Taking sides: the Iraq crisis and the future of humanitarianism

by Antonio Donini

The Iraq crisis presents critical challenges to the humanitarian community.

As in Afghanistan, humanitarian agencies in Iraq are confronted with a contested environment, a security crisis, major policy quandaries and issues arising from the need to interact with coalition forces whose intervention is seen as illegitimate by significant segments of the population, in the region and beyond. The lines between political and humanitarian action have been dangerously blurred. Humanitarian principles have been eroded and the overall credibility of the humanitarian enterprise devalued. UN and other humanitarian agencies have been seen as taking sides, with tragic consequences for the security of staff and an ongoing threat to humanitarian operations in both countries.

The policy and operational choices made by humanitarian agencies in the Iraqi context, both at their headquarters and on the ground, are bound to have a lasting impact beyond Iraq. The issues of 'whether' and 'how' to work in Iraq are ones over which humanitarian agencies have agonised since well before the US-led intervention. The atmosphere in which these discussions took place was laden with political and institutional sensitivities. Views diverged widely on how to relate to the Occupying Power (OP) and on the extent to which the OP should be held to its responsibilities under international humanitarian law (IHL) to provide for the security and well-being of the civilian population as well as a secure and enabling environment for aid activities. Given the prevailing security situation, this has now become a moot point: the bulk of UN, ICRC and NGO international staff have left the country and what presence remains is largely symbolic. The Baghdad blast that killed Sergio Vieira de Mello and 21 of his colleagues and the attacks against the ICRC and NGOs have brought home the risks and the consequences of the choices made.

A deep malaise now permeates the humanitarian community. Coming shortly after the Afghanistan and Kosovo crises, the Iraq issues are seen as profoundly troubling. Many feel that humanitarian action has been politicised to an extent rarely seen and tainted by its association with the coalition intervention. Serious compromises from which it will be difficult to disentangle have been made.

Erosion of principles of neutrality, impartiality and independence

Agencies are split within and among themselves as they struggle with the contending pressures of principle versus institutional survival. Well-established NGOs, particularly those based in the US, have faced stark choices and arm-twisting from their governments as well as competition from 'for profit' contractors. In contrast with many of their European counterparts, most US-based NGOs could not afford to say no. Hardly anybody in the humanitarian assistance community was prepared to say openly before the intervention that "we should not be in Iraq – let the Occupying Power deliver on its IHL responsibilities and sort out the mess it has created". Yet in private many now question whether the UN's humanitarian apparatus should have been operational within Iraq and whether NGOs should have relied on the UN as a 'buffer' vis-à-vis the OP.

The murkiness of the situation has been compounded by two additional factors. The first is the lack of a clear understanding of the nature of the situation on the ground which was arbitrarily defined as 'humanitarian' in order to justify the presence of the UN and NGOs in the absence of a UN mandate.[1] Agencies needed a humanitarian cover in order to be present. The UN Appeal for $2.3bn in April

2003 was driven by political considerations (pressure from the coalition for UN and NGOs to be there), institutional survival ('if we don't go, someone else will') and the sheer magnitude of funds being made available. The second was the conflation of humanitarian, development and advocacy agendas to suit agency survival imperatives.[2] Both these considerations are important because they illustrate the extent to which humanitarian agencies have strayed into basically political territory.

This is not the first time that the lines between humanitarian and political action have been blurred. Afghanistan and Kosovo provided a foretaste of unpalatable pressures on humanitarian action. From Angola to Timor Leste and points in between, humanitarians have functioned in politicised landscapes or acted as fig leaves for political inaction. Iraq, however, represents a new level of intrusiveness into the humanitarian enterprise, differing not only in degree but also in kind from its predecessors. Key differences are the lack of a UN imprimatur on the attack on Iraq, the pressure to interact with an OP whom many view as illegitimate, the extraordinarily supply-driven response and the short leash on which operational agencies are being held by some donor governments.

The global war on terror casts a sombre shadow on the prospects of principled humanitarianism. In a sense, the Bush doctrine is the mirror image of al-Qa'ida: both say 'you are either with or against us'. This leaves precious little independent, neutral and impartial space for humanitarian action. Decisions on humanitarian issues by the major donors, including on where and where not to fund, are made in the context of their security agendas. This has resulted in a disturbing readiness to ignore humanitarian principles and IHL in general – as evidenced by the detentions in Guantanamo, the reported tolerance for torture and the free hand allowed to the Russians in

Chechnya. The perception that double standards are being applied by the North to suffering in the South is reinforced by the wide disparity in funding patterns. High-profile crises suck up the cash while forgotten and often more deadly crises languish.

The deepening 'us versus them' divide threatens the essence of humanitarian action. Events in Iraq and Afghanistan have confronted the humanitarian community with the increasing realisation that the humanitarian enterprise is a Northern one. There is no escaping the fact that what we call 'humanitarian assistance' is funded by a small club of Western donors and is implemented by agencies and individuals based primarily in donor countries and who, by and large, share the values of these countries. Even the UN is unable to 'multilateralise' humanitarian action: unlike peace-keeping operations which are funded by contributions assessed from the entire membership, funding for humanitarian assistance is voluntary. This means that the 170 or so member states that are not part of the donors' club have no visible stakes in the policies and implementation of UN humanitarian assistance. Moreover, even multilateral assistance is being bilateralised through increased earmarking of funds for specific countries or activities.

This calls into question the very universality of humanitarian action. The inherent linkages between Northern politics and economics on the one hand and Official Development Assistance (ODA) and humanitarian action on the other are of course not new. At the same time, however, other forms of 'humanitarian action' go unnoticed and unreported – the contributions of Islamic countries and charities, *zakat* and other forms of relief provided through mosques, the remittances of the diasporas, not to mention the contributions of countries in crisis themselves and the coping strategies of affected communities. These unrecorded flows are likely to be sizeable, perhaps even larger than the 'official' ones. The increased disaffection vis-à-vis humanitarianism in large swathes of the developing and Islamic worlds should come as no surprise. The fact that aid workers are seen as enemy targets by extremist groups is but one extreme example of the extent of this disaffection.

Quality of mercy strained to breaking point

While there may be the beginnings of some consensus on what went wrong in Iraq and how Iraq has brought into sharper focus issues which emerged in Afghanistan, the bigger picture and its likely evolution are more difficult to put into focus. Humanitarian action seems to be taking place in an increasingly murky landscape beset by manipulation and tension between policy choices and even philosophies of humanitarianism. Taking a sombre view, some have predicted that the prospects for humanitarianism in the age of terror and anti-terror will be increasingly grim.[3] Neutral humanitarian space appears to be shrinking generally and has practically disappeared in situations like Iraq and Afghanistan. Does it still make sense to use the term humanitarianism when the priests who are supposed to be the custodians of principle have, happily or reluctantly, joined the service of empire?

The future of humanitarian action is likely to be shaped by how the following questions are answered:

- Are we witnessing a temporary phenomenon – an anomaly in a more or less linear advance of humanitarian values in the post-Cold War era – or a more durable state of affairs linked to superpower domination and the war on terror?
- Is the subordination of humanitarian action to the political objectives of the sole superpower a passing aberration or the harbinger of hard times ahead for humanitarian principles?
- Has the push for 'coherence' and 'integration' in crisis management resulted in a temporary or permanent eclipse of the humanitarian dimension in the UN response to crises?
- How will the tension between the UN as Security Council and the UN as 'We the peoples…' (the opening phrase of the UN Charter)[4] be resolved? Are reforms possible that would give higher priority in the Council's deliberations to human rights and human needs, wherever they exist?
- Is a two-tiered crisis response regime emerging in which the US calls the shots and constrains humanitarian action in the high-profile situations where it is directly involved, while in less visible crises, which may well be more deadly but attract less attention and funding, humanitarians are more able to go about their principled business?[5]
- Are the devaluation of humanitarian emblems and the threats faced by humanitarian personnel qualitatively or only quantitatively different from earlier experience? What do we know about the motivations of extremist groups and their grievances? Is it possible to engage with them on IHL issues?
- What is humanitarianism's essential core and how does it connect (or not) with other forms of international involvement in developing countries – development, human rights, trade, investment and political/military action?
- Is it possible or desirable to de-link humanitarian action from Western values and approaches to security?
- What are the indigenous values and traditions that a more universal humanitarianism might tap into?

The humanitarian community is divided on how to interact with the OP in Iraq or on what lessons to draw from recent experiences. The range of present positions echoes earlier debates on whether the civilian nature of humanitarian action is a *sine qua non* or simply a desirable feature. Agencies differ among themselves on whether or not it is advisable to accept funds from and cooperate with the military forces of the belligerents and whether or not these should be involved in the delivery of relief. These issues are likely to have a lasting impact on how NGOs envision their future roles in crisis settings. The pressure on US NGOs to act as a 'force multiplier' for US foreign policy goals has been especially strong. It has led to considerable internal hand-wringing – but little open debate – on how to confront such pressures in the future. European NGOs who, by and large, rely less on bilateral government funds have had a smoother ride.

This leads to a fundamental question for humanitarian actors. The evidence of the last few years points to the incremental emergence of integration of political and humanitarian responses as a template but only in

high-profile crises – those where the overall policy approach is driven by the Security Council or superpower interests. In low-profile crises, principled humanitarian action has a better chance of survival. The post-Bonn UN mission in Afghanistan has been the most 'coherent' and 'integrated' to date but elements of integration are present in all recent UN missions from Kosovo to Iraq. Humanitarianism in such settings has become subsidiary to a much larger and essentially political agenda which has to do with how the international community chooses to manage its overall response to crises. The push for integration thus carries crucial policy and institutional implications for the humanitarian enterprise.

The choice confronting UN humanitarian entities is two-fold. One option involves full membership in the UN conflict management and resolution machinery, with a potential loss of their independent and neutral humanitarian voice. The other embraces some degree of separation or insulation from that machinery so as to nurture policy and partnerships in the humanitarian community, with the risk of being less able to ensure that humanitarian concerns are given equal billing in the overall response. The experience with 'equal billing' so far has been mixed at best. In Afghanistan, but also in many African crises, experience has shown that the political UN does not see itself bound by humanitarian principles and often has limited appreciation of the value of the humanitarian endeavour in and of itself. Culturally and institutionally, there seems to be a reluctance to acknowledge that humanitarianism and human rights are valuable in their own right and also central to the quest for peace.

In some ways insulation would constitute a return to the clearer institutional architecture of the Cold War era when humanitarian issues and human rights were in more watertight compartments. Recognition that a new Cold War is in the offing – this time built around the global war on terror – would require humanitarian actors to be much more cautious in staking out the space in which they operate.

Regardless of whether this issue of the UN's institutional architecture will be reopened, many feel that efforts should be redoubled to influence decision makers in the Security Council and elsewhere on humanitarian and protection issues. The November 2003 establishment by the Secretary-General of the UN of his 'blue ribbon' panel on the reform of the UN's political/security role[6] provides an opportunity. The objective from the humanitarian perspective would be to 'humanitarianise' politics but without politicising humanitarian action.

Redefining 'humanitarian'

Given the blurring of the lines which everyone from the UN Secretary-General down has acknowledged, perhaps a first area to be addressed could be that of defining the term 'humanitarian'. Is humanitarian action that takes its cue from the UN Security Council still humanitarian? It is noteworthy that at least one UN agency head lamented the reality of the intrusion of the SC into humanitarian matters and advocated that the Secretary-General be the spokesman of 'we the peoples...' rather than of the Security Council.

A focus on core humanitarian activities would run counter to the trend of the 1990s when the humanitarian agenda expanded into areas that were not strictly speaking humanitarian – peace building, capacity building and aid-induced conflict resolution. Moreover, because of the demise of 'development' as a mobilising force in the conduct of North-South relations and the Byzantine vagaries of donor bureaucracies, the humanitarian label has been applied to all manner of small-scale and community-based recovery activities that would fit more neatly under a development label. This pattern has been particularly notable in Afghanistan but also in Iraq, DRC and Sierra Leone. In Iraq, the double blurring between politics and humanitarian action and between humanitarian and development work has been the source of much confusion.

Many feel that effective and principled humanitarian action requires some form of return to basics. The more one departs from the 'copyrighted' humanitarianism enshrined in the Geneva conventions, the more the risks of treading on murky ground increase. This Dunantist view[7] is countered by those who believe that too restrictive an approach does not do justice to the complex nature of current conflicts and, in particular, protracted emergencies. At the same time, there is a realisation that humanitarians have perhaps gone too far in occupying space left free by others – development actors and shrinking state involvement in ODA. Perhaps, also, some regulation of the humanitarian profession is required to ensure that the label is only applied to 'certified' humanitarians. The answer lies probably somewhere in the middle. There is no one-size-fits-all solution. Maximalist humanitarian approaches may be justified in some situations – particularly when there is a solid peace agreement and an agreed collective strategy which lends itself to some degree of an integrated response – while minimalist or Dunantist solutions may be the only way forward in extremely contested, politicised and volatile environments.

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1. This is not to say that pockets of need did not exist nor that it was wrong to plan for a possible deterioration of the situation.
2. Technically speaking, according to IHL, humanitarian agencies should not 'engage in controversies'. Thus, aid agencies should not have advocated against the war, other than perhaps pointing out the likely humanitarian consequence that might eventuate.
3. See Larry Minear, *The Humanitarian Enterprise, Dilemmas and Discoveries*, Kumarian Press, Bloomfield, CT, 2002, last chapter, and Joanna Macrae and Adele Hammer, 'Humanitarian Action and the 'War on Terror': a Review of Issues', HPG Report 14, ODI, London, July 2003: www.odi.org.uk/hpg/papers/hpgreport14.pdf
4. See www.wethepeoples.org
5. According to Oxfam (IRIN, 16 September 2003) nearly half of all the funds provided by donors in 2002 in response to the 25 UN appeals went to just one country, Afghanistan. Funding patterns are likely to be skewed by Iraq to an even greater extent in 2003/04.
6. See: www.unwire.org/UNWire/20031104/449_10084.asp
7. Named after the founder of the Red Cross movement: the principle that humanitarian organisations must align themselves outside the interests of states.