There is a tendency among humanitarian actors to presume that, simply by invoking the principles of humanitarian action and thereby reasserting their own apolitical nature, access will be guaranteed. Yet the humanitarian endeavour is inherently political, and so are the organisations that engage in humanitarian action, many of whom have not adhered to the principles historically, have over time become financially linked to the political interests of donor governments, have

expanded the boundaries of humanitarian action to include transformational approaches and have often been vectors of values and modes of behaviour that many of those residing in crisis areas find hostile and reject.

This is not to say that the principles of humanitarian action do not have an important role to play in negotiating access and gaining acceptance, or that association with certain actors in a given context does not increase risks for humanitarian aid workers. It does, however, imply that humanitarians have to consider their impact on violence and conflict and invoke a definition of humanitarian space that includes protection of civilians. Indeed, a technical approach to humanitarian space can in fact serve as an alibi for not grappling with the wider challenges of engagement in difficult political and security environments. It encourages an assumption that, so long as relief is coordinated and delivered to adequate technical standards, *ipso facto* agencies are likely to be achieving their primary life-saving objectives to the best that they can with the resources that they can muster. As Fiona Terry argues, measuring the quality of humanitarian space in technical terms ‘neglects crucial issues such as the conditions of access negotiated with combatants and the relationship between combatants and civilians in areas where aid agencies are working’ (Terry, 2002: 52). A reading of the principle of humanity suggests that humanitarian action cannot simply be equated with material service provision. According to Hugo Slim, ‘this commodification of humanitarianism and its subsequent reduction to a package of “humanitarian assistance” is a serious heresy which undermines humanitarian values’ (1997b: 345). This is clear from the Red Cross/Red Crescent definition of humanity, which includes efforts to ‘prevent and alleviate human suffering wherever it may be found ... to protect life and health and to ensure respect for the human being’ (cited by Slim, 1997b: 345).

Implementing the principle of humanity in practice means moving beyond a sole preoccupation with how to ‘stay and deliver’ (often without examining the costs) to assessing the political impact of the humanitarian presence (e.g. fuelling conflict or legitimising controversial counter-insurgency strategies), assessing the extent to which belligerents’ interests and actions allow for the negotiation of humanitarian space (e.g. by seeking legitimacy through the provision of services or through respect of IHL) and assessing the compromises that need to be made and the extent to which these are deemed acceptable in order to fulfil the principle of humanity (e.g. remaining silent on abuses against civilians in order to provide material assistance). This principled and strategic approach is the ‘coherence’ with politics that humanitarians should embrace. This cannot occur in a vacuum, however. As much as humanitarian organisations like to emphasise their independence and autonomy, most form part of an international humanitarian system, and thus operate within the limits of that system. The constraints and opportunities presented by this system are the focus of the next chapter.



# Chapter 4

## The international humanitarian system and its implications for humanitarian space

The previous chapters have shown that most discussions of the challenges to humanitarian space focus on external actors and trends. Yet the complex and dynamic political, military and legal arena of civilian protection and assistance – what we call humanitarian space – is affected, not only by these external factors, but also by the nature of the international aid presence and the way that humanitarian agencies themselves operate. As argued above, many of the difficulties agencies face in delivering relief or providing protection in complex environments can be seen as a consequence of the rapid expansion in the reach and ambitions of the international humanitarian system. This chapter explores how the humanitarian sector's own evolution over the past two decades has affected aid agencies' engagement in conflict-affected countries, and the implications of this for humanitarian space.

This chapter outlines some of the key attributes of the international humanitarian aid presence in fragile and conflict-affected countries. First, it explores the extent to which the aid system seems to operate as a separate, independent and relatively powerful economic, social and political actor in many poor and crisis-affected countries. Second, the discussion examines inherent weaknesses in the structure and governance of the humanitarian system. Third, and related to the lack of top-down authority and regulation within the system, the chapter highlights the role of competition between agencies within the sector, and the way in which this competition generates simultaneous and contradictory tendencies towards cohesion and fragmentation among different actors across the system. Taken together, these elements combine to form a highly complex and dynamic set of relationships, with important implications for acceptance in challenging operating environments.

### 4.1 The humanitarian system: a source of power and contention

Humanitarian aid actors command considerable power and resources, at least in certain operational contexts. In countries with weak states and fragile or absent sovereignty (such as Afghanistan, Haiti, Somalia and South Sudan), the aid system exercises a separate and exclusive non-state or 'petty' sovereignty, with aid agencies representing a relatively powerful and well-resourced group of inter-connected international actors able to operate to a large extent separately from and sometimes in opposition to the state and other national organisations and power-holders (Duffield, 2007). Jeff Crisp and Amy Slaughter observe how the 'care and maintenance' model of refugee and IDP assistance in situations of protracted displacement 'endowed UNHCR with responsibility for the establishment of systems and services for refugees that were

parallel to, separate from, and in many cases better resourced than those available to the local population'; this created 'a widespread perception that the organization was a surrogate state, complete with its own territory (refugee camps), citizens (refugees), public services (education, health care, water, sanitation, etc.) and even ideology (community participation, gender equality)' (2009: 8). Humanitarian organisations cannot therefore credibly claim that they lack power; several not only have annual budgets that compare with those of some of the states in which they are intervening,<sup>3</sup> but also, whether intentionally or not, they represent an important part of international governance structures that are intended to transform many of these states and their societies (Barnett, 2005; Duffield, 2001).

Further, a disproportionate share of international humanitarian funding and other resources has become concentrated in the hands of just a few 'mega-NGOs' (Borrel et al., 2004: 64). A 2004 assessment of NGO engagement in Sierra Leone reported that, while hundreds of NGOs were operational, around three-quarters of humanitarian spending was handled by only 15 or so organisations (Smillie and Minear, 2004). In 2008, the largest six organisations/federations had a combined humanitarian spending of US\$1.7 billion, compared to the US\$193 million of the next 11 largest organisations/federations (Harvey et al. 2010). The dominance of the largest UN and NGO agencies in financing and governance means that the humanitarian system resembles an oligopoly with power concentrated in a few organisations. Despite differences in specific missions and mandates, these major organisations operate as a closed group or 'cartel' with interrelated histories and limited scope for new entrants (Pratt et al., 2006; Hopgood, 2008). At the international level, career paths often span these few dominant organisations, effectively creating an 'international relief elite' or a 'humanitarian establishment' (African Rights, 1994; Slim, 1995b). This establishment creates and maintains a dominant international humanitarian discourse that shapes the collective 'memory' of past humanitarian action and defines and legitimises the role of key agencies and the wider humanitarian system based on 'a way of knowledge, a background of assumptions and agreements about how

<sup>3</sup> Note, for instance, that in 2010 World Vision raised \$2.61 billion in cash and gifts-in-kind, and World Vision's total expenditures were \$2.48 billion (<http://www.wvi.org/wvi/WVIAR2010.nsf/maindocs/9AD45EB59002C22E882576DC001F5A86?opendocument>); UNHCR's annual budget reached \$3 billion in 2010 (<http://www.unhcr.org/pages/49c3646c1a.html>); and Oxfam's total expenditures exceeded \$842 million in 2009–10 ([http://www.oxfamireland.org/pdfs/annual\\_reports/Annual\\_Report\\_2011.pdf?PHPSESSID=ea13171abbca093bac109aff83d7ca51](http://www.oxfamireland.org/pdfs/annual_reports/Annual_Report_2011.pdf?PHPSESSID=ea13171abbca093bac109aff83d7ca51)). For comparison, Rwanda, Sierra Leone, Timor Leste and the Central African Republic have estimated annual government budget revenues of \$1 billion or less ([http://www.nationmaster.com/graph/eco\\_bud\\_rev-economy-budget-revenues](http://www.nationmaster.com/graph/eco_bud_rev-economy-budget-revenues)).

reality is to be interpreted and expressed' (Edwards, 1996: 34; cited by Ebrahim, 2003: 13). Through this shared narrative and discourse, the dominant organisations and institutions determine the terms of reference and rules of the game that define the system (see, for instance, Dechaine, 1992).

The boundaries of the system have been reinforced by the creation of institutional structures and inter-organisational initiatives and reforms intended to strengthen or improve the institutional and operational effectiveness of the sector, such as the Inter-Agency Standing Committee (IASC) and its various networks, the Sphere Humanitarian Charter and Minimum Standards in Disaster Response and the Clusters and Humanitarian Country Teams. While helping to strengthen the industry by supporting and improving its performance and professionalism, these institutional developments also risk marginalising, excluding or obscuring the numerous other actors and networks that are involved in humanitarian action, but are not explicitly recognised as established, legitimate or equal humanitarian actors by the international humanitarian establishment. These include local and national government and civil society organisations, small Western-based and national NGOs acting independently of the mainstream system, religious and diaspora networks and organisations, international for-profit contractors, local private sector actors and peacekeeping and other international military actors. This helps explain why most discussions of humanitarian space focus on the operational concerns of international aid agencies rather than the plethora of other actors and institutions that play a role in ensuring people's relief and protection.

A 2007 meta-evaluation of international humanitarian responses to natural disasters highlighted both the key role played by local actors and institutions, and the frequently problematic relationship between these local actors and their international aid counterparts: once the international agencies move in, local structures are typically marginalised in decision-making processes and implementation, and key personnel in local organisations are recruited by international organisations, or local organisations are simply sub-contracted by the bigger international players, often undermining the capacities of local actors (Stokke, 2007). Similarly, a recent comprehensive evaluation of the Cluster approach found that, while the Cluster framework seems to have improved coordination and strengthened partnerships between UN actors and other international humanitarian actors, it also tends to exclude national and local actors and frequently fails to link in with existing coordination and response mechanisms. Analysis of local or national structures and capacities is inadequate (Steets et al., 2010).

In certain situations, the resulting barriers – both actual and perceived – create the impression of the sector as a predominantly Western construct, representing Western interests, values and behaviours that may be distrusted, challenged or rejected by local populations (Donini, 2010b).

This is reinforced by the fact that the largest 29 NGOs (with just two exceptions) are from North America and Western Europe, and that 16 of the largest donors (providing over 90% of official humanitarian assistance reported to the Organisation for Economic Cooperation and Development (OECD) Development Assistance Committee (DAC)) are all Western, with the exception of Japan (Stoddard, 2011). The conclusions of a high-level roundtable on humanitarian space in Sri Lanka noted that inter-agency meetings were 'generally dominated by international organisations, with very few Sri Lankan organisations represented':

*The small club of foreigners who met in the so-called 'Coffee Club' was easily portrayed in the Sinhala media as a neo-colonial group conspiring against the government and Sri Lanka's interests. The sector remained isolated from civil society and presided over by expatriates, with engagement with local actors limited to narrow funding and sub-contracting relationships... This contributed to the flourishing growth of anti-NGO sentiment (HPG, 2010: 10).*

In South Sudan, Duffield (2010) observes how aid compounds have come to represent a highly visible and separate island of modernity, with the concentration of vehicles, diesel, electricity, medical supplies, safe water and telecommunications exposing the exclusivity of the international space and its unequal relationship with the surrounding environment.

#### **4.2 The humanitarian system as a form of networks-based governance**

The concentration of humanitarian aid flows through a core group of UN agencies and NGOs, and the shared discourse and relationships linking these organisations, might make it appear that the system is relatively centralised. In reality, however, there is little in the way of any formalised or centralised structure of authority. Functional interdependence among key operational actors and between them and their donors, and the existence of an international humanitarian establishment with a broadly-shared discourse of humanitarianism, creates the impression of a defined system, at least for those actors firmly positioned within it. But in practice the 'system', such as it is, is loosely configured compared with many other international policy communities (Collinson, 2011; Harvey et al., 2010). It lacks any explicit or overarching rules-based regime and the actors within it are mostly self-regulating.

In self-regulating transnational communities of this kind, 'private and public actors concerned with a particular type of transnational activity come together', often in 'non-structured and rather unformalized settings, to elaborate and agree on collective rules of the game' (Dobusch and Quack, 2008: 8). The process is one of 'voluntary and relatively informal negotiation; the emerging structural arrangements are relatively amorphous, fluid, and multifocal in nature', with



a high degree of reliance on ‘voluntary compliance and socialization of the members into a common cognitive and normative framework’ (*ibid.*). The result is a complex and dispersed form of networks-based governance that leaves considerable room for autonomy. Actors jostle for leverage, or alternatively ignore or dissociate themselves from any normative or joint operational frameworks when it is not deemed in their interest to participate. The power to determine and implement policies at the system-wide level is distributed relatively evenly among UN specialised agencies, the bigger international NGOs and donors (Collinson, 2011).

In order to tackle some of the challenges associated with humanitarian space, a variety of established and *ad hoc* networks have succeeded in developing and agreeing joint standards and codes of conduct for various different levels, sectors and contexts of humanitarian policy and operations, including operational codes of conduct such as the Ground Rules in Sudan and the Good Humanitarian Donorship Principles, the Humanitarian Accountability Partnership (HAP) principles and the various guidelines developed by the IASC. Many of these common standards and operating rules aim to ensure respect for the principles of humanitarian action and compliance with established good practice. Yet, in reality, they have failed to ensure consistency across the system. This is because these networks and standards do not constitute a distinct or coherent normative framework for the sector as a whole. They also typically lack any monitoring or enforcement mechanisms, and compliance is almost always weak and uneven in practice. In Somalia, for instance, the JOPs developed in 2007/8 were never formally operationalised due in part to the inability of NGOs and UN actors to agree on the principles. The ‘Negotiation Ground Rules’ introduced through the IASC in March 2009, the NGO Position Paper on Operating Principles and Red Lines and the UN Country Team’s Policy on Humanitarian Engagement, both issued in late 2009, were not applied consistently, if at all, in practice (Hammond and Vaughan-Lee, 2012). On the ground, aid agencies have pursued individual approaches to operational challenges and risk management, with competitive relationships prevailing among multilateral agencies and between international and national NGOs, resulting in limited collaboration, coordination and information sharing.

Similarly, during the IDP crisis in Pakistan in 2009 and 2010, aid agencies in the Humanitarian Country Team agreed Basic Operating Rules and ‘red lines’ in terms of assessing needs, engaging with the Pakistani military and supporting the return of displaced populations. In practice, however, agencies either dismissed many of these agreements as irrelevant or simply reneged on their commitments. As highlighted by one aid worker engaged in the response, ‘these rules have been honoured in the breach rather than the observance’ (Young, 2010: 34). Many aid agencies blamed the lack of adherence on weak leadership, and specifically the Humanitarian Coordinator’s inability to ensure compliance. Yet this criticism fails to take into account the networks-based nature of the system, which makes it very

difficult to enforce common approaches and strategies aimed at improving humanitarian space.

### 4.3 The international humanitarian system as a ‘marketplace’

The shortcomings of joint initiatives aimed at improving humanitarian space are reinforced by competition within the system. The fluid and unsettled nature of the humanitarian system’s normative and institutional frameworks is amplified by competition between key actors within and beyond it – for funds, for public profile, for market share or for niche expansion.<sup>4</sup> Non-profit international NGOs respond to contractual incentives and organisational pressures much like firms do in markets, with high levels of organisational insecurity, competitive pressures and financial uncertainty among agencies as they compete to raise money and secure donor contracts. These contracts are often performance-based, renewable and short term, encouraging opportunism (Cooley and Ron, 2002).

These market pressures simultaneously stimulate cohesion and fragmentation across the system. Thus, while the global INGO relief market is dominated by a small number of large agencies, each of their country offices is forced to compete for individual contracts in particular conflict settings (*ibid.*). At the same time, donors – who have themselves signed up to Good Humanitarian Donorship Principles aimed at synchronising international humanitarian financing – require contracted agencies to operate within joint systems of operational cooperation and coordination, such as the Clusters, and to adhere to commonly-recognised norms or standards, such as the Sphere standards. As the biggest organisations have grown and their coverage has expanded internationally, they have evolved into funding institutions for numerous smaller sub-contracted operational providers, while still exercising dominance as the main contractors in the system. Meanwhile, ‘hundreds of smaller INGOs are seeking entry to the aid and relief market, hoping to raise funds for future work by raising their flag in media-saturated humanitarian “hot spots”’ (*ibid.*: 12).

Competition also creates incentives for the lead humanitarian actors to club together and seek to define themselves as distinctive from other spheres of international engagement and other types of actors, including military and for-profit contractors. The rhetoric of the principles of humanitarian action plays an important part in humanitarian actors’ efforts to mark out and protect for themselves a distinctive market niche – as well as a distinctive political and operational space. Yet in practice, different humanitarian agencies take different positions with regard to these competing sectors and actors; some, for instance, are willing to engage directly with peace-

<sup>4</sup> A surge or surplus of international aid funding into a particular crisis can also generate intense competition. This has been seen in a number of high-profile responses, including Iraq, Afghanistan, the Indian Ocean tsunami response and the 2010 Haiti earthquake.

building or state-building activities, while others insist on a more purist and isolationist approach to humanitarian engagement. This explains the ease with which aid agencies come together to create a common discourse of principled humanitarian action, and the difficulty they have in replicating this discourse in practice.

Furthermore, market competition within the mainstream humanitarian system is part of a much broader marketplace of international aid engagement. In some contexts, official donors and their lead operational partners are only bit-players on the broader stage of international aid. Indeed, in the highest-profile international interventions the resources controlled and managed by the humanitarian aid sector are dwarfed by other forms of aid, and in major sudden-onset disasters they are easily overtaken by private donations channelled through a diverse array of networks and organisations, many of which are more or less entirely off the map of established international humanitarian action. In Afghanistan, the US is the dominant donor and favours the implementation of aid programmes through large US contracting companies. In this context, the dividing lines between the many different types of contractors and service providers is often blurred, and sometimes deliberately so. DynCorp International Inc., for example – listed as twelfth in a recent ranking of US government contractors and partners – describes itself on its main homepage as providing ‘[r]apid response capabilities in emergencies, world-class post-conflict and transition programs, and sustainable solutions for long-term development, with an emphasis on building local capacity’; its subsidiary, DI Development, is described as having the capability ‘to assess, plan and execute the creation of major population support facilities in times of distress and emergency’ (DynCorp International Inc., 2011, at <http://www.dyn-intl.com/development.aspx>).

Despite the system’s outward manifestations of institutional and material power and common discourses of principled humanitarian action, there is a clear tendency for systemic weakness in the face of the often intense and highly complex pressures and risks of supporting or implementing humanitarian action in difficult and insecure operating environments. This is partly because agencies are driven by competing priorities and imperatives, such as maintaining their operations, institutional presence and funding in a particular context, or aligning with a particular party to a conflict in an effort to address the structural causes of conflict. In DRC, for instance, the extreme marketisation of NGO activities following the Rwandan genocide in the mid-1990s discouraged agencies from protesting about aid diversion in the Goma refugee camps: securing funding became a core priority of many INGOs, ‘pushing other concerns – such as ethics, project efficacy, or self-criticism – to the margins’; competition between INGOs undercut the collective action necessary to protest about the misuse of refugee aid (Cooley and Ron, 2002: 16). Clearly, agencies wanted to provide relief and help the refugees, but ‘[n]ormative considerations aside, the material stakes were also high ... [as] [n]o major

organization concerned about self-preservation could risk losing such an important source of funding’ (*ibid.*: 27). In Afghanistan, the advocacy coordinator for CARE in 2004 justified taking funds from the US, a belligerent in the conflict, on the basis that the intervention shared the same objective of relieving the suffering of the population and tackling the root causes of conflict and poverty (O’Brien, 2004).

The fragmented nature of the system has meant that, in the most contested environments, the humanitarian aid industry is liable to co-option or capture by more powerful political and economic actors, or can be pulled into competing and potentially contradictory agendas – e.g. government-led military or political campaigns, or counter-insurgency and state-building led by Western powers, or local agendas of violence and power. In Pakistan following the 2010 floods, for example, the IASC-commissioned inter-agency real-time evaluation of the response found that ‘[t]he selection of beneficiaries was, at times, not done independently but was subordinated to political interference ... [and] unknown quantities of assistance have reportedly reached those that were the least vulnerable, close to feudal landlords or connected through certain political affiliations’ (Polastro et al., 2011: 36–37). In Somalia, humanitarian programming has for decades interacted with national and local politics and conflict, often benefiting more powerful community members. At the local level, gatekeepers known as ‘black cats’ – businessmen, political actors, senior members of the community or clan or other powerful individuals – often decide who should receive aid or insist that recipients should hand over a portion of the relief they receive (Jaspars and Maxwell, 2008; Hammond and Vaughan-Lee, 2012).

It is no accident that the aid industry’s expanded involvement in contexts of international political and military intervention has gone hand-in-hand with a growing concern with politicisation: the fact that such a high proportion of humanitarian aid is concentrated in high-profile contexts, despite humanitarian needs not always being the greatest, reflects how humanitarian agencies are politicised at a global level. The politicisation of assistance is most obvious where the humanitarian presence requires agencies to accommodate themselves to international, national or local political or military objectives. A Feinstein International Center consultation on Iraq, for instance, found that agencies were split within and among themselves as they struggled with the contending pressures of principles versus institutional survival. The prioritisation of presence and access over principle was reflected in the observation that ‘practically no-one in the global humanitarian assistance community was prepared to express the view openly that “we should not be in Iraq”’:

*There was no consensus among discussants on the nature of the crisis. The starting point was that humanitarian agencies would respond only to humanitarian need. When it became clear that there*

*was no major food or displacement crisis and only pockets of vulnerability among civilians, the issue was fudged for reasons of institutional survival ... The stark choice was between cooption and irrelevance: for fear of losing funds and contracts, many agencies found reasons to stay on, regardless of their particular mandate* (Feinstein International Famine Center, 2004: 8).

Similarly, in Sri Lanka, operational security risks were reduced and so made acceptable through compromises agreed with national and local military and political actors, and through the direct transfer of risk from international personnel to local staff and the civilian population. On the instructions of the government, and with no effective or open challenge, all international staff were withdrawn from

the North in late 2008, and agencies accepted government limits on the amount of food aid they were allowed to deliver (HPG, 2010).

As highlighted above, the overwhelming response to the politicisation of aid among aid practitioners has been to call for a renewed commitment to the traditional principles of humanitarian action. There is however a gulf between the rhetoric of principled humanitarianism – resting on an assumed or hoped-for separation from political imperatives – and real-life, unavoidably political challenges on the ground, many of which stem from the nature of the humanitarian system itself. Paradoxically, by sweeping many of the critical dilemmas and challenges the system faces under a collective rug of ill-defined principles, humanitarian actors are making it even more difficult to live up to these principles in practice.



# Chapter 5

## Conclusions

This review of trends and issues in humanitarian space has sought to challenge the dominant narrative espoused by humanitarian aid actors that humanitarian space is shrinking. According to this discourse, the ability of humanitarian actors to provide relief and protection to affected populations is dramatically in decline, and greater respect for the principles of humanitarian action will arrest this decline. Yet the evidence suggests that many of today's challenges to humanitarian action not only have a historical precedent, but are also the result of an expanding humanitarian system that has extended its reach and ambitions into types of conflict and crisis that were previously off-limits. The collective failure to acknowledge this essential truth has meant that the reasons why humanitarian organisations struggle to reach people in need and suffer attacks and rejection have been misunderstood.

Most discussions of humanitarian space focus on the policies and actions of external players: stabilisation operations blur the distinction between military and humanitarian actors and co-opt the humanitarian enterprise for political and military ends; UN integrated missions undermine the neutrality of UN humanitarian agencies and their partners; counter-terrorism legislation impedes the impartial delivery of aid by criminalising assistance in areas controlled by proscribed groups; national governments, keen to assert their sovereignty, overstate their capacity to respond and deny humanitarian access. Whilst these external factors are significant, greater scrutiny is required of the international humanitarian system itself, and the impact the system has on the ability of aid agencies to provide relief and/or protection.

Contrary to common assertions, the humanitarian system is frequently exclusive, dominant, internally competitive and fragmented. It can also act as a vector of Western values and interests that are not universally shared in the places where it intervenes. These internal characteristics are surprisingly absent from discussions of humanitarian space. Where there is commentary on the nature of the humanitarian system, it is usually confined to the role of multi-mandate organisations in extending the boundaries of humanitarian action, and to technical coordination matters that are more amenable to joint decision-making and problem-solving. For example, the 2005 Humanitarian Response Review commissioned by the UN's Emergency Relief Coordinator was triggered by the wholesale failure of the sector's response to the Darfur crisis in Sudan. The failure was a consequence of political as well as technical weaknesses within the system (Wheeler, 2005), yet the review and the reforms that have followed have almost exclusively focused on internal technical and organisational coordination and response capacities. Deeper failures in international humanitarian action – such as the failure of agencies to act

collectively and strategically in the face of violence against civilians in Sri Lanka, or the failure to prevent the political manipulation of aid in Pakistan – are not fully recognised or addressed. Where they are, these failures are attributed to technical operational problems, such as weak leadership or poor coordination. In fact, leadership and coordination dominates the IASC's 'transformative agenda – 2012', its current strategy for reforming the system and enhancing its effectiveness.

Prioritising external factors over internal ones or simply focusing on internal technical issues has led to solutions that do not effectively address the problem. This is evident in the most common proposed solution to the problem of humanitarian space, namely the call for protection of the humanitarian identity and greater adherence to the principles of humanitarian action. Donors are asked to fulfill their commitments under the Good Humanitarian Donorship initiative, military actors are asked to respect internationally recognised civil–military guidelines, national governments and non-state armed actors are asked to respect international humanitarian law and allow humanitarian organisations access and multi-mandate organisations are asked to prioritise their humanitarian work over their development and/or human rights interventions in conflict environments.

These efforts to ensure that humanitarian organisations consistently respect the principles of humanitarian action fail to take into account the workings of the system. The system is not a homogenous entity but rather a network-based form of governance. There is no top-down authority to ensure compliance with such endeavours, there are different understandings of what humanitarian action is and of what actually constitutes its identity, there are various interpretations of the principles themselves and market conditions often result in competition between organisations, rather than compliance with agreed norms or codes. Furthermore, external political and military actors still seek to oppose principled humanitarian action if it is deemed to hinder the pursuit of their objectives, and if they feel that they can benefit from a more politicised humanitarian response. As highlighted by Hammond (2008: 290), attacks against humanitarians are often designed to demonstrate 'the might of the attacker, the weakness of the victim, and the inability of the opposing force to prevent such attacks'. This has little to do with principles.

Confining legitimate humanitarian action to a set of actors and principles also has the effect of reinforcing the exclusive nature of the system and deciding who can and cannot be part of the establishment. It is no surprise therefore that the problem of 'shrinking humanitarian space' is mostly confined to the delivery of material assistance by established aid agencies.

Despite the fact that many definitions of humanitarian space recognise the importance of both relief and protection, the role of other actors in delivering these assets is rarely mentioned. What is needed is a broader definition of humanitarian space that includes the protection and assistance needs and priorities of affected people and the roles and duties of other key actors, including political authorities and armed groups. Within this conception, humanitarian space is a complex political, military and legal arena of civilian protection and assistance, and is determined by the interplay of a range of actors' interests and actions. As Marie-Pierre Allie, President of the French Section of MSF, puts it, humanitarian space is 'a space for negotiations, power games and interest-seeking between aid actors and authorities ... It is the product of repeated transactions with local and international political and military forces. Its scope depends largely on the organisation's ambitions, the diplomatic and political support it can rely on and the interest taken in its action by those in power' (2010: 3).

Given the broad range of issues and dynamics that emerge from this understanding of the term, in practice, it is actually more useful to avoid the term unless discussing it in its broader sense. Greater clarity and use would stem from being specific about the actual issue being raised and how best to use the leverage an organisation has to try and affect it. This could include aid agency access, civilian protection, civil-military relations, the behaviour of humanitarian donors and engagement with non-state armed actors.

Humanitarian actors need to focus on their strategic engagement with political and military forces with the aim of promoting civilian protection and critically reflecting and mitigating the negative impacts of humanitarian action. The debates of the 1990s, with their emphasis on the importance of scrutinising the impact of humanitarian aid, have somehow been lost in current discussions of humanitarian space; a return to these concerns would go a long way to support humanitarian objectives in conflict situations. This would include, alongside efforts to maintain operational presence, discussion of minimum conditions in specific contexts that would prompt the withdrawal or suspension of activities if the costs of maintaining a humanitarian presence were too high, for instance by transferring risks to national staff or partners, by being co-opted into controversial counter-insurgency campaigns or by prioritising the material delivery of assistance over the protection of civilians. Any such decision needs to be made within a clear ethical framework, with the costs and benefits of the course of action taken articulated in a transparent manner (see e.g. Leader, 2000; Slim, 1997c).

The ultimate responsibility for ensuring respect for humanitarian principles does not lie with humanitarian organisations but rather with political authorities and military forces. However, humanitarian organisations can encourage these actors to meet their commitments. They are most likely to succeed in this if they capitalise upon existing political processes that are already reducing incentives for abuse (Leader, 2000).

This will require strategic thinking and analysis that identifies the key actors, their goals and objectives and their incentives for respecting the rights of affected populations to receive assistance and protection. This in turn will require humanitarian actors to come to agreed positions and actions that can more effectively influence these actors.

A central obstacle to implementing such an approach is the nature of the humanitarian system itself. The growth in the number of humanitarian agencies and inter-organisational networks has led to more complex and dispersed patterns of networks-based action across the sector. Within and across these networks, there is a constant tension between fragmenting and centralising dynamics that result from diverse organisations trying both to compete and cooperate in a sector that lacks any clear top-down authority. Centralising tendencies give the impression that common approaches across the sector are easily achieved. This is evident in the development of the cluster system and the formalisation of country-level Humanitarian Country Teams, and reinforced by common funding relationships. Yet, in reality, different organisations working with varying priorities and different mandates and missions also continue to operate with relative autonomy from one another on the ground, with their actions often *ad hoc* and based on ideology, personalities or institutional interests rather than any shared strategies of engagement. When they come together in formalised fora, such as the Clusters, the focus of cooperation and information-sharing is usually narrowly focused on immediate operational priorities or imperatives in ways that do not encourage broader or connected strategic and principled reflection or action.

This autonomy is cherished by organisations as it allows them the freedom to negotiate their own presence, pursue their own programmes and make their own compromises according to their specific mission or mandate (Rieff, 2011). It may also allow greater space for adaptability to complex political and security environments, both at the individual agency level and for the wider sector. Importantly, if enough aid agencies are able to maintain some level of financial independence, the space for autonomous action may protect the sector from wholesale political capture by donor governments and being subject to the imbalances in levels of funding to crises of higher or lower strategic importance. Collectively, however, agency autonomy risks encouraging an anarchic free-for-all that will favour limited and fragmented tactical engagement with armed and other state and non-state actors to secure individual agency space rather than any joint principled and strategic engagement to influence humanitarian space more broadly. To overcome these obstacles, humanitarian actors need to negotiate more strategically among themselves to come to agreed positions and actions. Achieving this will mean finding a compromise between the two extremes of anarchic autonomy and top-down authority within the system, recognising the value of different approaches among different actors. This will not be easy, but such an endeavour is central to promoting genuine humanitarian space for affected populations.



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