

# African Rights

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## HUMANITARIANISM UNBOUND?

### CURRENT DILEMMAS FACING MULTI-MANDATE RELIEF OPERATIONS IN POLITICAL EMERGENCIES

*African Rights discussion papers are intended to explore issues that we see as important for the future, as a prelude to undertaking substantive research or advocacy. They are intended to stimulate thinking and debate among Africans, NGOs, advocacy organizations and others concerned with issues of human rights, conflict, famine, civil society and the responsibilities of international organizations in Africa. We welcome comments from readers.*

*This is the first publication in an African Rights project specifically concerned with the links between respect for human rights and freedom from famine.*

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## Introduction

This is a discussion paper concerned with some of the acute dilemmas increasingly confronted by international relief agencies concerned with "political emergencies"—often called "complex emergencies"—in Africa. In recent years, international relief organizations, including both United Nations specialised agencies and non-governmental organizations (NGOs), have become increasingly significant political actors, both in the African countries where they work, and in western countries where they undertake publicity, lobby and advocacy. They have expanded their mandate to encompass human rights and conflict resolution. The call for foreign military intervention is perhaps the most striking example of "humanitarianism unbound:" liberated from the Cold War straightjacket, international relief organizations in strategically unimportant countries like Somalia and Rwanda can make extraordinarily bold calls, apparently unimpeded by limits on their mandate and expertise, or by accountability. In an ever wider arena, relief agencies are now empowered to make important political judgements, implicit and explicit, which go far beyond their traditional role. Their privileged situation is increasingly reflected in international law, as formulated at the UN Security Council.

This paper argues that relief organizations largely developed their current mandates during the Cold War era. These restricted mandates are less relevant to many current disasters in Africa. In expanding their mandates, however, relief agencies run a danger whereby different components of their enlarged mandates come into conflict, with potentially very adverse consequences.

An important stimulus for this paper is the situation in Rwanda, which has presented a scenario containing elements that are novel, together with elements that are depressingly familiar. As usual, the contribution of international assistance to the alleviation of human misery has been marginal. But the role of international relief organizations in forming international public opinion, and driving the international response has never been greater. This disparity is alarming.

The relief community has done some things right in Rwanda, and has learned some lessons. But it has also made some grievous mistakes. What is most depressing about the performance over Rwanda is this extremely slow capacity to learn from past errors. International relief agencies—particularly NGOs—are surrounded by such an aura of sanctity, and are the subject of such intense propaganda, both by themselves and more persuasively by the international media, that public criticism of their activities is almost completely taboo. This is a shame, both because it is public accountability that is the chief stimulus to change in any service-providing organization, and because the staff of relief agencies end up believing the propaganda themselves, with serious consequences for the supposed beneficiaries. The dangers of uncritical NGO-style humanitarianism may not be immediately evident, but for the people of Africa they are very real.

Many who have worked on relief operations in times of conflict privately admit that they did little good and considerable harm. But, like a missionary professing atheism, this realization almost always remains secret. It should be secret no longer. The emperor, if not entirely naked, has very few clothes. There are major dilemmas

that need to be addressed if relief operations in political emergencies are to become part of the solution, not to continue to be part of the problem.

Throughout the world, relief aid delivered by international agencies has become integrated into processes of violence and oppression. This is not something new. It happened in Biafra, Cambodia, Ethiopia and Mozambique: all cases in which the issue was not faced squarely. Now, however, it is becoming a near-universal feature of international humanitarian operations in conflicts. In Bosnia and Sudan the relief operations are so deeply entrenched that major reform appears to be almost impossible. In Angola, similar processes have rapidly become institutionalised. Fleeting, it appeared as though relief operations in Rwanda and with Rwandese refugees might avoid becoming part of the same pattern. It now appears that such optimism was premature, and a familiar synergy between relief and violence has rapidly emerged.

### **The Cold War: Humanitarianism in a Straightjacket**

Until the end of the 1980s, the world for private humanitarian organizations was relatively simple. The Cold War and the related phenomenon of strong, centralized states restricted the activities of relief agencies. In order to operate in a country, the consent and co-operation of the government were required. Agencies that took a controversial political stand risked being expelled, and relief agencies and western governments acknowledged—albeit begrudgingly—the right of host governments to expel international agencies that transgressed the rules. With a few exceptions, NGO relief operations were also small, an appendage to larger programmes administered by host governments and financed by bilateral and multi-lateral donors. NGOs operated within a well-defined framework. In many cases, the restrictions were onerous, and humanitarianism was in effect straightjacketed.

Political restrictions, together with a general lack of awareness of the intimate links between human rights abuses and humanitarian crises, also prevented NGOs from becoming concerned with human rights issues. In a number of countries, including Ethiopia and Uganda, NGOs were witnesses to atrocities, but chose to be silent witnesses. For them, the choice was clear: relief work required political quiescence.

For agencies that found the restrictions intolerable, there were two main options. One was to speak out publicly and accept expulsion. MSF-France did this in Ethiopia in 1985, when it protested against the human cost of the government's programme of forced resettlement. The other was to become overtly political, but on the side of anti-government forces. Solidarity NGO operations were launched in southern Africa, in Biafra and—in a different form—in Eritrea and Tigray. The innocuously-named consortium, Emergency Relief Desk, that controlled cross-border relief to Eritrea and Tigray enabled its member agencies to maintain an important degree of anonymity and distance from the operation itself.

The dilemma may have been stark, and in some cases NGOs made decisions that were wrong (though they rarely admitted the fact, even privately after the event). But at least the ground rules were known by all; each player had powers and responsibilities that were clearly defined, and to challenge this ran identifiable risks.

## *The Basic Dilemma*

During the Cold War, a small and sharply-circumscribed space was labelled "humanitarian." The space was defined by western governments and host governments, in ways that suited their political interests. Currently, there is a sharpened awareness of the problems of operating relief programmes under authorities (governments, rebel armies and militias) that are abusing human rights. These are old problems, but now there is the possibility to talk openly about them, and perhaps even to change operating practices. The central dilemma is whether it is possible to supply humanitarian assistance, under the auspices of a governing authority that abuses human rights, without also giving undue assistance to that authority, and hence doing a disservice to the people one is aiming to help.

Any involvement by international NGOs in a political emergency brings benefits to the parties to the conflict. The search for a completely neutral humanitarian space is ultimately futile. But recognizing this does *not* amount to a fatalistic acceptance that relief aid will necessarily become part of the dynamic of violence and abuse.

Recent history has provided examples of the many ways in which relief has become intimately involved in insurgency and counter-insurgency warfare, the struggle for state power, and warlordism. These include:

(1) Providing material assistance, directly or indirectly to the authority controlling the operational area. This can include the following:

- Directly providing food, medicine or other assistance to the controlling authority or combatant party.
- Tolerating a certain rate of diversion of material by the authority.
- Providing income by means of renting vehicles, premises, staff and guards.
- Paying fees and taxes, supplying hard currency, or indirectly providing additional support through a rigged exchange rate.

These forms of assistance are far more common than international relief organizations care to admit. Their cumulative effect may be that relief aid actually prolongs war, by feeding armies that could not otherwise remain in the field.

(2) Providing strategic protection. This occurs when the military or political objectives of the controlling authority or combatant force coincide with the logistical requirements of the humanitarian operation. Unfortunately this is a frequent occurrence. It can be done by the following:

- Maintaining supplies to garrison towns-cum-relief shelters that would otherwise remain unsupplied and hence become vulnerable militarily.
- Keeping roads open (for both humanitarian and military traffic) that would otherwise be closed.
- Ditto for airfields, ports and other strategic installations that can have both civil and military uses.

The concentration of people in feeding centres that double as counter-insurgent protected areas can contribute to health crises, notably the spread of infectious diseases, which cost many lives.

(3) Providing legitimacy to the controlling authority. This is perhaps the most insidious effect. It can have one or more of several components:

- The presence of relief agencies alongside controlling authorities and combatants gives those forces humanitarian credentials that they may not deserve.
- Elements of a counter-insurgency campaign, such as forced relocation in protected sites, can be disguised as a humanitarian relief operation—gathering people in a feeding shelter.
- The opposing force, in its legitimate military aims, may interrupt humanitarian operations insofar as both military and relief supplies use the same infrastructure, and hence may lose credibility on the grounds of interrupting relief.
- The international diplomatic agenda may become preoccupied with questions of humanitarian access and the security of international aid workers, neglecting more important issues about the origins and determinants of the conflict or human rights abuse itself. Maintaining relief operations can become an end in itself.
- Journalists who accompany relief agencies may inadvertently give favourable publicity to the controlling authorities. Soldiers and government officials are often masters at charming NGO staff and journalists while in fact they are carrying out serious abuses of human rights.
- Relief agency workers, whose political judgement is frequently unreliable, on account of a lack of familiarity with the nature of the conflict, are often called upon for political commentary, and may give propaganda—wittingly or unwittingly—on behalf of the controlling authority.
- Relief agencies often espouse a concern with human rights, but rarely speak up when they witness abuses. This may give the misleading impression that abuses are not being committed.
- Some NGOs and their guest journalists still have a tendency to blame natural causes (drought, floods etc) for hunger, and to speak as though the crisis is a short term affair, an aberration.

Until recently, the ICRC was virtually the only NGO that operated in war situations. The ICRC's operating practices recognize the dangers outlined above, and try to minimize them. As outlined later, this restricts the ability of the ICRC to mount large and rapid operations in situations where the combatants are unwilling to conform to the ICRC's principles.

If legal principle were followed without exception, then all of the above dangers would be avoided or minimised. International humanitarian law holds that the governing authority is solely responsible for the welfare of civilians in the areas it controls. But a remorseless attempt to hold governing authorities to these principles would mean much preventable suffering. For a range of reasons, the controlling authority may be unable to fulfil its legal obligations. These reasons include lack of resources and skills. The ICRC itself was founded on a recognition that wounded soldiers needed medical assistance that armies were unable to provide fully.

Increasingly, however, governing authorities are not fulfilling their responsibilities because they expect that international agencies will come in and do the job. They encourage their captive populations to see international assistance as a right, and assistance by the local governing authority as a privilege, rather than the other way round. This expectation is insidiously finding its way into international law, through the principle of "humanitarian access" which has been occasionally upheld by the UN Security Council.

## Post-Cold War Humanitarianism

That world has now changed since the 1980s, and international relief organizations are confronting similar dilemmas in a very different context.

The end of the Cold War has coincided with, and in part caused, important changes that have radically altered the position of international relief organizations. Their roles are becoming far wider than before. Some relief agencies have had change thrust upon them; some have embraced it. In Bosnia, there is a new breed of NGOs created specifically in response to the disasters there. However, most established relief agencies are still grappling with the implications of the profound changes.

The changes to international relief organizations' operating environment include:

- Many African states no longer exercise the same centralized authority as beforehand; some states have even ceased to have a recognized government.
- Political emergencies have become more frequent and long-lasting, and many relief agencies—not just the ICRC—are obliged to operate in them.
- Partly in response to the above, the links between conflict, human rights abuses and humanitarian crisis are publicly recognized, and responsible relief agencies can no longer afford to ignore the political context of their operations.
- The open violation of national sovereignty in pursuit of humanitarian objectives has become acceptable.
- Some UN agencies, notably UNICEF, are becoming more "NGO-like" in their style of operations, and in general the degree of respect for NGOs by multilateral agencies has enormously increased.
- Western donors' strategic and commercial interest in poor countries is declining; their chief concern is increasingly to avoid bad publicity at home from humanitarian crises once they have hit the television. Channelling funds for relief programmes through NGOs rather than through host governments suits these priorities well: it is high-profile, flexible, short term, and has little accountability. *The increase of donor-funded NGO relief operations and western disengagement from poor countries are two sides of the same coin.*

These changes have made international relief agencies not only larger and more influential, but have de facto expanded their mandate and role. In countries like Somalia and Mozambique, these agencies play a crucial role in setting the international agenda. They may be the chief providers of public welfare, among the main sources of salaried employment and commercial contracting, but even more significantly they act as news agencies and diplomats. In short, relief agencies are expanding into a void left by the contracting power of host governments and the declining political interest of western powers. But, this paper argues, it is a void they cannot fill.

Why has this expansion occurred? Three main reasons can be adduced. One is the demand from donors, the public, and members of the relief agencies themselves to take wider political issues more seriously. In the 1980s, there was an articulate minority viewpoint inside some NGOs that argued for seeking political solutions to humanitarian crises, for instance in Ethiopia and Sudan. This viewpoint was blocked by Cold War realpolitik. In the changed world of the 1990s, the would-be NGO political analysts have gained far more latitude to voice their opinions, and act on them.

The second set of factors is a new set of dangers and constraints on operational relief agencies. The breakdown of personal and institutional security for relief agencies in places such as Somalia and Liberia has made field operations more difficult and dangerous than before. Political and security judgement has become an essential component of the skills required of an NGO field director. Many NGOs are still uncomfortable with having to deal with these issues, and repeatedly call upon the United Nations to "do its job" and provide a secure operating environment. One implication of this plea for security is that the NGOs would prefer to return to the old days of strictly limited mandates. But of course, NGO field directors are now much less willing to submit to the arbitrary dictat of the institutions supplying security. The frustration and impatience—often justified—of UN military commanders in Somalia with the NGOs reflected similar attitudes by national governments in, for example, Sudan and Ethiopia. But the UN does not have the authority to expel NGOs, so that NGOs can be much more outspoken in their criticism.

The third set of factors is the opportunity for NGOs to expand their mandates, with the declining power of host countries to impose restrictions. This is the case in most of Africa, and in countries such as Cambodia and Bosnia. Because of the changing power relations between NGOs and their hosts, NGO field staff are increasingly able to speak frankly about a range of concerns that would have been off-limits in the 1980s and earlier. Most NGOs are relishing their new-found freedom. In the extreme, in countries like Somalia, there are no functioning ministries to regulate or co-ordinate their programmes, no labour legislation to constrain their policies of hiring and firing, and no structures to enforce demands for local financial accountability. In this case, the power relations between host and NGO are dramatically tilted in favour of the latter—and the hosts sometimes resort to the power of the gun to re-assert their influence, in a malign way.

This new operating environment has not necessarily made international relief organizations more effective. The new constraints and dangers may outweigh the advantages. Major constraints include the cost of supplying security and the difficulties of accounting for assistance given. A third is that higher levels of physical danger mean that fewer older, more experienced relief workers are willing to take postings to these places, on account of family commitments, leaving these exceptionally demanding jobs to younger staff. In Somalia, U.S. military officers expressed shock at the youth and inexperience of many NGO workers in positions of great responsibility. But, the changes have meant that relief NGOs are operating with a far wider mandate than ever before—and this appears to be getting wider, as NGOs innovate in new situations.

## *Privileging Relief Agencies in International Law*

A highly significant development is that humanitarian aid has become a major subject of discussion at the UN Security Council, and a focus for international law-making. Establishing or maintaining safe relief operations has become one of the main objectives of the Security Council, reflected in a series of resolutions on Iraqi Kurdistan, Somalia, Bosnia and elsewhere. This is setting a series of precedents in customary international law, which give privileged status to international relief agencies. One of the concepts that has been elaborated to make this possible is "medical neutrality"—the principle that privileges medical facilities and medical workers in conflict.

Not all relief agency staff are happy about this. One has written:<sup>1</sup>

The main achievement of humanitarian law lies in the protection afforded to non-combatants: civilian property and objectives may not be attacked. The UN resolutions adopted in connection with the flight of the Kurds and the Yugoslav and Somali conflicts all refer to the protection of aid convoys—a new doctrine in humanitarian action—while not one mentions the protection of the victims. The civilian population is regarded solely as the recipient of aid, which is lavishly provided with the best of intentions, even if it never reaches its intended target. Preoccupation with logistics eclipses concern for human beings, as if soap or milk powder could prevent bombs from falling on hospitals, or generosity could offer protection against murder and expulsion.

But this is a minority viewpoint. Most relief agencies welcome their new-found privilege, both in the field and in the conference room. In November, fifteen relief agencies operating with Rwandese refugees in Goma, Zaire, said that "the current relief operations are untenable" and called for "immediate and decisive" action to provide greater security and protection for them and for refugees. There can be little doubt that, if the UN responds and sends troops to the camps, the security of the international agencies will come before protecting the refugees.

The privileging of relief agencies happens in two main ways. One is that relief agencies and the media create a political imperative for humanitarian action, defined in a narrow way as relief access, no questions asked. Occasionally—repeatedly if unpredictably—the international media gives saturation coverage to a particular emergency that creates an unstoppable momentum for immediate supply of relief. Ethiopia in 1984, the Iraqi Kurds in 1990 and Rwandese refugees in Goma are cases in point. More often, a combination of lower-profile media interest and direct lobbying by relief agencies creates sufficient pressure. Once a relief programme has been started, strong lobbies grow quickly for its continuation. Relief agencies actively lobby western ambassadors in the countries where they operate, donors governments, and the UN Secretariat and members of the Security Council in New York.

The second mechanism of privileging is western governments' cynical use of humanitarianism as a smokescreen, either for following a certain political agenda, or

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<sup>1</sup> Françoise Bouchet-Saulnier, "Peacekeeping operations above humanitarian law," in F. Jean (ed.) *Life, Death and Aid: The Médecins Sans Frontières report on world crisis intervention*, London: Routledge, 1993, p. 128.

for the absence of a political agenda. Relief operations can become an excuse for refusing to tackle hard political issues. Rwanda and Bosnia are cases in point.

The UN Secretariat and the UN specialised agencies are also players in this process. Because the UN is both the supreme inter-governmental organization, and includes relief agencies within its structure, agencies such as UNICEF and UNHCR have been the first recipients of privileged status. These agencies then serve as a conduit for passing on this privilege to NGOs.

In most cases, a combination of mutually-reinforcing processes tend to occur, which give relief its privileged status. Relief agencies, the UN and western governments find common ground on which their interests converge. The growth of an international relief elite—men and women who switch between governmental posts, the UN, NGOs, and academic and consulting positions—has created a distinct political-humanitarian culture. Although there is vigorous and sometimes acrimonious debate within this group, there is a shared consensus in favour of the advance of humanitarianism.<sup>2</sup>

There are some exceptions to the trend of privileging humanitarianism, however. One example is Liberia, where ECOMOG aircraft attacked a relief convoy in April 1993, as part of an attempt to impose a blockade on areas held by Charles Taylor's NPFL. The UN's special representative retorted to MSF, the agency whose vehicles were attacked, "If relief gets in the way of peacekeeping there will be no relief." This incident was doubly reprehensible because, not only was the attack in violation of agreements made between the relief agencies and the international forces, but the ECOMOG strategy was partisan and aggressive against the NPFL.

Clearly, there is need for a balance to be struck. The complete withholding of relief is tantamount to using starvation as a weapon and is unacceptable, and indeed is illegal under the Geneva Conventions. There is no easy resolution of the dilemma—what is important at this stage is to recognise that the dilemma is real.

## **Multiple Mandates**

The ethics of humanitarian operations in political emergencies is a murky area. It is therefore essential to maintain clarity of thought and principle.

Four main strands of the philosophy of human action to support suffering human beings can be identified behind international relief agencies. They are:

- (1) The charitable imperative.
- (2) Principles of justice and rights.
- (3) Utilitarian social policy.
- (4) Pacifism.

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<sup>2</sup> Analysis of the nature of this cosmopolitan, liberal elite—the "humanitarian international"—lies outside the scope of this paper. The fundamental paradox is the presence of so many intelligent and committed people inside a relief network that is so malfunctional.

Human rights organizations and relief agencies draw their mandates and modes of operation from these sets of principles, though in different mixtures. In the UK, charities are required by law to conform to certain requirements, and a mixture of the charitable imperative and hard-headed social policy determines how they deliver their resources. Nonetheless, considerations of justice and rights do inform many relief agencies. For example, SCF draws its mandate from its founder's Declaration of the Rights of the Child (later the basis for the UN's declaration and UNICEF's mandate). A few years ago, Oxfam ran a publicity campaign under the slogan "H stands for hunger: Oxfam stands for justice." However, the concept of "justice" used is not one that would be readily adopted by a human rights organization—it refers to a general conception of social fairness rather than specific canons of justice, such as bringing abusers to trial. Had Oxfam carried this slogan through to its logical conclusion its charitable status could have been put in question. Most human rights organizations are not accorded charitable status under British law.

An important determinant of relief agencies' methods is the necessity of raising funds from the public and other donors. This seriously limits their freedom of action. For whatever reason, some causes prove more popular with donors than others, and the charitable imperative remains the main reason why money is given. This was one reason for the failure of attempts in the 1960s to change Oxfam from an organization primarily concerned with the delivery of material assistance to needy people, to one concerned mainly with campaigning for international solidarity with the poor and oppressed. Rather than engage in campaigning itself, Oxfam combined with other NGOs to set up the World Development Movement.

In political emergencies in the 1990s, the situation is much less clear. In these circumstances, the "enlarged mandate" of operational NGOs includes:

- Primary or even exclusive responsibility for the delivery of services such as relief or health care.
- Human rights.
- Conflict resolution.
- Publicity, lobby and advocacy on all of the above, and on international response to emergencies.

Increasingly, NGOs' operations in Africa can be characterised as "multi-mandate" operations that selectively combine elements of all of the above. On the ground, relief has become more overtly politicised. This means that the central dilemma, of trying to assist people without assisting abusive authorities, can in theory be addressed.

This paper argues that the components of the "enlarged mandates" of relief NGOs may sometimes be in serious conflict, presenting fundamental dilemmas. It presents a series of brief case studies, mostly from Africa, that illustrate some of the successes and failures of multi-mandate approaches to political emergencies.

## Ethiopia: Bad Old Days, Best Outcome

Ethiopia in the 1980s was in many ways a textbook case of the inadequacy of relief interventions that failed to grapple with any of the fundamental causes of the political emergency. However, despite this failure, the final political outcome was probably the best that could have been hoped for.

Band Aid in 1984 was a watershed in international responses to disasters in Africa. It was a demonstration of the power of the media and international NGOs, who succeeded in reversing the policies of the major western powers, which had neglected Ethiopia's needs on account of Cold-War realpolitik. When the donors stitched together a compromise to allow them to save face, in the form of the U.N. Emergency Office for Ethiopia (UNEOE), it was at the cost of abandoning systematic criticism of the Ethiopian government's famine-creating policies. Almost without exception, operational NGOs followed this line. They worked in a war zone without acknowledging the fact. A political emergency was redefined as a natural disaster.

One result was NGO silence over grievous human rights abuses, including diversion of food and forced resettlement. The cover-up orchestrated by the UNEOE is now well-known (if little documented), and unfortunately many NGOs connived in it. There was a notorious instance of forced resettlement from Korem, north Wollo, in 1988 which was denied by major British relief agencies present at the time, despite the fact that their own staff had witnessed it.

More generally, the Ethiopian government was able to manipulate aid for its strategic and propaganda purposes. The famine was very largely created by the counter-insurgency strategy of the government, a fact that few NGOs pointed to at the time. The official claim that the hungry people were the victims of drought and bandits was largely swallowed. (Still, in the western popular conception, the "Ethiopian famine" was caused by drought and solved by relief). In fact, aid convoys were used to maintain vulnerable garrisons and keep open routes that would otherwise have been closed, and when the FPLF attacked a relief convoy on such a route in 1987 it was subjected to massive international condemnation. There is little doubt that the aid to the government side prolonged the war.

The relief programmes on the rebel side were essentially solidarity operations, covered by a veneer of independence. Almost all the relief was delivered by the Eritrean Relief Association (ERA) and the Relief Society of Tigray (REST), which were formally neutral and independent of the rebel fronts—but widely recognized to be in fact branches of those fronts. However, they were the most effective relief programmes ever mounted in a political emergency in Africa.

Throughout the early and mid-1980s, there was a general recognition that a cease-fire and free humanitarian access would help the famine relief efforts, and there were several stillborn efforts at a governmental level to achieve these. But NGOs saw their job almost exclusively as providing material aid and staying out of politics.

In 1987-8, this began to change. The ICRC launched a major "open roads" initiative with the aim of trying to provide relief to civilians on all sides of the conflict. It was a laudable but naive idea, that failed. Unfortunately, in pushing its proposal, the ICRC maintained (incorrectly) that alternative routes to the rebel-held areas were impassable. The ICRC hoped that this claim would increase the pressure for its

"open roads" plan; in fact it merely impeded the flow of aid to the rebel-held areas. Later, when the tide of the war turned against it, the government agreed to the "Joint Relief Programme" to rebel-held areas, in part because of international pressure, and in part because it recognized that the rebels would be unable to mount offensives in the areas where the relief operations were functioning.

In 1990-91, there were various efforts to promote peace in Ethiopia, using the intermediate step of a cease-fire. The need to take humanitarian relief across the battle lines was often cited as an imperative. Fortunately, these peace efforts did not succeed.

Had there been a cease-fire in 1990 or early 1991, Mengistu would have been able to pursue a new war strategy, that was becoming evident at the time. This comprised mass mobilization on the basis of an appeal to ethnic chauvinism. The cease-fire would have lasted only until one side sensed a military advantage. Mengistu would thereby have succeeded in turning a war between a military dictatorship and an array of liberation movements into a largely ethnic conflict, and the bloodshed would have been far greater still. The best possible solution for Ethiopia was the rapid and decisive military defeat of Mengistu, and this was duly achieved. Major political problems persist, but these are as nothing as to the disaster that would have ensued had Mengistu been given another year or so in power, or had become part of a power-sharing arrangement.

Interestingly, the analysis sketched above was shared by many in the NGO community, who had experience of both sides of the war. Few of those familiar with Ethiopia avowed "neutrality" and inferred that there was nothing to choose between the two sides. One senior Oxfam staff member privately commented: "I have always regarded the TPLF's struggle as a war against famine." As the war came to an end, it became clear that the social and economic policies of the rebel fronts, and the effectiveness of their community-based relief programmes, were a major bulwark against famine, and that their military advance was an important reason for the threat of famine receding. These facts were rarely made public.

Thus, the war was played out to its decisive climax. This was made possible by the political strength and autonomy of the combatants, and their disdain for what they saw as a short-term humanitarian agenda that impeded their fundamental war aims. On the victorious rebel side, the disdain for international humanitarian priorities was based on a correct recognition that their own humanitarian efforts—based on military advance and communal mobilization—were more effective than the standard international model of relief delivery. As elsewhere, international food aid was a very small part of the diet of famine-affected rural people: the importance of international relief organizations lay far more in their influence on national and international policy, than in the material resources they provided to the hungry.

## **Southern Sudan: A Model Programme, a Prolonged War**

For the first five years of the civil war in southern Sudan, the scenario for relief organizations was much as in Ethiopia. Cold War realpolitik consigned the humanitarian agenda to the margins. But this changed dramatically in 1988-9, when combined domestic and international pressure created the momentum for Operation

Lifeline Sudan (OLS), a pioneering programme for providing humanitarian relief to civilians on both sides of the conflict, with the consent of both parties. Launched on 1 April 1989, OLS became a model for what the international community aspired to achieve in political emergencies.

A domestic political breakthrough (resumed peace talks) made OLS possible, and a simultaneous cease-fire made it work. But the provision of humanitarian relief was never a major item on the agenda of the Sudanese politicians attending the peace talks at the time. The crucial political momentum was generated abroad, and the modalities of the relief operation worked out by international organizations and diplomats, not by Sudanese.

"Humanitarian access" is the central concept that underpins OLS. It is an ill-defined term. It should assert the right of vulnerable people to have access to international relief, even though this might involve violation of state sovereignty. In practice, it seems to refer to the right of international relief organizations to be operational in a region where there are people they recognize as needy. This reflects the origins of OLS with the concerns of international relief agencies: it is their operations that are at the heart of the programme. For military commanders on the ground, the right of humanitarian access appears to mean that responsibility for assisting needy civilians has been removed from them and placed on the international community.

Operation Lifeline has received much attention in the relief hagiography.<sup>3</sup> In its first phase OLS was successful, but in large part this was because of the simultaneous cease-fire, which allowed farmers to plant their crops, and other economic activities to resume. It is worth recalling that relief aid rarely accounts for more than 10-15% of the total food consumption in an area stricken by famine, with the consequence that enabling people to help themselves is a far more effective means of overcoming hunger than sending relief. At first, OLS and the peace process mutually reinforced each other, because neither side had an interest in manipulating the programme for military ends, as those military ends were themselves vanishing.

Since the resumption of the war in late 1989, OLS has had few successes, and is generally recognized to have caused some serious problems for the people of southern Sudan. Rather than being integrated into a dynamic of peace, it has become part of the cycle of war. (Similarly, "peace negotiations" have become part of the war process, rather than a genuine attempt to seek peace.) Unknown quantities of relief are diverted to the military on both sides. War strategies have come to revolve around relief. Juba would almost certainly have fallen in the late 1980s or early 1990s without relief flights; more recently relief has provided a major strategic boost to the SPLA. Aid prevents both sides from being forced to be accountable to their constituents. In short, relief is prolonging the war, by constraining the military strategies of each side, and contributing to a stalemate.

It is almost certainly now too late for relief agencies to extricate themselves from this morass. The symbiosis between relief and war has become too close. Were relief agencies to withdraw, the armies would not reform themselves, but instead would turn with greater ferocity on the local population.

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<sup>3</sup> Much of the literature is in fact both nuanced and critical, but is used and cited in uncritical support of OLS.

As so often in relief in political emergencies, the principle that is publicly stressed the most is actually observed the least. "Humanitarian access" has been reduced to continued operations by international relief organizations. Neutrality and accountability are two ancillary principles: neither is truly observed in the field, especially by the World Food Programme, that is responsible for delivering the food. The failures of OLS are concealed by a literature that concentrates on the initial success and holds out the programme as a precedent for elsewhere.

"Access" has become an end in itself. The same is true of "neutrality". As a result, irrespective of actual need, food is delivered to places on all sides on the basis of accessibility. This is a political gesture of impartiality and a result of the political constraints on the programme. Needs assessment is either a charade or not carried out at all: to act on a needs assessment might jeopardise the appearance of neutrality and thus undermine the operation. As Mark Durfield observed in commenting on an earlier draft of this paper, "Neutrality is a food dumper's charter and a diverter's gravy train."

In significant ways, the concept of "humanitarian access" has become devalued as OLS has progressed. This is largely due to the way in which the programme has been open to manipulation by the Sudan government and the SPLA. While relief has been delivered cross-border from Kenya and Uganda, the Sudan government has retained a veto on the ability of the operation to deliver to any given location. Entire needy populations, notably in the Nuba Mountains, have been excluded altogether. Meanwhile, Sudanese army garrisons feed themselves courtesy of the WFP and western taxpayer.

Another aspect of OLS has been the emasculation of UNICEF's mandate. At the beginning, when OLS was seen as a controversial initiative, UNICEF was given the lead role, as the most flexible UN specialised agency. Alone among UN agencies, UNICEF is able to operate in a country without an agreement from the government. However, as OLS depends on government approval, insofar as UNICEF operates under OLS, it has forfeited this element of independence. In addition, UNICEF has a human rights mandate (the declaration of the rights of the child), which theoretically obliges it to do its utmost to protect children. This protection role too has been forfeited by UNICEF's decision to operate under OLS.

The de facto change in UNICEF's mandate reflects the way in which all operational relief agencies—bilaterals, UN agencies and NGOs alike—are competing with each other, and in doing so, growing more alike.

Another consequence of OLS has been to bring NGO operations in southern Sudan under the discipline of rules negotiated between the UN and the Sudan government. At the outset, UNICEF was merely *primus inter pares* among an array of relief organizations (all the rest NGOs) operating in southern Sudan. These organizations operated under their own agreements (or lack of them). Over time, UNICEF has assumed a dominant position, and NGOs have come to depend on OLS logistical assistance for their operations. The result is that NGO operations too are now subject to agreement from the Sudan government, through the UN. Only a few NGOs have chosen to operate outside this framework. More significantly still, the majority of the assistance (almost all the food) is delivered by WFP, which does not operate under UNICEF at all, but negotiates directly with the government on its own behalf. The programme is thus more properly called OLS-WFP.

### *Options for OLS-WFP*

In short, OLS has found itself in a new straitjacket. In theory, UNICEF could challenge the Sudan government by operating outside OLS in southern Sudan and the Nuba Mountains, citing the unique features of the UNICEF mandate. This would certainly precipitate a crisis in government-UN relations. The government might respond by closing down OLS. This would be a test of the political resolve of the UN and the major donors to OLS: would they then support a UNICEF programme implemented without government consent? Or would they submit and go ahead with WFP food deliveries on government terms? Alternatively, the government might respond by negotiation, by agreeing to expand OLS's access—i.e. by trading a role in negotiations (and more relief supplies) for an expanded programme.

Another possible response for OLS-WFP to the current impasse would be to recognize formally that much of the food is destined for the armies on either side, and dismantle the myth of a solely humanitarian operation. The programme could then officially consign food to the armies, which would open the possibility of genuine accountability. The soldiers could sign for their supplies, and delivery of this food could be made contingent on the non-diversion of supplies consigned to civilian populations. A corollary of this could be for UNICEF to assume a protection role, in accordance with its mandate. The latter has parallels with the course taken by the UN in Bosnia, where the UNHCR has a mandate to protect internally-displaced people (whether it has succeeded in doing so is a different matter).

Taking this path is akin to more tightly defining a new humanitarian space, where civilian populations are protected and cared for by the international community. But these new humanitarian spaces will in turn influence the conduct of the war, in subtle ways. Apart from the strategic significance of these captive populations and the supplies they command, delimiting humanitarian zones implicitly legitimizes the conduct of the war in other places. Civilians outside these zones are implicitly fair game for the combatants. Military strategies are thus constrained, but there is no guarantee that human suffering is reduced. Meanwhile, civilians under the protection of the international community have become dependant minions, their status as productive citizens who require respect for their rights removed.

The solution for the problems of southern Sudan is political. Humanitarianism cannot solve political problems, it can merely influence the manner in which a political solution is sought. The west's support for OLS has merely masked the absence of a political strategy for Sudan. In principle, OLS could have bought time for politicians to search for such a strategy. In practice, no such strategy has been adopted. Meanwhile, OLS has become an end in itself, giving the Sudan government important leverage internationally.

### *Peacemaking*

Southern Sudan has also become a priority for the international peace industry. At various times over the last years there has been a whole array of different peace initiatives, by other African countries, regional organization such as the Inter-Governmental Authority on Drought and Development (IGADD), western countries (notably the USA), church organizations, western conflict resolution groups and

NGOs. They have achieved little. It is arguable that the plethora of externally-sponsored initiatives has had a debilitating effect, in three ways.

One, at several points there have been simultaneous, competing initiatives, with the result that the participants can choose the one that appears to suit them best. Peace initiatives can easily be manipulated to be a cover for preparations for more war.

Two, these initiatives have consumed a large amount of the time and energy of the few Southern Sudanese in positions of leadership. That time could have been better spent elsewhere, notably inside Sudan, listening to their constituents. Opportunities for internal political processes have been lost. This is perhaps the most important point.

Three, the processes have been handled by foreigners, outside the country; the Sudanese leaders have therefore been drawn in to a situation that renders them more responsive to the demands of these outsiders than they are to their supposed constituency inside Sudan. Elevating local figures such as churchmen to peacemakers on an international stage is to invite them to enter into politicking, at the expense of true accountability to their people. Hence, the peacemakers must examine their record and discuss the possibility that their efforts have in fact contributed to a deepening gulf between Southern Sudanese leaders and the people.

The IGADD initiative—the most promising since the 1989 peace process—has recently run into an impasse, with the government refusing to yield on the basic claims of the SPLA factions for a separation of state and religion, and self-determination for the south and other marginalized areas. The IGADD initiative has at least forced the government to show its hand. This should be counted a success. An alternative scenario would have been a formal agreement, under which hard-liners within the government prepared for a new and more decisive war.

## **Angola: Food for War**

This paper will not deal in detail with the important case of Angola. The Special Relief Programme for Angola (SRPA) was launched in 1990, and based very closely on the model provided by OLS and the concept of "humanitarian access". UN staff who had served in OLS were seconded to SRPA as consultants. Its subsequent history has been even less encouraging than OLS.<sup>4</sup>

The SRPA was started in the midst of a war. In contrast with OLS, there was no parallel ceasefire (though there was hope for a political agreement in the medium term). The programme aimed to give as much basic assistance as possible to civilians in all areas of the country, on the basis of neutrality, using all possible routes—i.e. including cross-border "peace corridors" from neighbouring countries. This legitimized the existing NGO operations in UNITA areas. It is interesting to note that the SRPA specifically cited the extension of NGO activity as one of its aims, a further step in the formalization of NGOs as partners of the UN. Some NGOs became major subcontractors for the SRPA.

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<sup>4</sup> See: Mark Duffield, "Complex Political Emergencies, with reference to Angola and Bosnia," An exploratory report for UNICEF, March 1994.

Although it involved UNICEF, the SRPA did not include any protection component, except to give UN legitimation to relief operations that had previously been disputed by one side or the other. The dilution of UNICEF's mandate, noted in Sudan, was further advanced.

The SRPA had only modest success between its inception in November 1990 and the ceasefire in May 1991. Later, SPRA II was launched, in the context of the peace agreement then in force. Throughout, both the government of Angola and UNITA tried to manipulate the programme to their advantage. After the re-start of the war in late 1992, both sides showed contempt for humanitarian principles, but in 1993 both agreed to a re-launched relief programme. In the case of UNITA, this was clearly tied to the fact that its internal economy was suffering acute scarcities, related to the cut-off in assistance from South Africa. On the side of the government, this coincided with economic reform in which most governmental responsibilities for social services were jettisoned. A relief programme therefore suited the war economies of both parties. Meanwhile, aid agencies have tolerated unprecedented risks to operate in besieged Angolan cities.

In its early phase, the SRPA held to the questionable belief that a "neutral" relief programme would support the momentum towards peace. It did not do so; rather it became another bargaining chip in the political negotiations. After the 1991 peace agreement, a limited amount of food was provided to support the demobilization of troops on both sides. Like much of the peace process, this was founded more on hope than reality. The demobilization plan foundered because of lack of political support, and this failure in turn lay at the centre of the post-electoral outbreak of war in 1992. Since the war resumed, relief programmes have been explicitly depoliticised, and have been justified on urgent need alone.

Overall, the relief programme in Angola confirms the trends noted in this paper, towards the integration of humanitarianism into conflict and the privileging of international relief organizations. The courage of individual relief workers in remaining in post despite the personal risk has distracted attention from the impasse in which the relief system has found itself.

## **Somalia: The New Humanitarian Order Crumbles?**

Somalia during 1991-93 was the apogee of humanitarianism unbound; an episode when NGOs were groping in the dark to find their role, and testing the limits of their abilities and mandates. Later, the U.N. and the U.S. military found themselves in a similar position, and Somalia became, quite explicitly, a guinea pig for "humanitarian intervention" in the "new world order." Even though the military-humanitarian intervention failed, the precedents in international practice that it set still stand, and there are many who now seek to return to the ideas of a more aggressive international policing role for the UN.

The issues that arose in Somalia are central to the themes of this paper. Questions such as the accommodation to violence and giving support to abusive authorities have been repeatedly addressed already. This section will outline some of the issues that were particular to Somalia, or particularly stark.

## *Neglected by the World*

During 1991 and the first months of 1992, Somalia was abandoned and neglected by the international community, save a handful of NGOs. These few NGOs came to exercise an extraordinarily powerful role in lobby and advocacy. In 1991 and early 1992, they were able to monopolize almost the entire media coverage of Somalia, and to dictate the terms of the international debate on the country. Every journalist who visited Somalia stayed with an NGO and quoted largely from NGO staff. They used relief aircraft to fly in and out, and relief agencies' satellite communications to file their stories. This occurred partly because of the collapse of the Somali government, and partly because of international disengagement from Somalia: all the diplomats and UN personnel simply ran away. The international NGOs that remained played a vital role as the sole expression of international solidarity with the Somali people. This position that gave them enormous responsibilities, which, for the most part, they exercised well. But that was fortuitous: with slightly different people, in slightly different circumstances, later in 1992, NGOs in Somalia were often wildly irresponsible. At the end the year, it was the NGOs—specifically senior officials of CARE—that played the key role in calling for Operation Restore Hope.

During this phase—particularly in 1992—huge local responsibilities were taken on by NGOs, without any formal recognition of this fact. One of the persistent criticisms of the UN specialized agencies in Somalia during 1991-2 was that they failed to fulfil their responsibilities. UN staff retort that this is an unfair criticism: while agencies such as UNICEF and WHO have a duty to be present, the presence of NGOs is a privilege—they cannot be criticised for their absence. It is a self-serving riposte but it does contain an important truth, namely that the regularization of large-scale assistance through NGOs removes an important element of accountability, because these agencies have no *duty* to be present.

The facts that NGOs' mechanisms of accountability are so weak, and that their relief operations are inherently opportunistic, makes it much easier for NGOs to accommodate to violence and human rights abuse. From the ever-widening array of ever-more flexible NGOs, there is always likely to be at least one agency that is prepared to operate in any given situation. If no NGO is operating in a particular political emergency, it is almost certain that one will improvise sufficiently to begin a relief programme, and scoop the publicity and funds. This will then force other NGOs to follow, some of them reluctantly. Increasingly, UN agencies (notably UNICEF and UNHCR) are also becoming obliged to follow, with more visible unhappiness. The most basic element of humanitarianism, namely access for food and medicine, is increasingly obtained at the cost of loss of principles of accountability.

By August 1992, much of Somalia had become a media-NGO circus, with reporters competing with one another to uncover the most horrific stories of starvation, while NGOs felt compelled to compete in their responses.

In the absence of a functioning government, international relief organisations may become the sole providers of social services and health care to substantial sections of the population. But they do this without any contract between them and representatives of the "recipient" population. Local people have to rely on the goodwill of the NGOs, as they have no formal means of redress if the NGO acts in a manner that would normally be seen as breach of contract. The insecurity of the relationship that results can also undermine the effectiveness of the programme.

Somalia was also a testing ground for NGOs' accommodation to violence. It was the first time that many agencies, notably the ICRC, hired armed guards. NGOs' tolerance of diversion and extortion was also tested. International charities probably paid hundreds of thousands of dollars to factional leaders such as General Aidid, and played a critical role in enabling them to maintain their militias.

### *Military Intervention*

A radically different phase in the international response to the Somali crisis began when the tragedy became prominent in the international media. It began with NGOs calling for international military intervention.<sup>5</sup>

Even a few years ago, the idea of NGOs calling for UN military intervention in a humanitarian emergency would have seemed like a mere fantasy. That the call would be heeded would seem more extraordinary still. But in 1991-2, chiefly on account of the situation in the former Yugoslavia, the issue was put on the international agenda. Broadly speaking, there was no consensus in the NGO or human rights community about whether it was legitimate to call for such intervention. The points of agreement were counterfactual: if an intervention were to go ahead, it should only be under the auspices of the United Nations, and should be a last resort when all else had failed.

One of the chief objections to the idea of NGOs supporting a military intervention was that, once an organization has advocated the presence of a military force, it must be prepared to support what that force then does. Armies are commanded by generals, not by relief workers. The US military commanders were understandably frustrated when the same NGOs that had called for their presence then began criticising them for using force—after all, they had been called in precisely to use force. Advocating a military intervention, especially using Chapter VII of the UN Charter, is not compatible with any form of pacifism.

It is perhaps forgivable to advocate military intervention once, in ignorance of what it implies. However, once the failure of the intervention and its descent into warmaking became clear, NGOs should have been quick to draw the lessons, and apply them elsewhere.

The call for intervention is perhaps the clearest example of "humanitarianism unbound." Liberated from the Cold War straightjacket, NGOs in strategically unimportant countries like Somalia (and more recently Rwanda) were able to make extraordinarily bold calls, apparently unimpeded by mandate or accountability. Absent these structural constraints, Somalis had to rely on the goodwill and uncertain expertise of the NGO staff who represented their country to the rest of the world.

The failure of humanitarianism to fill a political vacuum is more evident in Somalia than possibly anywhere else. Operation Restore Hope was launched without consultation with Somalis, and hence with no appreciation of the complex political context. Hence, Operation Restore Hope had no political strategy. In the eyes of some commentators, that was one of its chief virtues. These commentators—including many in the relief community—assumed that the problem was "humanitarian" and that an apolitical response was required. They go on to

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<sup>5</sup> For a discussion of the principles of "humanitarian intervention", see part II of African Rights, *Somalia: Operation Restore Hope: A Preliminary Assessment*, May 1993.

ascribe the debacle of the mid-1993 conflict with General Aidid to the politicization of the intervention after the handover from the U.S.-led task force to UNOSOM. After the war against Aidid was launched, most journalists, NGOs, and staff of UN humanitarian agencies called for the UN to become "more humanitarian" and "less political."

This criticism is misplaced. The path to the war with Aidid was charted in the first weeks of the intervention when, following a political strategy informed primarily by the need for a good "humanitarian" press and minimal American casualties, US Ambassador Robert Oakley struck a series of political deals. The major opportunity for disarmament was missed at the outset. The major factional leaders were given greater legitimacy and political profile, and the dominance of the existing factions was reinforced. The capture of Kismayo by General Morgan in February 1993, under the noses of US and Belgian troops, advertised the militias' ability to continue to wage war despite the presence of the international forces. To many Somalis, the forces' failure to intervene in the Kismayo battle also seemed to advertise political bias.

Hence, by the time the international forces were groping towards a political strategy, they had already become significant if unwitting political players. It was not a question of "too much politics" and "too little humanitarianism", but bad politics informed by the very same humanitarianism.

The response to the Somali debacle has not, unfortunately, been an open and frank appraisal of the entire record of the international involvement. The U.S. government came up with Presidential Decision Directive 25 in April 1994. This has placed restrictions on the deployment of American forces, and on UN operations in general—restrictions that have more to do with avoiding military casualties and embarrassing media coverage than with solving the problems of the countries concerned. In addition, the examination was restricted to the military intervention—the role of "humanitarian" assistance and policy has not been scrutinized. Many of those who led the way in making US humanitarian policy in Somalia have since been reassigned to other emergencies such as Rwanda, without the question being asked: is experience of programmes in Somalia to be regarded as a positive attribute?

The UN has done even less in the way of instituting accountability. There has been no public evaluation of any aspect of the debacle. No-one has lost his or her job, save a handful of staff members who resigned in disgust.

Often under the pretence that the "humanitarian" part of the intervention was a success, and that the "political" part failed, NGOs have mostly failed to analyse their own role. In fact, international relief organizations have escaped from the Somali debacle apparently unscathed. In a remarkable testament to its resilience in the face of self-inflicted disaster, the humanitarian international did not crumble.

## **Realpolitik Prevails Elsewhere**

Outside Africa, the humanitarian international is less well-entrenched and more traditional canons of realpolitik continue to exert the dominant influence. This is seen in two political emergencies, Haiti and Iraq, where the international community, under the direction of the US, has taken drastic political action against pariah

regimes. This action has included sanctions that have very serious adverse humanitarian consequences—child mortality has risen dramatically in both countries. The political leaders of the west have played politics with hunger: hoping that sustained economic pressure will cause enough human suffering to bring down the regimes. This is the reverse of the position commonly taken in Africa, where "humanitarianism" takes the lead.

The emergency in Iraq also demonstrates two other points. One is—once again—the power of the media and the humanitarian lobby, manifest in the response to the Kurdish exodus towards Turkey, leading to the rapidly-improvised innovation in international law that set up the "safe haven" in northern Iraq. This was the first UN-endorsed violation of national sovereignty, without the consent of the government, in pursuit of humanitarian aims. It cut sharply against the grain of the rest of western policy in the region, which is strongly supportive of conventional notions of state sovereignty and the inviolability of international frontiers. The western powers were uncertain what to make of their pioneering initiative; whether it should be considered an embarrassment and a one-off or a breakthrough in international law. In the event, those who advocated making it a precedent for "humanitarian intervention" won the day, and the principle was confirmed by Operation Restore Hope in Somalia.

The second point is that western relief agencies almost completely failed to respond to the humanitarian crisis inside Iraq. The agencies were so concerned about Africa that they even ran a campaign, "Don't forget Africa." But, despite the fact that the combination of sanctions and the destruction of vital infrastructure led to a sharp rise in child mortality, relief agencies' response was both slow and inadequate. This was the first indication that the nature of humanitarian crises were developing faster than the ability of relief agencies to respond.

An important consequence of this failure was that it impelled major donors, notably the European Community, to become directly involved in disaster relief themselves. This trend has developed much further in Croatia and Bosnia.

The recent U.S. military intervention in Haiti is in many ways the precise opposite of Operation Restore Hope. It is an invasion designed to enforce a political decision—from the outset, the U.S. has taken sides. Whatever the domestic rationale for the invasion, it has at least not pretended to be anything other than an act with profound political consequences. A humanitarian space was opened up (by lifting the embargo) only after the major political goals had been accomplished.

The humanitarian embargoes against Serbia and Azerbaijan have similarities: political aims have ridden roughshod over humanitarianism. The aid embargo against Kampuchea was a remarkable instance that flew totally in the face of any humanitarian concern for the Cambodian people, just freed from the genocidal Khmer Rouge. The only comparable case in Africa was sanctions against South Africa; the Reagan Administration considered similar action against Ethiopia in the early 1980s but the humanitarian lobby prevailed.

So far, in most of the countries considered the embargoes have failed to have the desired political effect. This failure, at a very high human cost, must be assessed against the dangers of the opposite extreme of politically uninformed humanitarian action, which would certainly have given the regimes in power greater strength and legitimacy. The logic of sanctions is the obverse of the logic of "neutral" relief—but both can have unacceptable consequences. The failure of sanctions, as much as the

failure of humanitarianism, is based on a failure to understand the true dynamics of conflict and abuse.

### **Bosnia: A Debacle Too Far?**

The case of Bosnia is important for many reasons that cannot be dealt with adequately here. Several points however are of central importance to the argument of this paper.

One point is that, in a rather close parallel with Africa, Bosnia shows how western disengagement and the hegemony of humanitarianism are linked. The western powers have essentially had no coherent political policy towards Bosnia. They are impatient with the Bosnian government for refusing to accept defeat by the Serbs, and would like to wash their hands of the whole affair. The official western response has been designed precisely to avoid any suggestion that the struggle is one between a legitimate, elected government of a sovereign state and an aggressor with external support and territorial ambition bent on committing the crime of "ethnic cleansing", which is identical to genocide under international law. The UN insists on speaking of the "warring parties" as if their moral and legal claims were indistinguishable. This is a travesty of the basic canons of justice that has not escaped attention and condemnation from many commentators, not least Bosnians themselves.

Masking its tolerance of systematic injustice, the UN has focused on humanitarianism. The troops of UNPROFOR spend much of their energies protecting humanitarian relief, sometimes at considerable risk to themselves. These valiant efforts cannot substitute for serious efforts in pursuit of a political settlement founded on international law and human rights—but that has been precisely their effect.

Bosnians and some international commentators are beginning to speculate that the focus on humanitarianism was developed with the deliberate aim of muddying the issues and making concerted action on the central issue of Serb aggression impossible. The structure and mandate of UNPROFOR could have been designed to prevent effective international political or military action. In particular, the mandate of protecting relief supplies demands that good relations be maintained with all combatants, along with strict neutrality in the conflict. This has precluded making a judgement or taking action against those responsible for the grossest violations.

The neutrality demanded by relief operations and diplomatic negotiations has conflicted with the requirements under international law to prevent and punish various crimes, including territorial aggression, genocide and gross violations of the laws of war. The major human rights violators in Bosnia are exactly the same people that the UN is negotiating with for humanitarian access and a political settlement. On the whole, the United States has been readier to take action against the Bosnian Serbs for their human rights violations, while Britain and France—backed by the UN Secretariat and specialised agencies—have been most insistent on "neutrality". The conflicting demands of "operational neutrality" and pursuit of human rights will be discussed in the following section. Here it suffices to note that Bosnians have had the worst of all worlds: an ineffective humanitarian operation, a "peace process" in

which war aims are cynically furthered, and a commitment to justice and human rights so feeble that it is endangering the credibility of these concepts. Meanwhile the UN has conspicuously failed to face the implications of this contradiction.

Curiously, however, the treatment of Bosnia as a "civil war" and "humanitarian emergency" has gone in parallel with the international ostracism of Serbia, in which the policy tools have been reversed. An adverse judgement has been made against Serbia, for which the Serbian people are suffering.

Bosnia has also marked an important break with the past in the operating strategies of relief agencies. Mark Duffield has noted the following changes:<sup>6</sup>

- A threshold has been crossed in which the death of relief agency staff (UN and NGO) is regarded as an acceptable risk. More than twenty NGO personnel have been killed in Bosnia.
- Analysis of the vulnerability of civilian populations has explicitly recognized political and ethnic persecution.
- A new generation of European NGOs has begun to emerge, acting with little experience and backup, but filling important gaps, especially in logistics. These NGOs are by their nature inured to operating in war conditions.
- Older, established NGOs are less in evidence, finding it difficult to adapt to continuous insecurity and the absence of established field offices and backup systems.
- Bilateral and multilateral donors have become operational to an unprecedented extent, notably the European Community/ Union.

Coming on the back of Iraq, Bosnia has shown the extent to which the large international relief agencies had specialised in the types of emergency response characteristic of Africa in the mid-1980s. This has left them unable to respond effectively to different types of disaster.

The relief failures in Bosnia show how the problem is world-wide and inherent in the structure of the international relief system, rather than a problem specific to Africa. The UN and most of the established NGOs operating in Bosnia have recreated a set of donor-recipient relationships familiar to those who have witnessed their operations in Africa. Rather than seeing the Bosnian people as the essential resource to be mobilized in pursuit of solutions to political and humanitarian problems, the international organizations have presented themselves as controlling authorities, for whom the Bosnians are either passive recipients of largesse, or troublesome obstacles to the smooth operation of the international effort. The skilled human resources of Bosnia have been neglected. As with Africans over many years, the Bosnians have found this surprising and humiliating.

It follows that in Africa, the basic problem is therefore not one of the racially-stereotypical portrayal of Africans as helpless consumers of western succour. This kind of portrayal is a *consequence* of the manner of western relief interventions, not a cause. (This is not to deny that patronising and racist attitudes do exist, and do assist the perpetuation of this kind of relief response.)

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<sup>6</sup> See: Mark Duffield, "Bosnia: Crisis and evolution in relief policy," field report, January 1994.

For the world-wide development of "humanitarianism", Bosnia is a turning point. The shortcomings of a "neutral" humanitarianism cannot be hidden in a country so close to the heart of Europe, and containing such an articulate educated class with access to the international media. African voices critical of the humanitarian international have rarely been heard; Bosnian voices are likely to be more difficult to silence—especially when their outrage is echoed by European journalists. What is essential is that the critique of humanitarianism is not made specific to Europe, along the lines of "African-style humanitarianism does not work here." Rather, the Bosnian debacle should assist the exposure of the entire international relief structure, which is just as inadequate in Africa as in Bosnia.

## What is Neutrality?

Principles that relief agencies have developed to deal with the political challenges of political disasters include "neutrality" and "fieldcraft". Principles that have been less in evidence are objectivity, justice and solidarity.

Neutrality is *not* a simple concept. One form of it is "operational neutrality". The paradigm for this is the ICRC.

The ICRC has developed complex rules to try to protect its neutral status, including insisting on working on all sides of a conflict at all times. The very complexity of these rules illustrates the difficulty of obtaining genuine operational neutrality. ICRC operations also indicate the high cost of neutrality. This includes the necessity of maintaining full offices for each side of the conflict, rather than having a main office on one side and a token administrative presence on the other. It also involves protracted negotiation with the parties before a programme can be established, leading to formal agreements, and a readiness to withdraw if its principles are flouted. It has other constraints too, such as limiting the scope of local partners that can be worked with, and—crucially—limiting the possibilities for publicity.

The ICRC's mandate obliges it to raise human rights abuses privately with the controlling authorities, and constrains the publicity it can give to even the most appalling crimes against defenceless people. This also limits the ability of the ICRC to publicise its own programmes.

In the hands of the ICRC, neutrality is a component of a particular type of accountability, namely accountability to a clearly-defined set of principles. This is not public accountability.

By contrast, for many operational NGOs, neutrality is an aspiration rather than a fact. There is a tendency to believe that neutrality need only be asserted to be proved, that humanitarianism is so transparent that it is immediately acceptable to all parties to the conflict. This is of course grossly naive, and opens up the agencies to manipulation by the controlling authorities. Neutrality of intention does not necessarily translate into neutrality of fact. Hence NGOs' perceptions of their protected status may not be shared by the people they are working amongst. In Somalia, NGOs avowed shock and horror when their field staff were attacked or taken hostage—a revealing naïveté.

Even more revealing was the NGO reaction to journalists' attempts to advertise their neutral, protected status. Since 1991, NGO vehicles had travelled

with flags bearing the organizations' motifs mounted prominently on the front. This practice was copied from the ICRC, which has elaborate rules protecting the status of a flag vehicle. At the time of the military intervention, many journalists began to adopt the same practice, and cars bearing flags marked "Reuters" and "CNN" became a common sight. Some senior NGO staff were outraged—they maintained that this devalued the protection ostensibly offered by bearing flags. This outrage illustrates the extent to which NGO staff were projecting their own values—in this case that humanitarian assistance is of greater value than reporting by journalists—onto Somalis. The inhabitants of Mogadishu were of course much more sceptical about the nature and intentions of both groups.

As the case of the flags illustrates, in the hands of publicity-oriented international relief organizations, "neutrality" has become a fig leaf. It hides the lack of accountability, the lack of needs assessment and other formalized operational procedures, and also the absence of the careful, painstaking investment in credible neutrality that is the hallmark of the ICRC at its best.

*Medical* neutrality is a derivative of neutrality. It refers primarily to the privileged status of medical workers and medical facilities as enshrined in the Geneva Conventions. Like "simple" neutrality, medical neutrality has to be earned and can be forfeited. It is easy to abuse—for example by claiming that medical work as such is sufficient to guarantee neutrality. It is also easy to dilute the concept by extending it to all forms of material assistance, such as food. Medical neutrality is a key concept in the privileging of humanitarian aid organizations in international law.

The devaluation of the ICRC concepts, symbols and procedures through their adoption by other less scrupulous relief organizations has profound implications for the integrity of the ICRC itself. Detailed discussion of this lies outside the scope of this paper. But it is important to note that, as in the case of UNICEF in Sudan, the tendency is for all international relief organizations to move towards a single operating style in political emergencies. While the ICRC's funding base remains secure, it can resist much of the pressure to move in this direction—but the pressures still remain.

The employment of the concept of "neutrality" to avoid making a commitment to justice is in fact an abuse of the term. In this paper, this abuse is called "neutralism". There are in fact two different forms of neutrality. One is operational neutrality—which is at root the refusal to take a stand supporting one side or the other. The second is neutrality of principle, or human rights objectivity—the impartial assessment of facts leading to an objective judgement. Operational relief organizations generally aim to be operationally neutral, human rights organizations aspire to hold to certain principles, and make objective judgements. An objective evaluation may, as in a court of law, entail passing a judgement in favour of one side or the other. As the example of Bosnia has graphically shown, this can conflict with the demands of operational neutrality, and the pretence that the two are compatible can seriously compromise the attempt to achieve either.

### *Fieldcraft*

"Fieldcraft"—i.e. making compromises with the authorities for the greater good—is even more problematical than aspirational neutrality. It is a difficult concept to define, because it gives so much discretion to field officers to evaluate the situation on the ground. Essentially, it is a certain degree of tolerance of corruption and extortion.

Absent systematic accountability and a clear set of principles for the limits of acceptable compromise, it is a recipe for being sucked into very adverse bargains. Agencies are notoriously unwilling to close down programmes once they have started, and what started off as an "acceptable" rate of diversion may rapidly become much worse—but still remain accepted. It is easy to overlook the fact that local administrators and generals are more adept practitioners of "fieldcraft" than relief agency staff.

A component of fieldcraft is tolerance of a certain level of risk. Previously, there was a "tripwire" approach, whereby a certain level of insecurity would trigger a wholesale evacuation of expatriates. Now, individual field officers are left to make day-to-day decisions about whether the level of risk is acceptable, based on security briefings either from professional security staff seconded to the relief agency or from military officers serving with the UN.

A counterpart of fieldcraft is discretion—not making statements about political or human rights concerns. This may be done so as to avoid endangering the programme or the staff (local or international), or both. This discretion has a price, however. A silent witness to an abuse is necessarily a complicit witness. This complicity remains even if the witness makes a private representation to the authorities concerned. (The ICRC mandate of confidentiality puts it in a slightly different position to other operational agencies.)

Relief agencies are usually unwilling to play any formal human rights monitoring role. Local people suffering political disasters—often including the local staff of international NGOs—are commonly far more ready to speak out about human rights abuses than international agencies, even when they are the ones who run the risks of exposure. This would matter less if human rights were not part of the rhetoric of many agencies. By claiming to have a concern with human rights, but then failing to carry out human rights monitoring or advocacy properly, a misleading impression of the human rights situation may easily be given.

Rather than formal human rights monitoring, operational NGOs sometimes argue that their human rights role is preventing abuses merely by the fact of their presence. There are certainly some cases of relief workers protecting people vulnerable to abuse, but these are no more than isolated instances. There are many more cases of egregious abuse being committed under the eyes of relief workers, or just out of their sight, without any effective response.

Under these circumstances, true neutrality is elusive. By virtue of operating on one side, an operational NGO compromises its neutrality. A lack of clarity of mandate—especially straying into areas of politics and human rights, without the trained staff or appreciation of principles to do this properly—may also lead inadvertently to partisanship.

### *Solidarity and Justice*

A third concept—solidarity—has been notable by its absence in most discussions of NGO operations in conflicts. Solidarity with the poor is implicit in the philosophies of most development-oriented NGOs, but it is rarely transferred to solidarity with the victims of oppression in times of disaster. This is reflected in the dominance of the concept of neutrality. However it is arguable that solidarity is the most important principle of all. Just as conventional models of economic development have become

dismantled under radical critique based on the principle of solidarity, the same is likely to be true for conventional models of relief.

What is "solidarity" to be, if it is not merely to be another slogan that hides opportunistic action and woolly thinking? A claim to "solidarity" with the victims of a disaster or crime can appear patronising if it is professed by people who are far away, safe, inactive or who have not consulted the people exposed to the danger.

Some components of a genuine solidarity can be identified in a preliminary way. They include:

- Human rights objectivity and the pursuit of justice. This means a commitment to pursuing an agenda based on a set of rights.
- Consultation with and accountability to the people with whom solidarity is expressed.
- Shared risk and suffering with the people.
- Concrete action in support of the people and their cause. This may include providing relief and/or political or human rights lobby and advocacy.

All of the components of solidarity may be difficult to achieve simultaneously. Most international organizations—with the chief exception of the churches—put the physical security and well-being of their staff ahead of sharing suffering and risk with local people. What solidarity operations have in common is a political goal shared with the people.

There are a few examples of solidarity operations in Africa. One notable case was the community-implemented relief programmes in Eritrea and Tigray. Standing the conventional approach on its head, the Eritrean Relief Association and the Relief Society of Tigray demonstrated that relief can be administered efficiently in wartime, by popular mobilization, in the absence of line programmes run by international agencies. This approach has since been scorned by the international donors, because it does not bring in the required public profile, because it muddies the relief-development distinction, and because it is not seen to be neutral.

A second example encompasses the array of international organizations that assisted in the fight against apartheid in South Africa, ranging from the public advocacy activities of the Anti-Apartheid Movement to specific clandestine assistance to those challenging the apartheid system of the Defence and Aid Fund. However, it is increasingly clear that the anti-Apartheid struggle was a special case and *sui generis*. Since the demise of apartheid, human rights organizations concerned with apartheid, as well as those inside South Africa, have been struggling to define a new role for themselves, with mixed success.

The concept of solidarity is also central to the much discussed "relief-development continuum." Without an approach that takes human rights seriously, relief and development agencies are also unable to take a broad, integrated approach to the post-conflict needs of a society. They simply will not have the understanding or credibility to do so. "Neutral" relief and participatory community development are almost certainly incompatible, and once a relief agency has built up an institutional reputation in one area it will find it very difficult to move to the other.

## Rwanda: The Limits of Neutralism

The disaster in Rwanda is a political emergency *par excellence*. Mass murder was the central policy of the interim government of Rwanda. Human suffering was not an incidental by-product of a political strategy: it was the very *raison d'être* of the ruling authority. The hollowness of a depoliticized "humanitarianism" was shown more dramatically than ever before.

Many of the dilemmas present in the Horn of Africa over the previous decade were particularly stark in Rwanda in 1994. In addition, the conflict between different forms of neutrality was reproduced from Bosnia.

Fleetingly, there were encouraging signs that there would be a different approach to Rwanda by international relief organizations. However, two problems rapidly developed. The first was an obsession with neutrality—what we here call "neutralism"—and the perceived imperative of international military intervention. The second began the moment the crisis developed an apparently conventional "humanitarian" component—namely the refugee crises in Tanzania and Zaire—when many bad habits immediately reasserted themselves.

Underlying this regression were some basic human problems within the relief agencies: the genocide unfolded so rapidly and so traumatically, that agency staff were severely overworked and overstressed. The personal experiences of agency staff in the refugee camps were deeply traumatic and shaped their thinking in fundamental ways—while there were many fewer staff members inside Rwanda whose personal outlook was moulded by experience of the genocide. The demands of responding to immediate crises as they unfolded impeded the development of a more analytic, long-term perspective. The frustrations of unmet logistical and security needs oriented staff thinking in the direction of improving co-ordination and rapidity of response, rather than political questions. This makes it even more imperative that the lessons of Rwanda are fully examined and absorbed before another emergency overwhelms the agencies.

Rwanda in 1994 was unusual—even unique—in that the human rights situation, and the responsibility of the interim government for the crime of genocide, were fully established *before* significant humanitarian operations had begun. Operational agencies therefore could not argue that pre-existing relief programmes were threatened by taking politically "controversial" positions (though of course they may have had staff members from their previous programmes in vulnerable positions).

From the outset of the crisis on 6 April, it was evident that there was a range of different goals, namely (1) feeding needy people, (2) stopping the killing, (3) denying legitimacy and impunity to the mass killers, (4) preventing flows of refugees and obtaining a cease-fire and (5) obtaining a political settlement. It was also clear that these goals would be mutually incompatible.

In the old days, the division of labour would have been clear—and, insofar as relief would have been sent "no questions asked", the outcome would have been deplorable, strengthening the genocidal government in power.

In contrast, in 1994, many agencies felt obliged to take positions on *all* of these humanitarian, human rights and conflict resolution goals. The problem arose because this implied developing an integrated analysis of the Rwandese disaster and in turn making a coherent set of priorities. In fact, there was no such integrated analysis, but instead an ad hoc mixture of different kinds of humanitarian, human

rights and political recommendation. The prioritization followed the institutional requirements of the relief organizations themselves. Because these organizations were monopolizing the international debate, their priorities became identified as the priorities of Rwanda itself.

### *The Challenge of Genocide*

The scale and nature of the abuses in Rwanda have been exceptional. The former government was solely dedicated to genocide. Following the elimination of officials who did not support the mass killing, it became difficult to find any individuals in positions of high authority able to exercise a moderating influence. Hence the notion of "fieldcraft" was of very limited value. The same holds true for the refugee camps in Tanzania and Zaire.

Genocide is not the only crime in Rwanda today, but it is the most serious. This remains the case even though, at the time of writing, the mass killing has been brought to an end. Genocide is a crime that, under international law, obliges certain responses from states and organizations with a commitment to human rights: preventing *and punishing* genocide is an *overriding* imperative.

Oxfam took the lead in lobby and advocacy in the UK, and in responding to the refugee emergencies on the ground. It had an opportunity to try to chart a new path in its response to political emergencies. It did not succeed—its response became mired in confusion of priorities. The following discussion will draw heavily on the Oxfam's lobby and programme.<sup>7</sup>

Oxfam was among the first organizations to call the genocide by its correct name. For a human rights organization, this would have implied adherence to the spirit of the 1948 Convention against Genocide, which makes the prevention of genocide and the punishment of those responsible an overriding legal obligation. Oxfam has included human rights in its implicit mandate, but—it soon transpired—not to this extent. Oxfam staff involved in the decision to use the term "genocide" explained that this was done partly because it was simply telling the truth, but with the specific intention of galvanizing the UN into action.

For an organization with human rights in its mandate, the corollaries of using the label "genocide" include denying legitimacy or impunity to those responsible for the crime. Following this through throws up huge obstacles in the way of mounting relief operations in the places controlled by these people. This is the conflict, familiar from Bosnia, between objectivity and operational neutrality.

In the context of genocide, any organization that avows basic human values cannot be neutral. Genocide is wrong. The perpetrators of genocide take the position: "If you are not with us, you are against us." This at least has the virtue of honesty. The appropriate response from a human rights organization is: "We are against you, and we will do all in our power to halt your crime and bring you to court charged with crimes against humanity."

This is an uncomfortable position for pacifists. It is also an uncomfortable position for an organization governed by a conservative interpretation of British charity law, and for an organization trying to implement relief programmes on the ground that involve working alongside people who are at least complicit in genocide. Oxfam took the first step along the road of action against genocide, and raised

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<sup>7</sup> Oxfam was invited to comment on a draft of this paper, but declined.

expectations among Rwandese and the human rights community that it would follow through. However, Oxfam then failed to take any more steps. One reason for this was that, like other international actors, Oxfam became preoccupied with lobbying the UN to despatch troops.

### *The Preoccupation with International Troops*

Throughout the genocide in Rwanda (April, May and June), western governments and international NGOs were preoccupied with the despatch of UN troops to Rwanda. This was a mistaken priority that did nothing to halt the killings, and in fact prolonged the slaughter. It was based on several false premises.

First, this assumed that UN troops could do the job demanded of them—namely preventing the genocide and punishing those responsible. It is highly unlikely that they would have been able to do this.

It was almost certainly technically impossible for UN troops to have protected all the civilians at risk. The French troops, occupying just one small part of the country, had difficulty in doing so when they went in at the end of June. In addition, to punish those responsible for the crime would have required a political commitment to removing the interim government, which in turn would have required forsaking neutrality and being prepared to take casualties. There was never the slightest indication that any major international player was willing to take these steps.

The sorry record of UN troops in Bosnia, Somalia, and indeed in Rwanda itself in the early days of the crisis, gave no grounds for confidence that the UN could provide any solution. Those who advocated sending UN troops could only do so by wilfully ignoring recent history.

Hence, international troops, had they been sent as envisaged in April or May, would have been largely a practical and moral irrelevance.

Second, the focus on UN troops assumed that no other alternative approaches were open for the prevention of genocide. This was not the case. Two major opportunities were missed.

One opportunity was to exercise moral leadership. This could have involved public condemnation of those responsible for the genocide, by name; expulsion of Rwandese ambassadors (above all from the UN); and the threat of indictment for crimes against humanity. Diplomats were never receptive to these ideas. Within the NGO world, with its curious mixture of cynical defeatism and naïveté, these possibilities were never seriously considered. One NGO staff member said that "there is no point in expressing moral outrage without being able to take practical action."

Though expressed in a private capacity, this is a highly revealing statement, in that such sentiments clearly did influence NGO policy. This point of view is contrary to the basic principle of human rights work, namely that condemning violations is imperative, irrespective of whether concrete action can be taken. Moral outrage is expressed partly in order to express solidarity with those who are suffering abuses, and to ostracise those who are committing them. Moral condemnation *is* a practical action which can have practical effects.

In Rwanda this is as true as elsewhere. The most important international action to stem the bloodshed in Rwanda and to give courage to those resisting the killing was repeated public expressions of solidarity and moral outrage. They would have helped to isolate and discourage the killers, and encourage those opposed to

them. Ordinary Rwandese are more bitter about the lack of this outrage than any of the many failings of the international community.

Economic sanctions against Rwanda were never on the agenda. They would have taken too long to have any effect in the short term, but the issue was never even raised. If the crime had been committed in any other continent, there can be little doubt that moves would have been initiated by at least some major western countries to invoke sanctions. Why not in Rwanda? The triumph of humanitarianism is part of the answer: the agenda was being set by international relief organizations. The other element is the characterization of the crisis as "uncontrollable tribal anarchy". Sanctions make sense when aimed against a centralised controlling authority. Such an authority existed in Rwanda, but it succeeded in deluding the world for a crucial few weeks that the genocide was not the systematic centrally-planned extermination of political opponents and all members of one ethnic group, but a spontaneous outbreak of tribal bloodletting.<sup>8</sup>

The preoccupation with an international response to the genocide in Rwanda also overlooked one crucial fact: a Rwandese solution to the disaster was at hand, in the form of the military victory of the Rwandese Patriotic Front.

### *The Position of the RPF*

The RPF was in a position to halt the genocide, and in due course did so. It chose the military option, and launched an offensive that in three months inflicted a decisive military defeat on the government forces. It is difficult to see how it could have responded otherwise.

It is arguable that the RPF had *legal* responsibilities under the Genocide Convention to act in the way that it did.<sup>9</sup> I.e., the RPF had an obligation under international law to do all in its power to halt the genocide and punish those guilty of it. The RPF's assessment of the best way to do this was its own military advance. The other options would have been to negotiate with the interim government with the aim of getting government forces to stop the killing or to have called on the UN to stop the killing. Both these alternatives would have been naive in the extreme. Hence, in the circumstances, it would have been an abdication of its human rights responsibility for the RPF to have stopped its military advance, just as it would have been wrong for the American troops to have halted at the gates at Dachau in April 1945. Human rights law acknowledges legitimate military goals—and one of these, a fortiori, is protecting civilians at risk of genocidal killing.

The counter-argument is that the RPF advance was provoking the genocide. The killings in fact started before the RPF advance, and were carried out in accordance with a systematic plan. Some of the regions worst affected by the genocide never experienced any form of fighting. While killings did briefly

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<sup>8</sup> See: African Rights, *Rwanda: Death, Despair and Defiance*, September 1994, Chapter 6. There is a subtle and insidious mutual reinforcement between concepts of humanitarianism and anarchy that lies beyond the scope of this paper.

<sup>9</sup> This is an uncertain legal area. The RPF, as an organization with a recognizable command structure and control of identifiable areas of territory, has obligations under the Geneva Conventions. The Arusha Accords of 1993 brought the RPF into government, making it party to the human rights instruments agreed by the Rwandese government, including the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide.

intensify—from an already high level—in one or two places just before the RPF capture, the RPF advance was by far the main brake on the killing.

Western governments and NGOs did not support the RPF advance. In fact, they repeatedly called on the RPF to observe a cease-fire, without securing any guarantees from the government to halt the genocide. Part of the reason for this was so that UN troops could be despatched to protect civilians.

Why is it preferable for UN troops to halt the genocide than Rwandese rebel fighters? It is deeply questionable whether UN forces are more legitimate, both legally and practically. Legally, the RPF is bound by certain provisions of the Geneva Conventions, while UN forces under Chapter VII in Somalia justified their violation of the Geneva Conventions by saying that their sole authority was the decision of the UN Security Council that they should use "all necessary measures." Practically, the RPF was actively engaged in rescuing people at risk of massacre, while the record of UN peacekeepers in carrying out their mandate is increasingly recognized as very poor. Knowing that the UN had no proven capacity to stop the genocide, advocating this course of action was an abdication of responsibility.

The chief virtue of the UN troops is their neutrality. In Rwanda, the UN (and other international players) used "neutrality" to hide their lack of a political strategy, and their weak commitment to implementing the provisions of the Genocide Convention. Operational neutrality triumphed over human rights objectivity.

### *The Call for a Cease-fire*

Calling for a cease-fire is a political act, which charitable organizations are not required, legally or morally, to make. Relief organizations did not call for a cease-fire in Ethiopia, nor in Mozambique, for by far the greater period of those wars. Calling for a cease-fire is also not a human rights statement. The UN is also not required to call for a cease-fire (in Kuwait, it of course called for a war).

The appropriate human rights statement would have been (1) to call for both sides to desist from abrogating the Geneva Conventions and (2) to call for both sides to do all in their power to halt the genocide. The latter implies, if necessary, taking military action to halt genocide.

Nonetheless, the UN repeatedly called for a cease-fire. Procedural habits of neutralism took precedence over the basic rationale on which the organization was ostensibly founded—fundamental human justice. The pathetically slow progress of the UN's investigations into human rights abuses in Rwanda echoes the same priorities.

Some international NGOs also appealed for a cease-fire. In the same statement in which Oxfam named the crime as genocide, the organization called for a cease-fire and political negotiations. This call appears to have been made for several reasons. These include:

- A cease-fire was a precondition for the despatch of UN troops.
- The fighting was causing human suffering and impeding the delivery of humanitarian relief.

- Not to call for a cease-fire would have appeared to be compromising the neutrality of the organization, which would have offended the British Charity Commissioners and some Rwandese people who were Oxfam's counterparts.

It is evident that Oxfam's call was (unsurprisingly) influenced by the organization's own institutional priorities. But, by including human rights and conflict resolution in the appeal (and also in its institutional mandate) Oxfam implied that its suggested actions would tackle all of these areas; that the priorities it was outlining were the priorities for Rwanda as a whole. This was misleading: Oxfam's priority was an emergency *relief* response, which it duly mounted. As mentioned, this prevailed over a human rights response. However, by dominating the international debate, and taking the moral high ground on *all* the relevant issues, Oxfam distorted the debate in a subtle but highly significant manner.

A cease-fire would, of course, have prevented the RPF from stopping the genocide.

Oxfam's position on genocide and UN intervention was ultimately immaterial on account of the military victory of the RPF. However, the episode does throw up disturbing implications. What would have happened if Oxfam's campaign had succeeded?

Consider the most likely scenario if there had actually been an internationally-supervised cease-fire and the despatch of 5,000 UN troops to Rwanda at the end of April. The battle-lines would have been frozen, with the RPF in control of rather less than half of the country, and the government and interahamwe controlling the remainder. It is probable that killing, albeit on a reduced scale, would have remained endemic.

A cease-fire implies a search for a negotiated solution to the conflict. There could be only two outcomes. One is that the government and RPF agreed—in which case those responsible for the genocide would have been politically rehabilitated and awarded impunity for their crime. To expect a political settlement that included one set of the negotiators agreeing to surrender for trial is simply naive. The second is that both sides would have regrouped for war at a later date—very probably, as in Angola, more bloody than before.

Hence, while an unknown but probably modest number of Tutsis and Hutus opposed to the regime would have been protected for some time, the war would have been brought to a stalemate and Rwanda would have slipped into a state of permanent political emergency. International military intervention in the name of humanitarianism would in fact have contributed to impunity for genocide.

## **Rwandese Refugees: Humanitarianism Unbound**

Along with most other relief organizations, Oxfam concentrated its resources on responding to the refugee crises that unfolded in Tanzania and Zaire. More than £8 million of its total expenditure of over £10 million between April and September was in refugee programmes. In conventional terms, the refugee crises were huge. On the scale of human suffering in Rwanda, however, they were small compared to the numbers killed during the policy of massacres in April and May. However, partly because the refugees appeared as a conventional and hence soluble "humanitarian"

crisis, the provision of relief to the refugees became the overwhelming international priority. In its overview of the disaster in Rwanda, Oxfam outlined the genocide and then went on: "During July 1994, a refugee crisis of even greater dimensions developed..."<sup>10</sup> Analysis of the refugee crisis was entitled "A calamity without precedent."<sup>11</sup> This reflects a highly significant distortion of priorities. Policies towards Rwanda began to be dictated by the demands of one component of the whole disaster. Moreover, this component developed a highly damaging political dimension.

The refugee flows out of Rwanda were not the familiar unplanned flight of civilians caught up in a war, though that element did exist. To a large extent they were the planned exodus of a population under the political direction of those responsible for the killing, to seek sanctuary abroad from where they could regroup and attack Rwanda again. Among the refugees were the principal killers, well armed and well organized.

The refugee exoduses from Rwanda were among the most flagrant abuses of international relief in modern times. The extremists who had mounted the genocide knew they could rely on the international relief community to respond with material assistance, and that there would be few if any efforts to isolate them from the mass of the population. They thus inflicted massive suffering on the people whom they encouraged or forced to flee, and then extorted assistance from relief agencies which they used to consolidate their power.

Most relief agencies and the UNHCR walked straight into the trap. Initially, in Tanzania, there was extreme reluctance to confront the predicament, and setting up a distribution system rapidly took precedence over removing or neutralising the killers. Even when the trap had been recognized, and the agencies had started complaining, the extremists' ruse continued to work: they had the security and resources they required.

The extremists' strategy also worked in that it grossly distorted the international response to Rwanda. Until the refugee crisis in Tanzania unfolded in the last two days of April, the international media, NGOs and western governments had concentrated on the mass murder inside the country. Relief agencies were unable to mount an effective humanitarian response, because of the sheer danger of trying to operate in government-held areas and their reluctance to start major operations in the RPF-held zones (largely for fear of compromising their neutrality). Hence the international debate had been largely at the political level—where it belonged. The refugee crisis changed that. All relief agencies had to be seen to respond. They sent teams to Tanzania and began work. Refugee crises have, over the years, become depoliticized (that is the *raison d'être* of UNHCR) and hence are invariably seen as *not* political emergencies.

The conventional NGO response to the narrowly "humanitarian" emergency that the refugee crisis in Tanzania appeared to represent was wholly different to the politicized approach that had been beginning to develop in Rwanda up to then. It had the following characteristics:

- It was politically naive. In the camps, authority was delegated to those who had formerly held civil authority in Rwanda—i.e. precisely the same people as had planned

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<sup>10</sup> Guy Vassall-Adams/Oxfam, *Rwanda: An Agenda for International Action*, Oxfam Insight, 1994, page 5.

<sup>11</sup> *Ibid*, page 48.

and implemented the genocide. This served the short term need of efficient food distribution very well, but rapidly led to control of the camps being surrendered to the militias.

- Operating alongside those complicit in the genocide made it difficult to condemn those same people for their crimes. Many agency staff were explicit that their job was to feed people, irrespective of what crimes they may have committed in the past.
- There was competition among the NGOs for humanitarian funds. Within the agencies, this meant that fund-raisers—who have a propensity to depoliticize issues—gained the upper hand over those who preferred a more nuanced political response. The vast majority of emergency funds were provided by donor governments and the EU.

Hence, though international relief organizations did not directly support the genocidal government inside Rwanda, the moment government forces had decamped to neighbouring countries, the familiar synergy between an abusive authority and humanitarian relief became established. Failing to learn the lessons of Tanzania from April-May, the international agencies replicated exactly the same response, on a much larger scale, in Zaire in July. Some staff in the field pressed for a more politically-informed approach, but were overruled by head offices.

The refugee crises once again demonstrated that, despite their efforts to move to a more sophisticated political level, relief agencies invariably regress to a basic, simplified "humanitarianism" when there is a crisis that can be—albeit briefly—presented in this way. The results of this regression included:

- The issue of genocide was fudged. Combined with other pressures, the charitable imperative of responding to the refugees resulted in a rapid back-peddling on condemnations of genocide. Oxfam, which had made "genocide" its headline on Rwanda, now pushed the issue down the agenda, beneath the demand for an immediate humanitarian response. The issue was further clouded by the organization's refusal to name those responsible for the crime; instead it merely called for a UN investigation.

Why did this happen? Were agency staff so preoccupied with responding to the relief demands of the refugee emergency that they lost sight of the larger picture? Did the fund-raisers dictate a depoliticised campaign? Did it reflect an implicit hierarchy of concerns (material relief is essential, human rights are a luxury)? Or did it merely follow relief organizations' mandate and instincts to concentrate on charitable works? Probably, it was elements of all four.

- Massive material assistance was given to the killers, including food, transport and a secure base from which to launch attacks into Rwanda. Ironically, while the soldiers of the new government of Rwanda remain unpaid volunteers, the genocidal army of the former government, now in exile, is fed by international food aid.
- Some of the propaganda of the killers was reproduced and given a spurious credibility. This was specifically the case for unsubstantiated allegations of abuses by the RPF, which were repeated by UNHCR in May.
- The final result was that, in their haste to address the humanitarian emergency in a depoliticized manner, the agencies helped to recreate political structures that very soon made their work impossible. By October, the refugee camps were extremely

violent. On 3 November, relief agencies signed a statement that said: "The current relief operations are untenable. Living and working conditions for refugees and aid workers in the camps are becoming unacceptably dangerous." The agencies went on to express their outrage at becoming "unwilling accomplices" to massive human rights abuses by the extremist political authorities, and threatened to withdraw unless there was "immediate and decisive action" for the better.

There is no doubt that the primary culprits for the abuse of humanitarianism were the extremists of the former government. But the debacle of "humanitarianism abused" in the refugee camps for Rwandese is also a striking example the dangers of "humanitarianism unbound." Humanitarianism cannot fill a political void.

### **Opening the Debate on Humanitarianism**

Without material relief delivered by international organizations to the victims of disaster, the world would be a more cruel and brutal place, and many poor and marginal people would face a bleaker future, or no future at all. Human compassion is an essential component of a more humane world. But the limits of humanitarianism as a practical philosophy are becoming more and more painfully evident.

Something is terribly wrong in the provision of humanitarian aid, especially to Africa. There is little in the last fifteen years that relief agencies can look back upon with pride. There have been some successes, and some real progress in some areas but these successes are overshadowed by the failures.

In the 1980s, the political environment was unpropitious for an effective, politically-informed programme to combat famine. The end of the Cold War created hopes that Africa's major conflicts would be resolved. Some of the hope was warranted, but overall the picture is darker than before. The conflicts in Africa have proved to be more intractable than anyone anticipated. Equally importantly, the international organizations mandated to deal with these crises have been found wanting in significant respects. This is perhaps not surprising—the speed of change has meant that institutions developed in a previous era are faced with the imperative of change, but are not sure in what direction they should try to change.

A succession of cases, notably Sudan, Somalia, Bosnia and Rwanda, indicate that the humanitarian international has over-reached itself. These histories show the hazards of multi-mandate operations by international relief organizations. The mistakes may have been made in good faith, but they must be acknowledged openly. To pretend that mandates do not conflict, and that humanitarianism can provide a political and human rights programme, would be a dangerous dishonesty.

At the end of the day, relief organizations will always make charitable works their priority, which means that human rights concerns will be fudged or jettisoned. In the short term, some people may be fed or treated as a result—an outcome not to be despised. But this is at the cost of addressing more fundamental political and human rights concerns. In the long term, more people will remain alive under more tolerable conditions if humanitarian relief is provided in a way that is consistent with basic human rights. The inconstancy is also demoralizing to those who expect an avowal of human rights to turn into a principled and consistent stand. Further, inconsistency devalues the notion of human rights itself.

The hazards of politically-blind humanitarianism are also very considerable. A return to the restricted relief programmes of the 1980s, so open to manipulation by abusive authorities, is certainly undesirable. If relief organizations had responded to the Rwanda crisis by desisting from any human rights statements, and instead merely sent relief to all quarters, no questions asked, they would rightly have been condemned as playing into the hands of criminals.

Relief organizations must find their new role. The first step is to open up the debate.

Rwanda is a good place to start. It is essential to learn the lessons of the international debacle of the response to Rwanda. This does *not* mean a standard evaluation of the efficiency of relief response, with recommendations for improving co-ordination, rapid response and the like. It means a thorough-going examination of the entire principles on which responses to political emergencies are mounted.

Resolution of the basic dilemmas is not in sight at the moment. What is important is to be alive to the realities of the dilemmas, and the past and ongoing failures and disappointments of the different approaches that have been adopted. Above all, it is important to realise that the enlargement of a charitable mandate into areas of lobby and advocacy on political and human rights issues is a major step with enormous implications. A commitment to human rights cannot be picked up and set down at will: the watchword for any human rights activism is consistency.

Above all, the examination must be conducted in public. The issues are too important, with far-reaching consequences, for the standard format of secretive in-house evaluations to be adequate.

Many of the issues raised in this paper have been discussed internally within NGOs. But few of them have been raised in public. Relief agencies appear to be frightened of a real public debate on many of these issues, fearful that it would strike at the myths that sustain their fund-raising. They prefer to don their moral armour and insist that they did all they could for the best. But such arguments are no longer permissible for organizations that have such a profound influence on the politics of poor countries. These are real, pressing issues that can only be addressed if they are openly acknowledged.

There may well be a cost to this debate. Funds may become restricted, and jobs may be lost. But, sooner or later, the questions are going to be asked, and the blanket of moral censorship is going to be lifted. It is far preferable for the network of international relief agencies to join the debate now, in an open and frank manner, than have the issues thrust upon them at a later date when they will be seen as defensive institutions protecting their vested interests.

It has now become a commonplace that the United Nations is in dire need of transparency and accountability. A succession of debacles in the 1990s has intensified the need. Again, Rwanda is a good place to start.

The UN itself, and some international organizations, will doubtless propose new layers of bureaucracy, including new offices for co-ordination and rapid response. A succession of such proposals has been made over three decades, resulting in a succession of institutional initiatives, culminating in the creation of the Department of Humanitarian Affairs. None have succeeded. No new offices for co-ordination can replace accountability.

On the political and military side, suggestions along the lines of "strengthening peacekeeping" are both superficial and misleading. Strengthening UN peacekeeping as such has no relevance to any of the cases discussed in this

paper. The problem is far more complex than that. Strengthening preventative diplomacy is highly relevant to the experiences of Somalia and Bosnia. Human rights monitoring should be a central component of this: today's human rights abuses are tomorrow's conflicts. Strengthening methods to support a democratic transition is relevant to Rwanda. Improving the quality of famine relief is relevant in all cases. Above all, creating an international mechanism to respond to genocide is essential, not only for Bosnia and Rwanda, but if the United Nations is to live up to the promise of its founding charter, that links respect for human rights to international peace.

There are two issues. One is "political will": what do electorates and governments want from the UN? The UN cannot be expected to act against genocide if its leading member states express no interest in doing so. The UN Secretariat never tires of pointing this out, saying that the UN can do no more than its members allow it. But this obscures the second issue: basic bureaucratic competence. The UN invariably does far less than its members request of it. Even when the political will is present—as for example in Somalia in early 1993—the United Nations has an extraordinary capacity for making a complete mess of things through sheer incompetence. This can only be changed by a thorough-going change in institutional ethos, brought about by public accountability.

The substance of the debate must address some tough questions. One is: should relief organizations other than the ICRC continue to operate in political emergencies? And if so, under what preconditions?

A second question is: is operational neutrality an appropriate aim for relief agencies? Either operational neutrality must be taken seriously, perhaps along the lines of the ICRC, or it should be abandoned in favour of objectivity. The difficulties, costs and limitations of the ICRC approach have been discussed: this is not a path to be taken lightly. There may be other possible variants of operational neutrality, but relief agencies should recognize that these can be achieved only by a well-established reputation for consistency in applying principles. This will take time.

If operational neutrality is abandoned, relief agencies can either operate only purely opportunistically, or in accordance with principles of solidarity. There will always be room for opportunism, and it can certainly achieve tangible results, but by its nature it cannot be adopted as a principle.

The possibility of undertaking relief work on the basis of solidarity with victims should be considered. This also has its costs and dangers; not the least of them being that the term "solidarity" is itself ill-defined and could easily become a slogan that conceals more than it illuminates.

Solidarity with the victims of injustice, based upon principles of human rights objectivity, is as difficult a road as ICRC-style neutrality. Relief would come to be seen as subversive, as true community development is, and therefore unattractive to donors. Relief programmes would become explicitly political, on the side of the poor and vulnerable. Will any of the established NGOs be prepared to take this path?

It is unlikely, given their dependence on donor funds, tolerance by host governments and factional leaders, and favourable publicity, that many NGOs will take such a risk.

This paper has detailed some of the dangers of relief organizations continuing in their present trajectory—they will fail to resolve the problems they try to address, and may make them worse. There are other dangers too. Major donors are increasingly aware of the shortcomings of unbridled humanitarianism, especially after picking up the bill in Somalia and the deepening disenchantment in Bosnia.

Humanitarianism may turn out to be a political fashion whose day will soon be past, and those relief agencies that hitched their fortunes to it may find themselves embarrassed. Relief organizations' activities are becoming the subject of international law in an ad hoc manner, through the resolutions of the UN Security Council. To date, these legal initiatives have all been to the advantage of relief agencies, but it cannot be guaranteed that it will remain that way. Leading Asian nations have expressed strong reservations concerning Security Council resolutions that dilute or violate national sovereignty and can be expected to resist attempts to give international NGOs more privileges in international law.

Meanwhile, the public, both in Africa and the west, is certainly aware that something has gone wrong in the whole relief business. The political critique of privatised charity in western countries is gaining currency, with implications for the parallel argument over international social welfare. Some journalists are becoming aware that the international relief network is not as wonderful as its propaganda would have one believe. Some perceive how the journalist's duty to tell the truth may conflict with the relief agencies' aims. An increasing number of Africans, including many who work for international aid organizations, are becoming highly critical—at least in private. It is dangerous for this debate to remain suppressed, and for the frustrations of these people to remain unrecognised.

The greatest danger is that an ethic of humanitarianism, with an inflated sense of self importance matching its eviscerated political judgement, will be let loose on poor and vulnerable societies, particularly in Africa, at their hour of greatest need. Freed from the straitjacket of Cold War realpolitik, compassion will exercise a tyranny itself. The charitable imperative of relief NGOs will overrule all else. Meanwhile, humanitarianism is ripe for manipulation by cynical politicians, in both "donor" and "recipient" countries, who will use the resources and moral platform to further their own ends. The humanitarian international is slower to learn than its enemies.

Fortunately, humanitarian work attracts many people who are courageous and compassionate. Enough of them can recognize what is happening and act to prevent the destruction of humanitarianism from within and without. This will require intellectual honesty and moral courage. African Rights welcomes contributions to the debate.

### ***African Rights***

*African Rights* is an organization dedicated to working on issues of grave human rights abuses, conflict, famine and civil reconstruction in Africa. The urgent motivation for setting up African Rights is that we have become acutely aware of the limitations upon existing human rights, humanitarian and conflict resolution approaches to Africa's most pressing problems.

Any solutions to Africa's problems—the emergency humanitarian needs just as much as the long-term demands for political reconstruction and accountability—must be sought primarily among Africans. International organizations should see their principal role as facilitating and supporting attempts by Africans to address their own problems. It is Africa's tragedy that the existing institutions for addressing these problems have not looked to the African people for answers. African Rights tries to give a voice to Africans concerned with these pressing issues, and to press for more accountability from the international community in its various operations in Africa.

Rakiya Omaar

Alex de Waal

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