

THE HUMANITARIAN SPACE IN PERIL

HOW DO RECENT POLITICAL DEVELOPMENTS CHALLENGE
THE WORK OF INTERNATIONAL RELIEF NGOS?

Master of Arts in Law and Diplomacy Thesis

Submitted by Heinz Henghuber

May 2004

Under the advisement of Dr. Peter Walker

© 2004 Heinz Henghuber

<http://fletcher.tufts.edu>



THE FLETCHER SCHOOL

Thesis:

The humanitarian space in peril -

How do recent political developments challenge the work of international relief NGOs?

1. Preamble	4
2. Definitions	5
3. Political Developments under Analysis	7
3.1. The politicisation of aid is accelerating	7
3.1.1. Humanitarian aid as established instrument of foreign policy	7
3.1.2. Performance based project agreements	11
3.2. Aid work as military strategy of belligerent forces	13
3.2.1. Kosovo	
3.2.1.1. Kosovo: Context	14
3.2.1.2. Kosovo: The role of the NATO in the relief effort	15
3.2.2. Afghanistan	
3.2.2.1. Afghanistan: Context Post-Taleban Era	17
3.2.2.2. Afghanistan: Cluster bombs and food rations	19
3.2.2.3. Afghanistan: Civil-military cooperation projects	19
3.2.2.4. Afghanistan: Provincial reconstruction teams	20
3.2.2.5. Blurring the lines military-aid workers	23
3.3. The changed role of UN peace operations	25
3.4. The aim for cohesion within the UN	
3.4.1. Definition and background	28
3.4.2. Sierra Leone	31
3.4.2.1. Sierra Leone: Background	31
3.4.2.2. Loss of Neutrality and Impartiality	33
3.4.3. Afghanistan: UNAMA	35
3.4.3.1. Blurring the lines UN, Transitional Government and private NGOs	37
3.5. The perception of aid agencies as vectors of Western values	38
3.5.1. Afghanistan	39
3.5.2. Iraq	44
3.5.2.1. Iraq: Context	44
3.5.2.2. The Humanitarian Enterprise in Iraq	46
3.5.2.3. The Humanitarian Imperative lost in the line of fire	49
4. Summary of effects and causalities on the humanitarian space	53
4.1. Overview Causalities/ Effects	55
4.2. Perspective International Humanitarian Law	56
4.2.1. Main obligations regarding Humanitarian Space	56
4.3. Compounding Relationships	57
4.4. Prognosis	59
4.4.1. Are the political developments continuing?	59
4.4.2. Effects on the Relief Sector	61
5. Thoughts on solutions	66
5.1. Unified action	66
5.2. Operational Approaches	68

5.2.1. Advocacy Issues	68
5.2.2. “Indigenising” of operations	70
5.2.3. Other operational issues	71
5.3. Revisiting the individual guiding principles	71
5.3.1. Embracing the new developments	72
5.3.2. Independence at all costs	73
5.3.3. Funding	74
6. Conclusion	75
ANNEX	
List of Acronyms	76
Bibliography	77
Map of Afghanistan	84
Map of Iraq	85

**The ‘humanitarian space’ in peril –
How do recent political developments challenge the work of international relief NGOs?**

1. PREAMBLE

Is the ‘humanitarian space’ of international relief Non-Governmental Organisations (NGOs) in danger by recent political developments? It is not new that the political environment for humanitarian assistance provided by UN organisations, the International Committee of the Red Cross (ICRC) or Non Governmental Organisations (NGOs) is in an evolving mode. Neither is it unprecedented, that humanitarian principles derived from International Humanitarian Law and forming the basis for ‘humanitarian space’, are threatened by political trends. On the contrary, there is ongoing reaction to political context by NGOs to observe. This is challenging the ability for flexibility and organisational adjustment within the international non-governmental agencies repeatedly. However, recent political developments, mainly driven by the ‘war on terrorism’ and its corresponding conflicts in Iraq and Afghanistan, present a new challenging dimension for private humanitarian agencies. Most of the political changes under review, are an acceleration or increase in magnitude of elder trends, such as a further politicisation of aid and the expansion of deliberate targeting of aid workers for political reasons. Other events such as the post cold-war type of conflict presented by so-called humanitarian interventions are intertwined or even compounding with other issues, such as the aim for cohesion and an integrated structure within the UN. All of these political changes in their interconnectedness build a serious threat to the ‘humanitarian space’ of private international relief agencies. These NGOs are facing an existential claim for their guiding principles, their structures and their operational action. Some may argue, that Iraq is a one time unique context and the next humanitarian crisis will be business as usual. Experiences from Kosovo and Afghanistan are showing, that this is very likely not the case and NGOs will be forced to react to broader developments challenging the humanitarian context they are working in. The aid community though, is a diverse and often non-unified group and opinions are split not only among the agencies, but also within individual organisations, as to how far principles and structures have to be changed for institutional survival. In this line of thought it is also likely, that the new developments will change the landscape of relief NGOs and their individual importance in terms of programmes and funding income will alter significantly. While analysing, if and how some recent political developments are affecting the humanitarian space for international NGOs, the question of effects and

causalities should be answered in a holistic approach. The impacts on the humanitarian space of UN agencies or the International Red Cross (ICRC) are quite different than the ones for international NGOs. The effects on the UN humanitarian agencies or ICRC are therefore only in the scope of this paper, as far as they impact indirectly international NGOs. The list of political developments is compiled from main trends debated in publications from recent years and is not claiming completeness. Country case studies examples from Iraq, Afghanistan, Kosovo and Sierra Leone are used. Therefore the contexts of these conflicts will be shortly described.

There are hardly standard recipes to overcome these new challenges. However, in a last section a few thoughts will be listed, about what potential directions non-governmental agencies may take to react to the new contextual dilemmas. The reader may forgive, when I refer so often to Médecins sans Frontières (MSF) for examples or observations. This is related to my personal experience and should be in no case interpreted as disrespect or ignorance for other organisations.

2. DEFINITIONS

To precise the discussion topic, the following definitions should be used.

Humanitarian Space (or space for humanitarian action)

Humanitarian Space entails the ability for relief organisations (UN, ICRC or NGOs) to independently assess the needs of the population, retain unhindered access to the population; conduct, monitor and evaluate the distribution of aid commodities; and obtain security guarantees for local and expatriate aid personnel. This ability derives from perceived strict neutrality and impartiality in the activities of the relief organisations.¹

Neutrality

Neutrality in this context will be defined as relief organisations not taking side in a conflict, whether directly or by allying oneself with one of the parties in the conflict.² This includes preserving an ethic of humanity and not acting for the preferred victory of one side or the other.

Impartiality

Impartiality should be defined as humanitarian assistance that “makes no discrimination as to

¹ Small precisions to basic definition by Joelle Tanguy, Fiona Terry. On Humanitarian Responsibility. *Ethics & International Affairs* 13 1999.

² Françoise Bouchet-Saulnier. *The practical guide to humanitarian law*, 1st English language (Lanham, Md.: Rowman & Littlefield Publishers, 2002), p.141.

nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.”³

Independence

Independence should be defined as humanitarian action executed independent from any political, financial, ideological or military pressure.⁴

The Humanitarian Imperative

The term *humanitarian imperative* should be interpreted in the tradition of Immanuel Kant’s categorical imperative. It is understood as the ethical duty to prevent and alleviate suffering; to protect life and health (improve human condition); and to ensure respect for the human being. It implies a right to receive humanitarian assistance and a right to offer it as fundamental to humanitarian principles. “Hence the need for unimpeded access to affected populations is of fundamental importance in exercising that responsibility”⁵

Peace Operations

For this paper the definition from the Brahimi Report, for *Peace Operations* will be used. “UN peace operations entail three principal activities: conflict prevention and peacemaking, peacekeeping; and peace-building.”⁶

Peace building

Peace building “defines activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on these foundations something that is more just than the absence of war.”⁷ This includes, amongst other actions, humanitarian activities such as monitoring of and education about human rights, as well as investigation of abuses, HIV/AIDS control and other initiatives against infectious diseases.

³ The Fundamental Principles of the Red Cross and Red Crescent. (1 July 1996). Available online at: <http://www.icrc.org/Web/eng/siteeng0.nsf/html/>

⁴ Françoise Bouchet-Saulnier. *The practical guide to humanitarian law*, 1st English language (Lanham, Md.: Rowman & Littlefield Publishers, 2002), p.140.

⁵ Intl. Federation of the Red Cross, Red Crescent, and ICRC. *Code of Conduct in Disaster Relief*. (1995).

⁶ UN. *Report of the Panel on UN Peace Operations* (Brahimi Report). (UN, New York, A/55/305 S/2000/809, Aug. 2000). Par. 10.

⁷ Id. Brahimi Report. p.3.

3. POLITICAL DEVELOPMENTS UNDER ANALYSIS

3.1. The politicisation of aid is accelerating

By its own nature, humanitarian work takes place in a highly politicised context, often characterized by armed conflict. Therefore it is not under review if humanitarian aid is political, but how a further politicisation of aid takes place. Politicisation of aid is not new either, however the trend has accelerated considerably in recent years, specifically strongly in the United States driven by the ‘war on terrorism’ after 11 September 2001, but also in other countries, for instance in Great Britain or within the European Community in general. As Abby Stoddard states, “US humanitarian policy is likely to be intertwined with national security objectives...as a legitimising or public relations component to military actions....”⁸ During the past 12 years, besides Great Britain, the United States was the country which was the most evident international actor in a critical dual role as humanitarian relief provider and party to the conflict at the same time. This double-edged role was taken in complex emergencies in Somalia, Kosovo, Afghanistan and most recently in Iraq.

3.1.1. Humanitarian aid as established instrument of foreign policy

Andrew Natsios, the director of the United States Agency for International Development (USAID) since May 2001 and notably a former Chief Executive of Worldvision, shocked the US NGO community in 2003. While stating that NGOs have to be “the extended arm” of the government, he reportedly charged that NGOs which received USAID funding for projects in Iraq, Afghanistan and elsewhere were not giving sufficient credit to the US government as the source of the aid.⁹ For most US based aid agencies, which almost all take their “non-governmental” status and identity very seriously, the Natsios statement came quite surprisingly. For those who recalled Colin Powell’s statement in during Operation Enduring Freedom in Afghanistan (Oct. 2001), in which he labelled US humanitarian agencies as “force multipliers” or “important part of our combat team”¹⁰, the statement of Andrew Natsios was just a logical consequence. Natsios made the US approach to humanitarian assistance very transparent while concluding in May 2001:

⁸ Abby Stoddard. The US and the 'bilateralisation' of humanitarian response. Background Research for HPG report 12 (Dec 2002), p.1.

⁹ Jim Lobe. *NGOs in the US firing line*. Internet on-line. Available from <http://www.atimes.com/atimes/printN.html>>. [Nov 22, 2003].

¹⁰ Médecins sans Frontières USA. Iraq: Independent Humanitarian Aid under Attack. (2003).

“Foreign assistance is an important tool for the President and the Secretary of State to further America’s interests. In fact, it is sometimes the most appropriate tool, when diplomacy is not enough or military force imprudent. Foreign assistance implements peace agreements...”¹¹

For Iraq, USAID already raised the share of funds going to “profit-oriented” contractors instead of going to NGOs. USAID for instance awarded a contract of US \$ 21 million to ABT Associates Inc., a consulting company, to ensure the rapid normalization of health services in Iraq in the short term and improve the public health systems in the longer term.¹² These private companies are usually considerably more expensive, but offer the advantage of not being bound by humanitarian principles as NGOs. They are less politically critical and will accept contractual regulations obliging them to interface with the coalition forces. Hence they are potentially easier to deal with for the US government. Also stricter rules regarding contacts between NGOs working with USAID funds and the press were imposed, which reduced the NGOs’ independence significantly.¹³ The crucial problem for NGOs is a high financial dependency on government grants in many organisations. It is not possible for many NGOs to stay independent of these funding resources. The Office of Foreign Disaster Assistance (OFDA) within USAID for instance allocates 70% of its funding through NGOs¹⁴. Whereas USAID funds comprise just 12% of private agencies revenues (2000), the picture for the major five US Relief NGOs is a different one. CARE, Save the Children US, Worldvision, International Rescue Committee and Catholic Relief Services alone accounted for 30% of the annual government support for NGOs in 2000.¹⁵ Two of those major five American relief NGOs, CARE and Catholic Relief Services relied on US government funding for more than half of their revenues in year 2000, 54% and 62% respectively.¹⁶ For Save the Children, government funding made up 47% of total revenue and 37% for IRC. Worldvision is the only agency of the major five US relief NGOs that seems to

¹¹ David Rieff. *A bed for the night : humanitarianism in crisis*, (New York, N.Y.: Simon & Schuster, 2002), p.238-239

¹² USAID. *Assistance for Iraq*. Internet on-line. Available from <<http://www.usaid.gov/iraq/contracts/ph.html>>. [2/15, 2004].

¹³ Jim Lobe. *NGOs in the US firing line*. Internet on-line. Available from <http://www.atimes.com/atimes/printN.html>>. [Nov 22, 2003].

¹⁴ Abby Stoddard. The US and the 'bilateralisation' of humanitarian response. Background Research for HPG report 12 (Dec 2002), p.6.

¹⁵ Abby Stoddard. *Trends in US humanitarian policy*. 3 (2002), p.4.

¹⁶ Id. Abby Stoddard. p.4

be relatively independent of government funds with a revenue share of 16% (2000).¹⁷ There are strict legal requirements however, which force NGOs to raise at least 20% of their budgets from non-governmental sources. Many NGOs struggle with this rule.¹⁸ This critical development is intensified as the US government moves towards more binding longer-term contractual relationships with their funded agencies. On one hand, positively, this provides more financial security for the aid agencies, but on the other hand, it may compromise their independence.

The humanitarian intentions in these politics are apparently given a side role, while the political motivations are evidently prioritised in action. As the US Defence Department made US \$ 1.7 billion available for reconstruction efforts in Iraq, the same time US \$ 1 billion was cut from US contributions to the World Food Programme.¹⁹ This affected an estimated 40 million people in 22 countries in Africa according to the International Red Cross.²⁰ Although the needs in Africa were presumably larger, the funds went to Iraq as the public and media awareness was focused on Iraq. This disproportionate provision of assistance on a global basis, abusing the humanitarian principle of impartiality, is a very common negative feature within the politicisation of aid. Porter criticized it very punctuated during the Kosovo conflict, while stating “in the context of declining overall aid budgets, money wasted on one crisis is money stolen from the next”.²¹

The US administration favoring Judeo-Christian faith-based groups, goes along the same lines. Although it is still restricted to US domestic programmes, it may eventually expand to international aid.²² First, It can be argued it would already neglect the principle of impartiality, while favoring funding certain religious preferences. Second, as the ‘war on terrorism’ is also a war against anti-US oriented Islamic extremists, a clear positioning of favoring judeo-christian values implies an automatic positioning against other beliefs and cultures, especially Islam. This is not only very questionable from the perspective of strategy for winning the ‘war on terrorism’,

¹⁷ Abby Stoddard in J. Macrae. *The New Humanitarianisms: A review of trends in global humanitarian action*. HPG Report 11 (April 2002), Chapter 4, p. 48.

¹⁸ Abby Stoddard. *The US and the 'bilateralisation' of humanitarian response*. Background Research for HPG report 12 (Dec 2002), p.6.

¹⁹ Deutsche Welle. *Humanitarian Aid - a new Political and Military tool?* 24 July 2003 Internet on-line. Available from <http://www.deutschewelle.de/dwelle/cda/detail/dwelle.cda.detail.artikel_drucken>. [01/16, 2004].

²⁰ Id. Deutsche Welle. *Humanitarian Aid - a new Political and Military tool?*, Original source ICRC catastrophe report 2003.

²¹ Toby Porter. *The partiality of humanitarian assistance - Kosovo in comparative perspective*. *The Journal of Humanitarian Assistance* (2000).

²² Jonathan Benthall in J. Macrae, Adele Harmer. *Humanitarian action and the 'global war on terror': a review of trends and issues*. July 2003. : 1-72.

it may also intensify the perception by Islamic extremists of aid agencies being an integral part of Western politics threatening Islamic values. This could foster the perceived preparedness amongst violent Islamic extremists to target aid workers in Iraq and Afghanistan. Therefore it is disconcerting, when Andrew Natsios apparently wants to make greater use of faith-based organisations and also wants to pay more attention to religious leaders overseas. Joanna Macrae of the Overseas Development Institute, further assumes that faith-based NGOs (Christian and Islamic) may have major implications in the future for the interpreting and operationalising of humanitarian principles.²³ They may also polarize and separate the aid agencies in an unnecessary and critical manner. The faith based aid policy also manifests in other ways. According to USAID regulations, agencies undertaking reproductive health and family planning services in relief or emergency contexts are not allowed to use or promote abortion as method of social assistance for unwanted pregnancies.²⁴ This arguably affects the independence of funded NGOs as well.

As mentioned, for many relief NGOs and the UN relief agencies, the integration of humanitarian aid into political action has also led to a blurring of perception. Namely, that NGOs are part of the western conspiracy against Islamic values, which made them a reasonable target for Islamic extremists in Iraq and Afghanistan. Also the Provincial Reconstruction teams, which will be analyzed later on, are an appearance of the politicisation of aid. Here again the political will, paired with military and security interests, stands in the foreground. The humanitarian motivations, serving as public relations rhetoric, are of lesser importance. Moreover humanitarian aid is a welcome publicity tool in politics, as Peter Runge of the German umbrella group of development NGOs Venro comments:

“Many ministers and heads of government use aid as a way to spruce up their images. It garners a lot of attention, and it has a good affect on the troops improving their standing and increasing their support at home.”²⁵

Looking at the critical effect on humanitarian space of relief NGOs, the politicisation of aid is eroding independence of NGOs and furthering an ongoing loss of neutrality of all aid

²³ J. Macrae. *The New Humanitarianisms: A review of trends in global humanitarian action*. HPG Report 11 (April 2002), p. 16.

²⁴ Abby Stoddard in J. Macrae. *The New Humanitarianisms: A review of trends in global humanitarian action*. HPG Report 11 (April 2002), Chapter 4, p. 41.

²⁵ Deutsche Welle. *Humanitarian Aid - a new Political and Military tool?* 24 July 2003 Internet on-line. Available from <http://www.deutschewelle.de/dwelle/cda/detail/dwelle.cda.detail.artikel_drucken>. [01/16, 2004], p.2

organisations. Full neutrality in this sense has probably never existed. Important however for aid organisations is the perception of neutrality in the field as a basic precondition for staff security and access to population. Again the ‘war on terrorism’ has accelerated some negative trends here. In the statement of US President George Bush before the Iraq war, “you are either for or against us”, there is apparently no space left in between for neutrality. British Prime Minister Tony Blair said about the conflict in Afghanistan: “This war has three dimensions: the military, the political and the humanitarian one”.²⁶ This gave the impression of a hidden agenda on humanitarian action. In this line of argument, for example the NGO Médecins sans Frontières (MSF) also criticised US Secretary’s Colin Powell’s quote²⁷ on Iraq after the bombing of the ICRC building. When asked whether he was worried if the aid agencies are going to pull out of Iraq, he answered, that when the NGOs leave, “then the terrorists win”. This type of continuously made public statements clearly put the aid agencies on the political side of the US intervention forces and weakened the NGOs perception of neutrality in Iraq’s public and among the Islamic extremists, ultimately making the aid workers a deliberate target.

3.1.2. Performance based project agreements

A lighter impact on the humanitarian space of relief NGOs, are so-called performance based project agreements (PPAs). These PPAs are an instrument for governments in Developing countries to increase service provision within a clearly defined policy framework.²⁸ This health policy system was used in the past in Haiti and Cambodia to improve the public health system in a relief to development transition phase. It is at present used in Afghanistan by the Ministry of Public Health and supported by the World Bank and other large institutional donors. It allows NGOs to bid for a health service contract for a certain underserved geographic area like a province or a cluster of districts for a 3-year term.²⁹ The NGO itself has to provide services defined by a basic health care service package with performance indicators and service levels set by the government. The NGOs will be paid by the donor, when the agreed performance is satisfactorily delivered on a per capita basis (in Afghanistan approx. US\$ 2.5 to 3.5 per

²⁶ Reuters AlertNet. *Viewpoint: When the Red Cross is the target*. 18 Nov 2003 2003. [2 March, 2004].

²⁷ Médecins sans Frontières USA. *Iraq: Independent Humanitarian Aid under Attack*. (2003).

²⁸ Afghan Assistance Coordination Authority. *Provincial-Level Performance-Based Partnership Agreements*. Internet on-line. Available from

<<http://www.afghanistangov.org/aaca/procurement/spn/Health%20Sector.html>>. [Dec 27, 2003].

²⁹ Second Joint Donor Mission to Afghanistan on the Health, Nutrition, and Population Sector - Aide Memoire. In 2002.

inhabitant in the contracted geographical area)³⁰ with the possibility of a performance bonus for exceptional improvements in service delivery.³¹ The actual performance is evaluated by an independent and credible third party in order to have a neutral judgment.³² From a health policy perspective this approach seems reasonable, as services are coordinated to gain efficiency and to meet needs. Moreover NGOs and government potentially work more coherently together. Also performance indicators and service levels are defined, which should improve effectiveness. From the perspective of the humanitarian space of relief NGOs, the performance based project agreements may diminish their independence or their “agency space”,³³ as the NGOs are clearly in a subcontractor role to the donors and Ministry of Health with restricted space of individual action. There would be strong constraints for critical advocacy regarding the government for instance and other types of activities may be compromised by the contractual relationship. For the purely development oriented NGOs this may be a lesser problem. For the purely relief NGOs this is more critical because independence to act plays a stronger role. In Badghis province in Afghanistan, these PPAs were recently introduced and it led to a complete restructuring of the NGO community in the province with three NGOs doing health work leaving the province (Worldvision, International Medical Corps and MSF). Médecins sans Frontières will hand over their built up health care units in spring 2004 to BRAC, a large Bangladeshi NGO, which has good relationships with the World Bank and won the bidding process.³⁴ MSF had no intentions to join the PPA system, as it was considered it would compromise their principle of independence too much. Though admittedly, MSF is also leaving because the project reached more a development phase than an emergency context. Here it is important to point out, that the PPAs may have more positive than negative effects in post emergency phases and are from this perspective potentially less critical. Nevertheless they are a further political factor impacting the humanitarian space. The perception as ‘subcontractors’ of the government may also have

³⁰ Second Joint Donor Mission to Afghanistan on the Health, Nutrition, and Population Sector - Aide Memoire. In 2002.

³¹ ³¹ Afghan Assistance Coordination Authority. *Provincial-Level Performance-Based Partnership Agreements*. Internet on-line. Available from <<http://www.afghanistangov.org/aaca/procurement/spn/Health%20Sector.html>>. [Dec 27, 2003].

³² London School of Hygiene & Tropical Medicine. *Health Policy Formulation in Complex Political Emergencies and Post-conflict Countries*. (2002), p.14.

³³ Nicholas Leader. *The Politics of Principle: the principles of humanitarian action in practice*. HPG Report 2 (March 2000). Leader calls the general freedom of agencies to operate “agency space”.

³⁴ Personal communication with MSF Project Coordinator Annmarie Dujnstee in December 2004

implications for the perception of neutrality on the ground. This is particularly true, as the main security threat for aid workers comes from forces opposed to the government.

In comparison to other developments the PPAs have a smaller impact on the humanitarian space and for some NGOs it is negligible. For other relief agencies, especially those who do both development and relief work, it is another complication to find their individualized definition of humanitarian space. For those NGOs, who do pure development projects and depend highly on external funding, the PPAs may be an attractive opportunity.³⁵ Moreover, the PPAs are more a policy tool for development than for relief situations and development-oriented NGOs are not bound to humanitarian principles per se. The situation in Afghanistan however is arguably somewhere between a relief and a development phase and given the security developments it may fall back into a relief cycle.

3.2. Aid work as military strategy of belligerent forces

Going along within the already established Civil-Military debate, another trend of recent years is the increasing integration of humanitarian action in military strategies and operations on the ground in war zones. Although there were earlier cases of militaries providing humanitarian assistance, such as Northern Iraq (1991) or Eastern Zaire (1994)³⁶ this trend has strongly expanded in recent years. Humanitarian aid delivered by military, which is party to the conflict, took place in Kosovo (April 1999), in Afghanistan and in Iraq, the latter two are still ongoing. This cause of the development is partially, an armed forces security doctrine to ‘win hearts and minds’ or the trust of the population of an occupied country. A second motive may derive from the positive effects on public opinion in the home countries and staff morale amongst soldiers. So the British Army uses images of soldiers delivering humanitarian aid for advertisements to recruit new soldiers.³⁷ A third potential trigger can be found in the more robust peace-keeping operations either led by the UN, by single countries or by regional organisations such as the North Atlantic Treaty Organisation (NATO) or the Economic Community of West African States (ECOWAS). The criteria, that some of these peace operations are authorized by the UN Security Council and some not, is of lesser importance for this subject. Those peace operations may

³⁵ F. Grünewald, C. Bousquet, E. Levron, C. Dufour, and H. Maury Quality Project in Afghanistan -Mission Two. (2003). p.22.

³⁶ Examples taken from Jane Barry, Anna Jefferys. A bridge too far: aid agencies and the military in humanitarian response. 37 (2002), p.13.

³⁷ Id. Jane Barry, Anna Jefferys, p.8.

nurture the incorporation of humanitarian action in military-political concepts. The potential threats to the humanitarian space are rather obvious. Needs may be addressed following military or political goals and not by priority of the humanitarian imperative. Vulnerable people on the wrong side of the conflict may not be assisted. In other terms, impartiality overall is lost. A second danger lies in the security implications. While militaries performing aid work is further blurring the distinction between relief NGOs and militaries, the perception of neutrality may be lost for the NGOs and moreover civil aid workers will be put into serious danger in conflict areas they work in. If and how the militaries, executing humanitarian aid work, actually threatened the humanitarian space of international NGOs will be analysed in the examples of Kosovo and Afghanistan.

3.2.1. Kosovo

3.2.1.1. Kosovo: Context

The origins of the war in Kosovo are much described as an ethnic conflict between a minority of Serbs and a majority of Albanians struggling over control of the former autonomous region. With the disintegration of the former Yugoslavia, the Serbian Government in Belgrade under Slobodan Milosevic imposed direct control over Kosovo and replaced Kosovar Albanians in official positions with Serbs.³⁸ Over the 1990s, the resistance of the Kosovar Albanians grew and led ultimately to an armed insurgency with the creation of the Kosovo Liberation Army (KLA). The widening of the conflict caused a significant number of casualties and large amounts of displaced people. In 1998 the international community (UN, USA and the European Union) felt obliged to intervene with diplomatic pressure, than with economic sanctions and finally, with military force to avoid a humanitarian catastrophe and a further ethnic cleansing. In March 1999 NATO air force started its bombing campaign over Kosovo and Yugoslavia. The objective of this campaign was to force Serbian police and military out of Kosovo and to put the region under international protection.³⁹ After 11 weeks of intensive bombings, Milosevic accepted the conditions of the G8 peace plan. With Resolution 1244⁴⁰ the Security Council authorized an UN-led international administration and a NATO-led security force. It also included the creation of the UN Mission in Kosovo (UNMIK) as a mission to bring peace, stability, democracy and self-

³⁸ Dobbins J., McGinn J.G., Crane K., Jones S.G., Lal R., Rathmell A., Swanger R., and Timilsina A. Kosovo. In *America's Role in Nation-Building: From Germany to Iraq*. RAND Corp. 2003. p.111

³⁹ Id. Jim Dobbins, p.112

⁴⁰ UN Security Council Resolution 1244, 10 June 1999

government to the region. Within an established four-pillar organization all international organisations apart from NATO, were subordinated to the UN. UNHCR took on responsibility for the humanitarian assistance pillar in this organization.⁴¹ The UN was also charged with police, justice, and civil administration. The Organization for Security and Cooperation in Europe (OSCE) led democratisation and institution-building efforts. The European Union was responsible for reconstruction and economic development efforts and NATO was accountable for maintaining security. The Kosovo Force (KFOR) by NATO consisted almost of 45,000 troops by the end of 1999.

3.2.1.2. Kosovo: The role of NATO in the relief effort

Upon entering Kosovo, KFOR started to provide humanitarian assistance, which was handed over later to UNHCR. Various problems regarding civil-military coordination and humanitarian principles occurred.

At the end of the war about 863,000 Kosovar Albanians had fled to Macedonia, Albania or Bosnia Herzegovina. Several hundred thousand more were internally displaced in Kosovo. As the Serb forces withdrew about half of the Serb civilian population fled with them as well. The mass exodus also posed political problems to the NATO governments, which were notably also the main donors in the Kosovo conflict. There were accusations that NATO actually turned a crisis into a catastrophe while causing the mass displacement.⁴² The pictures of caravans of refugees from Kosovo on television, forced the NATO governments to react on humanitarian ground in order to avoid a public media dilemma. Humanitarian and political objectives intermingled. “Consequently, these refugees became unquestionably the most politicised group of forced migrants in contemporary history.”⁴³ NATO troops were heavily involved in the building of refugee camps and took on responsibility for providing aid for the displaced. Aid agencies, which wanted to work in the camps had to apply for permission with the military commander to work in the camp and then had to secure funding from the donor agencies of the same governments. Many NGOs gave up their independence by complying with these conditions.

⁴¹ Dobbins J., McGinn J.G., Crane K., Jones S.G., Lal R., Rathmell A., Swanger R., and Timilsina A. Kosovo. In *America's Role in Nation-Building: From Germany to Iraq*. RAND Corp. 2003, p.115

⁴² Toby Porter. The partiality of humanitarian assistance - Kosovo in comparative perspective. *The Journal of Humanitarian Assistance* (2000).p.3.

⁴³ Id. Toby Porter, p.4.

By then, the military doing aid work already showed a lack of proficiency and financial inefficiency. In Kosovo, NATO set up refugee camps and the facilities were not meeting Sphere standards. Notably, Kosovo was a context, where this should have been possible. A hospital in Albania implemented by the Austrian army was even demolished after departure.⁴⁴ Barry and Jefferys assessed that this hospital had cost 12 million \$ to serve a refugee camp of 2,000 to 3,000 displaced people. This is 4,000 to 6,000 \$ per person, which is an extraordinarily high amount for humanitarian aid relations.⁴⁵ In Albania a small camp was run by the Austrian military for 70 million DM and a, comparably, much larger facility run by MSF had cost just 2 million DM.⁴⁶ The most critical issue with NATO delivering aid however, was the dual role of being party to the conflict and impartial humanitarian assistance provider at the same time. As Porter argues, this was an issue for the aid agencies, but not for the military. On the contrary, NATO was interested in creating a picture in the public mind at home to pursue the proclaimed humanitarian intervention.⁴⁷ In this regard it was welcomed, as UNHCR made an official request to NATO for assistance with humanitarian aid. The need for logistic aid from the military was somehow traded with the disregard of impartiality as humanitarian principle. Porter points out, “the agreement between UNHCR and NATO was the Trojan Horse that allowed NATO to effectively take over the humanitarian operation from inside.”⁴⁸ So UNHCR was informed about decisions on the choosing, designing and building of refugee camps after the fact. As these projects were funded bilaterally by NATO governments this was easily possible. NGOs were affected, for almost every camp in Albania. NGOs were selected on the basis of having the same nationality of the country whose NATO forces had built the same camp, rather than selecting by competence.⁴⁹ As mentioned the funding also came from the corresponding government as donor. This compromised any independence by the aid agencies, which signed onto these packages. The high media awareness was unprecedented and many NGOs reluctant to ‘burn bridges’ with their home donor governments, were stretching their independence and took on the tasks. There was

⁴⁴ Jane Barry, Anna Jefferys. A bridge too far: aid agencies and the military in humanitarian response. 37 (2002), p.13.

⁴⁵ Numbers by Id. Jane Barry, Anna Jefferys.p.13.

⁴⁶ Example by Jane Barry, Anna Jefferys. A bridge too far: aid agencies and the military in humanitarian response. 37 (2002), p.13.

⁴⁷ Toby Porter. The partiality of humanitarian assistance - Kosovo in comparative perspective. *The Journal of Humanitarian Assistance* (2000), p.4.

⁴⁸ Id. Toby Porter, p.5.

⁴⁹ Id. Toby Porter.p.6.

already an ambivalence of impartiality, as NGOs were stretched to decide between standing on their guiding principles or motives of institutional survival.⁵⁰ This is a tension, which continues and intensifies in the later conflicts in Afghanistan after 9/11 and the Iraq war. Moreover it can be concluded, in conflicts, in which the donor countries are also belligerent parties, humanitarian NGOs are very prone to face these ethical dilemmas. Porter comments on the apparent double standards of NGOs, as

“the same organisations so insistent on prohibiting armed soldiers from vehicles and compounds in places like Southern Sudan appeared to happily set aside these rules when it came to working alongside NATO.”⁵¹

Another trend had early signs in Kosovo. The reluctance of some European NGOs to cooperate with the military opened up the opportunity for some new small NGOs, which did not hesitate to collaborate with the military.⁵² Those new NGOs, together with more hybrid private organisations are likely to become a common appearance in crisis zones, especially when the donor countries are not able to be neutral within a conflict.

Already in Kosovo some of the political trends under review could be observed. A strong politicisation of aid from the donor governments, the NATO military as a belligerent party doing aid work, and blurred lines between military and the UN or relief NGOs ultimately ending in compromised impartiality, neutrality and independence took place. Trends, which later manifested in Afghanistan or Iraq and were further exacerbated.

3.2.2. Afghanistan

3.2.2.1. Afghanistan: Context Post-Taleban Era

The well known attacks of 11th September 2001 on the World Trade Center in New York and on the Pentagon in Washington directed by Osama bin Laden and his organization Al Qaeda caused an intervention of US led allied forces in Afghanistan. The objective of ‘Operation Enduring Freedom’ (OEF) was to oust the Taliban regime and to search for Osama bin Laden and Al Qaeda supporters. The latter is still in process. After ousting the Taliban, in November of 2001 the United Nations organized a meeting of Afghan political leaders in Bonn, later referred to as the *Bonn conference*. The four groups represented, including the Northern Alliance, signed an

⁵⁰ Toby Porter. The partiality of humanitarian assistance - Kosovo in comparative perspective. *The Journal of Humanitarian Assistance* (2000),, p.7

⁵¹ Id. Toby Porter, p.8

⁵² Larry Minear. 1999. NGO Policy Dialogue VI: NATO and NGOs during the Kosovo Crisis. In Tufts University.

agreement (*Bonn agreement*)⁵³ on a provisional arrangement regarding the establishment of permanent government institutions in Afghanistan. In a first step, an Afghan Interim Authority was established. In December, the Security Council⁵⁴ authorized the establishment of an *International Security Assistance Force (ISAF)* under chapter VII of the UN Charter. Since 11th of August 2003 ISAF is under direct NATO command. The political direction and co-ordination is then the responsibility of the North Atlantic Council, in Brussels, Belgium. This Council has to work in close consultation with non-NATO nations taking part in ISAF. In November 2003, NATO was examining military options for expanding the force.⁵⁵ The allied Command Operations has been placed in overall command and the Regional Headquarters Northern Europe (AFNORTH) in operational command. The NATO lead will give ISAF a better operational strategy to continue. Politically it brought ISAF and US led coalition forces closer together, which can have negative security impact for ISAF, as lines between belligerent and peacekeeping forces are completely blurred. About a potential ISAF extension to the South of Afghanistan, the *Economist* comments that “an unhealthy confusion between ISAF peacekeepers and coalition forces –who made few friends in the south by choosing unsavoury local allies and occasionally arresting or shooting the wrong people- would also be hard to avoid.”⁵⁶ More than 5,500 troops make up ISAF as of December 2003, and in February 2004, 27 nations contributed units to the security force⁵⁷, of which Canadian and German troops make up the bulk. The number of countries supporting reflects at a first view a broad support for the Afghanistan mission. In a closer view however there is reluctance for providing troops for the expansion of ISAF into areas outside of Kabul, especially for the deployment locations in the high-risk areas such as the South and South East. In October 2003 the Security Council authorized⁵⁸ ISAF to expand its mandate to places outside of Kabul. UN Security Council Resolution 1510 also explicitly mentions “as resources permit” for this expansion. It defines the intention of the mandate that, “as well as the personnel of the UN and other international civilian personnel

⁵³ Bonn Agreement on Afghanistan's Interim Government, Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions. 2001.

⁵⁴ Security council. 20th. Dec 2001. Resolution 1386.

⁵⁵ NATO. *NATO in Afghanistan (ISAF 4)*. 19th Nov 2003 2003. Internet on-line. Available from <<http://www.nato.int/issues/afghanistan/index.htm>>. [19th Nov, Nov 2003].

⁵⁶ Beyond Kabul. Peacekeeping finally expands. Sort of. *The Economist* (2003), 40-41.

⁵⁷ International Security Assistance Force. 3rd Nov 2003 2003. Internet on-line. Available from <<http://www.afnorth.nato.int/ISAF/index.htm>>. [8th Nov 2003, 2003].

⁵⁸ Security council. 13th Oct. 2003. Resolution 1510. Par. 1

engaged, in particular in reconstruction and humanitarian efforts, can operate in a secure environment...”.⁵⁹

3.2.2.2. Afghanistan: Cluster bombs and food rations

The first military attempts to deliver humanitarian aid in Afghanistan could already be observed in the beginning phase of Operation Enduring Freedom in October 2001. US Forces dropped humanitarian rations by plane. Later on this operation was heavily criticised by NGOs and the media. First, the one-meal rations, containing some bread, peanut butter, jam, salad and vinaigrette,⁶⁰ were completely inappropriate for the purpose of food supplies for the population in need. Second, the delivery by airdrops implied the likely eventuality of grounding in landmine-contaminated areas. Besides Angola, Afghanistan still has the highest concentration of landmines in the world. There was a high risk involved that people would get injured or killed while collecting the packets. Third, and even more dangerous, the food rations had the same color and a similar size as cluster bombs, which were also dropped in Afghanistan by Coalition Forces at the same time. For Afghans, especially children, it was hardly possible to distinguish the fatal bombs from the welcomed food packets, which put their lives in danger as well. Finally, the intervention has to be criticized from a financial perspective. The food dropping operation by the Coalition forces cost about 40 million dollars, weighing around 6,000 tons. In a rough calculation this equals \$ 6.66 per kilo, which compares to a 20 cent per kilo average usually spent for these operations with WFP.⁶¹ Despite the critical circumstances, this is 33 times more expensive.

3.2.2.3. Afghanistan: Civil-military cooperation projects

ISAF runs Civil Military Cooperation projects (CIMIC) throughout Kabul, focusing on the assessment of the provision of basic human needs such as fresh water, electricity, power, and shelter, and by improving the existing infrastructure destroyed by 23 years of conflict. CIMIC is also involved in the rebuilding of medical facilities and the renovation of schools.⁶² These projects are done in cooperation with the transitional government. The Henri Dunant Center commented on the quick impact projects of the CIMIC, “the first criteria for perceived added value of Quick Impact Projects of CIMIC was more force protection than the ethical imperative

⁵⁹ Security council. 13th Oct. 2003. Resolution 1510.

⁶⁰ Jane Barry, Anna Jefferys. A bridge too far: aid agencies and the military in humanitarian response. 37 (2002). p.14.

⁶¹ Id. Jane Barry, Anna Jefferys. p.13.

⁶² International Security Assistance Force. 3rd Nov 2003 2003. Internet on-line. Available from <<http://www.afnorth.nato.int/ISAF/index.htm>>. [8th Nov 2003, 2003].

to serve those in need.”⁶³ Noteworthy, the CIMIC were financed by humanitarian funding sources.

3.2.2.4. Afghanistan: Provincial reconstruction teams

In November 2002, the JRT (Joint Regional Teams) initiative, later renamed Provincial Reconstruction Teams (PRTs) by President Hamid Karzai himself, was started by the US-led coalition forces. In February 2004, there were seven Provincial Reconstruction teams in place: one by ISAF in Kunduz run by the German army, and six run by Operation Enduring Freedom troops, of which four were in Gardez, Jalalabad, Herat and Kandahar run by the US military, and one in Bamiyan run by the New Zealand Military and one in Mazar-e-Sharif by British troops.⁶⁴ The PRTs differ considerably in size, structure and content of reconstruction efforts. In Gardez the US team had 29 projects under way, most of them rebuilding or fixing schools.⁶⁵ The PRT in Kunduz is strongly involved in the disarmament part of the demobilisation process. The US PRTs consist of 60 to 100 members of the Special Forces and also have civilian members from the U.S. State Department, the U.S. Agency for International Development, the U.S. Justice Department and the U.S. Department of Agriculture. Representatives of the U.S. drug commission are also expected to start working with the PRTs. The main job of the civil affairs officers is to run reconstruction projects ranging from the building of schools and the repair of damaged bridges to help start fledgling medical clinics or digging water wells. Those are clearly humanitarian and development tasks. The objectives of the PRTs are security, reconstruction, strengthening the influence of the central government and monitoring and assessing the local regional situations, in other terms gathering military intelligence information. These aspects of the operations, say the Agency Coordinating Body for Afghan Relief (ACBAR), may have “adverse security implications for Afghans working in the NGO sector”.⁶⁶ Anyhow there is no distinction made between the security for the coalition forces or ISAF, the security for the Afghan population or the security for aid workers. Quite obviously the military means the first, while using the term ‘security’ in their communication. A US military spokesman explained the strategy for the PRTs in December 2003 to the New York Times, as to

⁶³ Henry Dunant Centre for Human Dialogue. *Politics and Humanitarianism Coherence in Crisis?* (2003), p. 18.

⁶⁴ Information by Patricia M. Haslach, Bureau of South Asian Affairs, US Dept. of State, in a presentation at Fletcher School of Law and Diplomacy on 20. Feb. 2004

⁶⁵ Amy Waldman. *Afghanistan: Faltering Progress, Security Fears.* *New York Times A*, no. 19th Sept. 2003, A10.

⁶⁶ ACBAR (Agency Coordinating Body for Afghan Relief). *Provincial Reconstruction Teams and the Security Situation in Afghanistan.* (2003), p. 3.

“ensure security so we (US forces) can accelerate and enable the international community and the central government to get some programmes going....They will concentrate onpatrolling, and building up local police and Afghan security forces.”⁶⁷

Here again the task of training police and new Afghan army is mixed with humanitarian and reconstruction work. So far, in contrary to the public perception given, the PRTs are not directly protecting UN agencies or private relief NGOs yet. If PRTs, as a mix of uniformed and civil teams, can be a better security solution than a pure military contingent is questionable. As a British officer commented, “If real fighting breaks out, its (the British PRT in Mazar-e-Sharif) main defence will be its ability to call in American air strikes.”⁶⁸ There might be increased security however for the soldiers themselves, as they are better embedded in the local community and may collect better security intelligence. Thus, the security goal of the PRTs is to win the ‘hearts and minds’ of the population while doing reconstruction work, where they are stationed. This is clearly a political objective, much less a military goal and there is a strong suspicion, the reconstruction work is just a medium for increasing political influence instead of serving the purpose of relief or development aid. US Secretary Rumsfeld stated in April 2003, that the PRTs “will demonstrate to the people of Afghanistan that supporting the central government is a good thing, it benefits them, and that is the path of the future.”⁶⁹

The PRTs are also not coming at a lower cost, especially not in comparison to relief organisations. One PRT probably eats at least \$10 million per year in personnel and support costs alone, a more than questionable investment relative to building a handful of schools worth about \$10,000 each. NGOs and aid organisations can do that job vastly cheaper (Thomson and Brown).⁷⁰ This puts, often announced reconstruction achievements of PRTs into a dimmer light. Consequently, beside the political goal, the PRTs just make sense in situations where the security is so tight, that US civilian aid workers need direct protection and where NGOs cannot work for security reasons. However, in Kunduz, the place where the first German ISAF PRT has been installed was considered a very safe place for Afghan relations. Bamiyan is also considered a

⁶⁷ Lt. Col. Matthew Beevers cited in Carlotta Gall. U.S: Expanding G.I. Presence in Afghanistan to Permit Aid Work. *The New York Times International Asia*, no. Dec. 22, 2003.

⁶⁸ And there's another country. *The Economist Asia*, no. 13th Sept.: (2003), 56.

⁶⁹ Chairmen's Report of an Independent Task Force. Co-sponsored by Council on Foreign Relations and the Asia Society *Afghanistan: Are we losing the peace?* (2003), p.11.

⁷⁰ Larry Thompson, Michelle Brown. *Security on the Cheap: PRTs in Afghanistan*. 07th July 2003 Available from <<http://www.refugeesinternational.org/cgi-bin/ri/bulletin?bc=00613>>. [21st Nov, 2003].

secure location. As Elias Bierdel, the head of *Cap Anamur*, a German relief NGO working in Kunduz, pointed out (translated)⁷¹: “Kunduz is one of the most quiet and most secure places in the country, there we do not need the Bundeswehr (German Army).”

In January 2004, British Operation Enduring Freedom troops started to burn down poppy fields around Kunduz. According to German Authorities this may threaten the security of the German PRT members,⁷² as most Afghans do not have the knowledge to make a distinction between the two military units and may draw their own conclusions. What the article does not mention is, the burning of the poppy fields will be an even bigger risk for the humanitarian aid workers around Kunduz, as they are not armed.

In late December 2003 the *New York Times* reported, that PRTs will focus primarily on southern and Eastern Afghanistan, the security hot spots of the country with regular attacks by former Taliban, Al Qaeda or Hekmatyar groups⁷³. This is also the area which by in January 2004 were still ‘no go’ zones for UN and most NGOs. The commission of an independent task force sponsored by the US Council on Foreign Relations concluded the PRTs have improved security in areas where they are located⁷⁴, but also admit just eight more PRTs would not have a significant impact on the overall reconstruction effort of Afghanistan.⁷⁵ According to German Defence Minister Struck, NATO wants to raise the number of PRTs implemented to 16-18 in the near future.⁷⁶ The *New York Times* reports, 12 teams should be at work by end of March 2004⁷⁷. The next four are planned to be implemented in Asadabad, Tirin Koht, Khowst and Qalat. Further locations are Ghazni, Farah and Lashkar.⁷⁸ In addition there are plans to hand them over partially to ISAF or to have the new PRTs led by ISAF. As mentioned German Bundeswehr troops as part of ISAF, have taken over the first ISAF-led PRT in Kunduz, north of Kabul in October 2003.⁷⁹

⁷¹ In Kundus brauchen wir die Bundeswehr nicht. *Die Welt* (29th August 2003).

⁷² Spiegel Online. *Bundeswehr befürchtet Anschläge afghanischer Drogenbarone*. 17 Jan. 2004 2004. Internet online. Available from <<http://www.spiegel.de/politik/ausland/0,1518,druck-282336,00.html>>. [Jan 17, 2004].

⁷³ Carlotta Gall. U.S: Expanding G.I. Presence in Afghanistan to Permit Aid Work. *The New York Times International Asia*, no. Dec. 22, 2003

⁷⁴ Chairmen's Report of an Independent Task Force. Co-sponsored by Council on Foreign Relations and the Asia Society *Afghanistan: Are we losing the peace?* (2003), p.3.

⁷⁵ Id. Chairmen's Report of an Independent Task Force. p.12.

⁷⁶ Struck in Afghanistan: Man muss mit Anschlägen rechnen. *Süddeutsche Zeitung Ausland* (31.01.2004).

⁷⁷ Id. Carlotta Gall.

⁷⁸ Information by Patricia M. Haslach, Bureau of South Asian Affairs, US Dept. of State, in a presentation at Fletcher School of Law and Diplomacy on 20. Feb. 2004

⁷⁹ OCHA Irin News. *Afghanistan: First international peacekeeping forces deployed outside Kabul*. 27th Oct. 2003.

3.2.2.5. Blurring the lines military-aidworkers

The engagement in humanitarian and reconstruction work of the PRTs and the CIMIC projects, independent of US led coalition forces or NATO led ISAF forces, further blurs the lines between humanitarian workers and combat military forces, including its related intelligence gathering apparatus. The fact, that some of the members of the PRTs, are in uniform and others not (even military) and PRT vehicles are marked 'humanitarian assistance' is fostering this confusion. Also the vehicles used are often civilian four-wheel drives. All this is also critical under the perspective of international humanitarian law,⁸⁰ as the PRTs may not be distinguishable as combatants. How this can impact the perception of neutrality may be described with an example from Qala-e-Naw (Badghis Province). In June 2003 US troops were visiting the provincial hospital managed by Malteser, a German NGO.⁸¹ Armed Afghans are obliged to leave their weapons, mainly AK47, at the gate of the hospital to keep it a weapons-free zone, though armed men are very common on the streets in Qala-e-Naw. The US soldiers, apparently on an exploring mission from Herat for a potential PRT location, came without announcing their visit. There are no US forces stationed in Badghis. The US special forces did not leave their weapons at the gate. On the contrary they walked in fully armed, with the guns in their hands, through the hospital and were asking the doctors and the hospital director, if anything in the hospital needs to be rehabilitated. They mentioned they were planning to do some reconstruction work in town. As the hospital is in the middle of town, the news what is going on spreads very quickly. The population could perceive two things: First the US forces did not leave their weapons at the gate as mandatory for other visitors and second, apparently there seems to be some cooperation between Malteser and the US Forces. As it was very shortly after a Pashtu uprising in the North of the province, many people may also have made the logical association that they came for security/intelligence gathering purposes. It must be mentioned, that most Afghans in Qala-e-Naw would be happy to have the US forces there, as they are perceived to bring security. So there would be basic ground for the political 'hearts and minds' military strategy. Another issue compounding the blurring lines between military and relief organisations is, that many Afghans are not educated, especially in rural areas. Although nobody on our team was a US citizen, we were continuously perceived as Americans by people, who did not know us. Some days after the

⁸⁰ Additional protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Art. 44.3.

⁸¹ Details of Information provided verbally by Dr. Maria Kiefer and Dr. Jochen Bürkle of Malteser (June 2003)

US troops visited the hospital, a German embassy delegation with some ISAF military came to visit Qala-e-Naw and to explore options for PRTs. As Malteser is funded by the German government, they had to show them around town. With these two events, Malteser's perception as a neutral NGO at this point was somewhat diminished. As MSF cooperated very closely with Malteser on many grounds, probably also their perception of neutrality was affected. This blurring would be significantly stronger, if PRTs would actually be deployed in Qala-e-Naw. In the case of Badghis this one time event may not have hurt the NGOs. Would this have happened in Kandahar it would be more critical.

In a nutshell, it can be concluded that PRTs are affecting the perception of neutrality of the NGOs as well as the perception of humanitarian organisations of the UN, which may compromise their security status and with it their imperative access to the population. In other terms they “seriously undermine the very principle of true humanitarian action: unconditional provision of assistance to those in need without taking sides in a conflict.”⁸² For all humanitarian agencies it implies, if their staff is protected by international forces, has regular contact with them, is cooperating with them on logistical basis, eventually socializing with them, then the image of the military force inevitably intermingles with the one of humanitarian agencies in the eyes of the local population.

In addition, militaries doing aid work may foster the perception of Islamic extremists that to fight ‘one enemy’ includes targeting aid workers. Further, it can be assumed, that the more PRTs deployed, the more likely these effects are to happen, and the stronger the perception will be compromised. Moreover, Thompson and Brown are assuming, that some NGOs are concerned PRTs’ and their ‘hearts and minds’ projects, such as building schools or roads, “compete or conflict with NGO projects and may undermine the NGOs long-term relationships they have built in Afghan communities.”⁸³ In 2002 the Conflict and Humanitarian Affairs Department of the United Kingdom (CHAD) considered proposals from ISAF for humanitarian projects in Afghanistan, if they would meet CHAD’s approval criteria.⁸⁴ ISAF at the time was led by British forces. Thomson and Brown proposed a more appropriate use of the PRTs. The PRTs could be used to secure the 2nd phase of reconstruction of the Kabul-Kandahar highway, economically and

⁸² Statement taken from <http://www.doctorswithoutborders.org>

⁸³ LarryThompson, Michelle Brown. *Security on the Cheap: PRTs in Afghanistan*. 07th July 2003 2003. Available from <http://www.refugeesinternational.org/cgi-bin/ri/bulletin?bc=00613>>. [21st Nov, 2003].

⁸⁴ Jane Barry, Anna Jefferys. A bridge too far: aid agencies and the military in humanitarian response. 37 (2002), p.1.

in terms of transport volume, the most important route in Afghanistan. For a long time it was hardly used due to security threats. A PRT spotted every fifty miles along this highway and working with inexperienced Afghan police and military could maintain security and enable the national army or police to re-establish itself along the road.⁸⁵ ACBAR recommended as well to “anchor all PRTs exclusively in the area of Security Sector Reform.”⁸⁶ In this sense the mandate should be changed and more precisely defined to avoid mistrust and misperception among the Afghan population. ACBAR also proposes to accordingly change the name to Provincial Stability Teams⁸⁷ to avoid misunderstandings. The PRTs also offer alternative concepts, less compromising for the humanitarian agencies, as is the British PRT in Mazar-e-Sharif concentrating on reconstruction work relating to military and police tasks. They help to rebuild prisons and police stations, which is usually not done by NGOs. The fact, that they also focus on training police, government military and de-mining activities diminishes the distorting effects on the humanitarian space of private relief agencies considerably.

3.3. The changed role of UN peace operations

The UN is a major and often closely coordinated partner and it is also a potential donor for relief NGOs. Various developments transformed the role of the United Nations in conflict zones in the post cold war era. The change of UN peace operations and its related humanitarian efforts, affects also the humanitarian space of private agencies. A loss of impartiality and neutrality within the UN and their agencies also diminishes negotiated access and security for private relief agencies, as observed in Afghanistan during the past two years. There are a few key factors, which characterized peace operations in the 1990s. First there is, as Simon Chesterman calls it, a “new interventionism”⁸⁸ within UN peace operations. It means a strong increase in the number of peace operations for various reasons (see figure 1). From 1990 to 1995, 17 peace operations were launched in comparison to just 13 in the 40 years before. Over the 1990s three times more peace

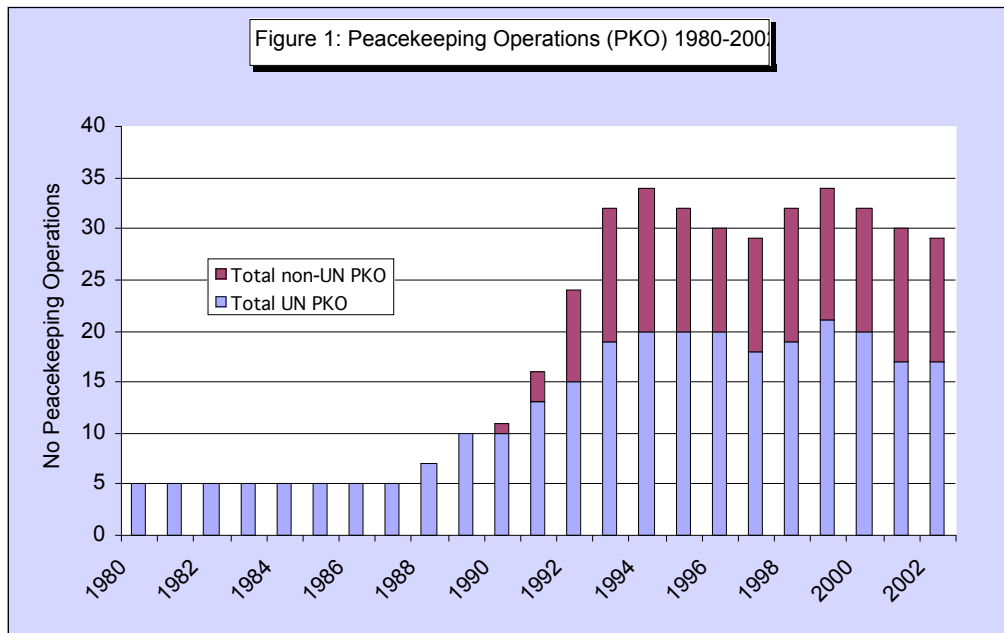
⁸⁵ LarryThompson, Michelle Brown. *Security on the Cheap: PRTs in Afghanistan*. 07th July 2003 2003. Available from <http://www.refugeesinternational.org/cgi-bin/ri/bulletin?bc=00613>>. [21st Nov, 2003].

⁸⁶ ACBAR (Agency Coordinating Body for Afghan Relief). *Provincial Reconstruction Teams and the Security Situation in Afghanistan*. (2003), p. 3.

⁸⁷ Id. ACBAR, p. 3.

⁸⁸ Simon Chesterman. The New Interventionism. In *Just War or Just Peace? Humanitarian Intervention and International Law*. 2001.

agreements were signed as in the preceding 30 years.⁸⁹ From 1990 to 1999 the Security Council adopted 638 resolutions, an average of 64 per year compared to an average of 15 resolutions for the years from 1946 to 1989.⁹⁰ Second, many of the UN authorized operations come with a more ‘robust’ mandate under Chapter VII of the UN Charter than traditional peacekeeping missions; meaning the ability for ‘blue helmets’ to use force is expanded. This also includes, that Chapter VII operations do not require the consent of the parties involved. It implies further, that these missions are likely to be more dangerous for peace-keepers and for aid workers correspondingly.



Source: UN Department of Peacekeeping Operations/ J. Macrae. HPG Report 11

Third, some of them are categorized in the literature under so-called ‘humanitarian interventions’. A lot is written about if, when and under which conditions such humanitarian interventions can be justified from a moral or ethical point of view. Even more is written on how far these humanitarian motivations are just a fig leaf or public relations approach to further other political objectives. Although in some situations humanitarian organisations have explicitly asked for ‘humanitarian interventions’, for the purpose of this paper, the sole perspective will be, in which pathways do robust UN peace operations affect the humanitarian space of relief NGOs.

⁸⁹ Numbers taken from Nicola Reindorp in J. Macrae. *The New Humanitarianisms: A review of trends in global humanitarian action*. HPG Report 11 (April 2002), Chapter 3, p.29.

⁹⁰ Numbers taken from Simon Chesterman. *The New Interventionism*. In *Just War or Just Peace? Humanitarian Intervention and International Law*. 2001.

Slim⁹¹ defines humanitarian interventions as “use of international military force to stop the massive abuse of human rights in another state.” This could be by a single state or by an alliance of states, and it could be authorized by the UN Security Council or not. Although the term ‘humanitarian intervention’ is not mentioned in the UN Charter, Chapter VII for UN peace operations and Chapter VIII for regional, UN authorized, peace operations are laying the legal ground for such interventions. Further, in UN Security Council Resolution 1296 of April 2000, the targeting of civilians in armed conflict is explicitly convicted. While building a link to Chapter VII of the UN Charter, it defines the “widespread violations of international humanitarian and human rights law in situations of armed conflict”⁹² as a potential threat to international peace and security, and thus as triggers for security council action. Moreover Resolution 1296 underlines unimpeded access of humanitarian personnel to civilian populations afflicted by war⁹³ and emphasizes “the importance for humanitarian organisations to uphold the principles of neutrality, impartiality and humanity in their humanitarian activities”⁹⁴.

The Agenda for Peace by Boutros Ghali and the ‘Brahimi report’ are other major UN documents setting basic rules for ‘new’ peace operations. The ‘Brahimi report’ formulates the request for a more robust doctrine and more realistic mandates for peace operations. ⁹⁵It also mentions sustainable peace as key objective for post conflict reconstruction and peace building. This concept emerged as an important adjunct to peace operations. It indirectly implied putting the UN in a role of peace-maker and taking sides. This affects the humanitarian space of private relief agencies closely cooperating with the UN, or often depending on the UN for negotiating access to the vulnerable population. At this point, it is important to note, that the ‘Brahimi report’ also sets a completely different definition of impartiality for UN peace operations as the one to which humanitarian NGOs are referring. The report defines impartiality as the

“adherence to the principles of the (UN) Charter and to the objectives of a mandate that is rooted in those Charter principles. Such impartiality is not the same as neutrality or equal treatment of all parties in all cases for all time...”⁹⁶

⁹¹ Hugo Slim. Military Intervention to Protect Human Rights: The Humanitarian Agency Perspective Background Paper: Meeting on Military Intervention and Human Rights. Prepared for the International council on Human rights Policy. (2001), p.5.

⁹² UN Security Council. Resolution 1296. S/RES/1296 (2000), Par.5.

⁹³ Id. SC Resolution 1296, Par. 8.

⁹⁴ Id. SC Resolution 1296, Par. 11.

⁹⁵ UN. Report of the Panel on UN Peace Operations (Brahimi Report). (A/55/305-S/2000/809, Aug. 2000) (2000). par.48 – par.64.

⁹⁶ Id. Brahimi Report, par.50.

This definition of impartiality actually allows taking sides and even gives authorization for belligerent action, in case it is necessary for self-defense or moral interventions. Major criticism of the ‘Brahimi report’ from NGOs⁹⁷ was therefore centered around this completely different understanding of impartiality, which threatens the same principle as understood by the NGOs. Further, these developments around peace operations are likely to be manifested and can be expected to accelerate and expand. As Hugo Slim comments.

“Protection issues (of people and relief) have led the international community to apply UN forces alongside international humanitarianism. The rise of the new UN peace keeping means that UN militarism is probably here to stay as an integral, if variable, part of international response.”⁹⁸

In 2004 the transformed role of UN peace operations is an established, but still evolving model. Although it is not a recent development it is however an important conceptual context, which affects many conflicts today, e.g. Afghanistan and Sierra Leone. Moreover, it exacerbates the other more recent political trends mentioned. For relief agencies these new peace operations, intensified by the aim for coherence to be analysed later, imply the difficulty of coordinating and cooperating with the UN. Many NGOs may see themselves forced to aim for distance to a non-neutral UN in order to preserve their humanitarian principles.

3.4. The aim for cohesion within the UN

3.4.1. Definition and background

Similar to governments of donor countries linking humanitarian aid and political objectives under coherent strategies and structures, so it is also with the United Nations. To base the analysis on common ground, ‘coherence’ within the UN will be defined as by the Henri Dunant Center. ‘Coherence’ is meant as the UN approach

“for bringing together, cohere, or join up political action in peace operations with other actions including humanitarian and human rights. As pursued by the UN system and key donor governments, it is the attempt to bring together all elements of a multi-dimensional peace operation to serve the UN’s central objective to make, maintain, or build peace and security in that country.”⁹⁹

⁹⁷ For instance HPN staff was elaborating on the differences of impartiality in Humanitarian Practice Network. The Brahimi report: politicising humanitarianism? *Humanitarian Exchange* 18, no. March 2001 2001. : p.39.

⁹⁸ Taken from A. Roberts by Hugo Slim. International Humanitarianism's Engagement with Civil War in the 1990's. Briefing Paper for Action Aid/UK (Dec. 1997, posted 3 June 2000), p.15. Roberts calls it new, as the article was written in 1996.

⁹⁹ Henry Dunant Centre for Human Dialogue. Politics and Humanitarianism Coherence in Crisis? (2003), p.24

Coherence policy in this sense implies the results of an integrated organizational structure of the diverse UN functional units and other actors in peace operations and coordination of these players with the objective of optimising efficiency and effectiveness towards set political objectives, usually to establish peace. This aim for cohesion within the UN and related donor governments, along with the organizational linkage of political and humanitarian activities is a further topic, which potentially affects the humanitarian space. The main criticism of some NGOs in this search for coherence is founded in the concern that humanitarian principles and activities are undermined by a political UN agenda, as the UN still represents a critical mechanism for the coordination and implementation of humanitarian aid. Further, the coherence debate is also contextually intertwined with the new types of UN peace building operations analysed before.

In the early nineties, Boutros Boutros Ghali, at the time UN Secretary General laid out the vision for future peace operations and preventive diplomacy with ‘An Agenda for Peace’¹⁰⁰ and in 1995 with an ‘Supplement to an Agenda for Peace’.¹⁰¹ The experience of the Rwanda genocide and crisis and the Somalia intervention fostered the conceptual search for coherence within UN peace operations. All activities of the UN and some donor countries, including humanitarian aid, should be directed to the common political goal of establishing peace. The later ‘Supplement to an Agenda for Peace’ recognized the increasing role of NGOs in UN activities, especially for provision of humanitarian aid in conflict situations. It acknowledges the need for proper coordination of relief NGOs with the UN organisations.¹⁰² The report also demanded coordinated input from the Department of Political Affairs, Peace-keeping Operations, Humanitarian Affairs and others. Within the UN the ‘Strategic Framework Initiative’, implemented in Sierra Leone and Afghanistan was an attempt to bring this aim of coordination towards a common goal in an organizational structure. Unfortunately these initiatives were abandoned in both countries before the reasoning of their successes or failures could be evaluated, as commented in a report by the Henri Dunant Centre.¹⁰³

¹⁰⁰ UN Secretary General (B.B. Ghali). An Agenda for Peace Preventive diplomacy, peacemaking and peace-keeping Report to the Security Council. A/47/277-S/24111 (1992), 1-18

¹⁰¹ UN Secretary General. Supplement to an Agenda for Peace: Position Paper of Secretary General on the Occasion of the fiftieth Anniversary of the United Nations. A/50/60-S/1995/1 (1995), 1-19.

¹⁰² Id. Supplement to an Agenda for Peace, Par.89, 91.

¹⁰³ Henry Dunant Centre for Human Dialogue. Politics and Humanitarianism Coherence in Crisis? (2003), p.4.

Still the most relevant attempt to integrate cohesion into UN Operations derived from the Report of the Panel on UN Peace Operations in August 2002, generally referred to as the Brahimi report¹⁰⁴. The high level panel was appointed by UN Secretary General Kofi Annan to provide recommendations for avoiding experienced shortcomings of past peace operations in the future. Lakhdar Brahimi, former foreign minister of Algeria was Special Envoy of the UN Secretary General for Afghanistan from 1997-99 and later from 2001 to January 2004. Admittedly he was well respected and widely perceived as successful in this function. Among other ideas to improve peace operations, the panel proposed to establish an Integrated Mission Task Force (IMTF) for Peace Operations. This Integrated Mission Task Force was an attempt to conquer the organisational weakness of lacking a coordinated structure, responsible for political analysis, military operations, civilian police, electoral assistance, human rights, development, humanitarian assistance, refugees and displaced persons, public information, logistics, finance and recruitment. As proposed in the panel it should have members seconded from diverse departments of the UN system.¹⁰⁵ The panel further believed that the Under-Secretary-General for Political Affairs should serve as the focal point of peace-building as “effective peace-building is, in effect, a hybrid of political and development activities targeted at the sources of conflict.”¹⁰⁶ In case of peace-keeping operations the focal point should be the Assistant Secretary-General of the Department for Peacekeeping Operations (DPKO). Apart from mentioning the UN humanitarian agencies as potential partners in an Integrated Mission Task Force, the Brahimi report does not mention details on how the humanitarian tasks and activities should be coordinated and how this should play in actual operations.

Along the same line of concern, the UN Office for the Coordination of Humanitarian Affairs (OCHA), which was created in 1998 superseding the Department for Humanitarian Affairs (DHA), serves the purpose of integration and coordination or coherence. Its “political activism has also led to some question whether its primary purpose is to promote humanitarian action or to contribute to an integrated strategy of peace-building.”¹⁰⁷

True, the aim for cohesion in order to foster the objectives for peace operations is a fair and reasonable pursuit from a UN political perspective. Nevertheless, there maybe negative effects

¹⁰⁴ UN. Report of the Panel on UN Peace Operations (Brahimi Report). (A/55/305-S/2000/809, Aug. 2000) (2000).

¹⁰⁵ Id. Brahimi report, p. xiii, par.217, p.37.

¹⁰⁶ Id. Brahimi report, Par.44. p.8.

¹⁰⁷ Joanna Macrae, Nicholas Leader. The Politics of Coherence: Humanitarianism and Foreign Policy in the Post-Cold War Era. Nr. 1 (2000), p.4.

on the humanitarian space, not only of private NGOs, but also for the other players on the ground, such as ICRC and the UN humanitarian agencies themselves. As the overall objective by the UN is to resolve conflict and build sustainable peace, a sub-objective of alleviating suffering will always be in second priority to political utility. Those negative symptoms require adjustments within the UN approach to peace operations, as they put operational pressure on or organizational action on the side of the private agencies. In the following case studies (Sierra Leone and Afghanistan), if and how the coherence debate in the UN with its resulting integrated structures had a negative impact on the delivery of assistance and the humanitarian space of relief NGOs, shall be the focus.

3.4.2. Sierra Leone

3.4.2.1. Sierra Leone: Background

Sierra Leone had been in civil war since 1991. The Revolutionary United Front (RUF), a rebel faction led by Foday Sankoh, started a revolt to oust the government. Over the following decade violence escalated and terrible atrocities were inflicted to systematically terrorise the population including mutilation, severing limbs of civilians including children and elderly, as well as systematic killings and mass rape. A humanitarian crisis with 2.5 million refugees and displaced peoples, almost half the population, was the consequence.¹⁰⁸ After a coup d'état by the army itself in 1992, parliamentary elections were held in February 1996 and the junta handed over power to Tejan Kabbah, who became president. In May 1997 the RUF, supported by parts of the army forming the Armed Forces Revolutionary Council (AFRC), relinquished the peace agreement and succeeded in a coup d'état. President Kabbah had to go into exile to Guinea. As the UN Security Council was backing the Kabbah government, it reacted and imposed an oil and arms embargo under UN Charter Chapter VII in October 1997. Later the UN was accused of having also blocked urgently needed humanitarian assistance for Sierra Leone.¹⁰⁹ The United Kingdom as donor country and historically linked influential regional actor was accused by advocating aid agencies of the same. The Security Council authorized the Economic Community of West African States (ECOWAS) under Chapter VII of the UN charter to ensure the boycott with Economic Community of West African States Military Observer Group (ECOMOG) troops. As the embargo and the negotiations did not bear fruit, the war continued. In February 1998

¹⁰⁸ Mark Malan, *Peacekeeping in Sierra Leone, UNAMSIL hits the home straight*. Monograph No. 68 (2004).Chap.1

¹⁰⁹ Henry Dunant Centre for Human Dialogue. *Politics and Humanitarianism Coherence in Crisis?* (2003), p.9

ECOMOG successfully attacked Freetown and expelled the AFRC/RUF rebels from the capital. In March 1998, President Kabbah returned as president and the embargo was terminated. In July 1998, the UN Observer Mission in Sierra Leone (UNOMSIL) was established. In this period the relationship between the UN political leadership and the humanitarian agencies deteriorated further.¹¹⁰ Fighting continued and the rebel alliance had significant territorial gains. In January 1999, RUF almost completely captured Freetown. However, ECOMOG finally succeeded and could regain the capital. The civilian government was installed again, although large areas of the country were still controlled by the RUF. In July 1999 another peace accord in Lomé, Togo was signed. In October 1999 the UN Armed Mission in Sierra Leone (UNAMSIL) was established. One main part of its mission was “to deploy progressively and robustly within a coherent operational structure...whilst facilitating a degree of protection, freedom of movement and the delivery of humanitarian assistance to civilians.”¹¹¹ In May 2000, the RUF took 500 UNAMSIL peace-keepers and military observers hostage, putting the UN peace operation close to failure and threatening the exclusion of humanitarian aid. A significantly strengthened UNAMSIL and moreover the deployment of some hundred British troops supporting the Sierra Leonean Army brought the UN mission back on track. As mentioned a Strategic Framework for the UN mission was adopted and later abandoned. According to the structure proposed by the Brahimi report, a second Deputy Special Representative of the Secretary General (DSRSG, Alan Doss from UK) for Governance and Stabilisation was appointed in March 2001. Another DSRSG existed for Operations and Management (Behrooz Sadry from Iran); both were reporting to the Special Representative of the Secretary General, Adeniji. Whereas Sadry assisted the SRSG in the overall political leadership, operations and management of UNAMSIL, the Deputy for Operations and Management was responsible for the civilian components focusing on recovery and integration. This deputy also served as Resident Coordinator and Humanitarian Coordinator, as well as the Resident Representative of UNDP.¹¹² The structure allowed a more efficient use of resources in order to achieve humanitarian and development goals. Mark Malan commented this overall structure “has contributed in promoting peace building as an essential complement to the

¹¹⁰ Henry Dunant Centre for Human Dialogue. *Politics and Humanitarianism Coherence in Crisis?* (2003), p.9

¹¹¹ M. Malan, Meek S., T. Thusi, J. Ginifer, and P. Coker. *Sierra Leone - Building the Road to Recovery*. Monograph No. 80 (March 2003), see also UN SC res. 1270 (22 Oct. 1999) and UN SC res. 1289 (

¹¹² Mark Malan, *Peacekeeping in Sierra Leone, UNAMSIL hits the home straight*. Monograph No. 68 (2004).Chap.1

mission's peace-keeping role."¹¹³ Meanwhile, the most recent phase from March 2001 till today, UNAMSIL can be called a success measured towards the objectives of the mandate. The disarmament and demobilization process went well under the auspices of UNAMSIL.¹¹⁴ National elections in May 2002 went relatively smoothly with marginal results for the RUF. Overall security and peace could be stabilized. The positive and decisive impact of the British troops though should not be underestimated.

3.4.2.2. Loss of Neutrality and Impartiality

How was the humanitarian aid to the population in need or the humanitarian space of relief NGOs affected during these periods? The final success of UNAMSIL cannot cover, that the relationship between humanitarian and political interest was often tense. As Toby Porter concludes in his report, if these interests were conflicting, the "humanitarian considerations came consistently second to political imperatives."¹¹⁵ This was so crucial in Sierra Leone, as the UN peace operation took side in the conflict for the Government army. The most urgent humanitarian needs on the other side occurred in the RUF held areas.¹¹⁶ This was a political dilemma, where the principle of impartiality of assistance to those most in need was crushed continuously. The perception of neutrality for the UN humanitarian agencies disappeared accordingly. As a result, the UN repeatedly could not negotiate access for the aid community in the rebel held areas. In June 2001 only a few NGOs, among them Action contra la Faim (ACF) and MSF were able to have access to the RUF territory, under high security constraints. Later, gradually other NGOs and the UN agencies could negotiate access. ACF and MSF at this time tried to keep neutrality while staying away from UNAMSIL. MSF, for instance, did not use the gratis WFP helicopter flights from Conakry, Guinea to avoid the blurring of perception in their relationship with the UN. The most critical event for humanitarian aid though was the aforementioned blockage of aid supply during the time Kabbah was in exile in Conakry. This was notably before any integrated structure and before UNAMSIL was established. Nevertheless this politicisation of aid, while blocking the delivery of food and medicines to the civilian population in need, to force a regime change was not only a neglect of the humanitarian

¹¹³ Mark Malan, *Peacekeeping in Sierra Leone, UNAMSIL hits the home straight*. Monograph No. 68 (2004).Chap.1

¹¹⁴ Own observations in the time of June 2001 to May 2002

¹¹⁵ Toby Porter. *The interaction between political and humanitarian action in Sierra Leone, 1995 to 2002*. 19th March 2003 2003. Internet on-line. Available from <<http://www.reliefweb.int/w/rwb.nsf/vID>>. [Jan. 10, 2004].p.3.

¹¹⁶ Own observations, as I took part in the weekly UN/INGO coordination meetings in Freetown from June 2001 to May 2002 in my function as Financial Controller for MSF-Holland.

responsibility, but even a breach of International humanitarian law.¹¹⁷ Even more disturbing, was that this withholding of humanitarian aid, which supposedly cost many lives within the civilian population, was strongly supported by the UN political leadership, the UK government and the UN Humanitarian Coordinator. As Toby Porter has put it, this was the most obvious case “of interpreting coherence as political hegemony rather than the management of different demands which are possibly conflicting but equally valid.”¹¹⁸

As mentioned, after these events the relationship between the private aid community and the UN political leadership worsened significantly. Not only the UN, but also the British Department for International Development (DfID) was accused of withholding humanitarian assistance from NGOs to favor of political goals, notably the ousting of the RUF/AFRC Junta. DfID argued the needs were unproven, the humanitarian aid would have legitimized RUF/AFRC and that NGOs lacked the security, thus the access to deliver the assistance effectively to the population in need.¹¹⁹ Many NGOs denied these arguments. Strong mistrust towards the UN and DfID developed. On the other side some aid agencies were even accused of taking sides with the rebels.¹²⁰ ICRC had to leave the country for some time. In late 2001, the relationship between NGOs and the UN improved again and at the end of 2001, access to RUF held areas with sufficient security could be achieved for many agencies.

In a nutshell, the experience in Sierra Leone revealed the potential tension between the UN as coordinator of humanitarian assistance and the UN as main driver of conflict resolution in crisis situations. This was particularly strong in Sierra Leone, as the UN sided with the government and was therefore not able to negotiate access for the aid agencies to the rebel-held areas, where objectively the greatest humanitarian needs were located. The principle of impartiality and the humanitarian imperative were lost, while political goals were repeatedly prioritized.

3.4.3. Afghanistan: UNAMA

In March 2002, the Security Council authorized the UN Assistance Mission to Afghanistan (UNAMA), as requested by the Secretary General to support the transitional government and to

¹¹⁷ Toby Porter, *The interaction between political and humanitarian action in Sierra Leone, 1995 to 2002*. 19th March 2003 2003. Internet on-line. Available from <<http://www.reliefweb.int/w/rwb.nsf/vID>>. [Jan. 10, 2004].p.4.

¹¹⁸ Id. Toby Porter. p.5.

¹¹⁹ Joanna Macrae, Nicholas Leader. *Shifting Sands: The search for 'coherence' between political and humanitarian responses to complex emergencies*. HPG report 8 (2000), p.24.

¹²⁰ Id. Toby Porter

coordinate development and humanitarian aid. According Security Council resolution 1401¹²¹ the mandate of UNAMA is the integration of all UN activities into a single mission. This includes:

- a) the fulfilment of tasks and responsibilities related to human rights, the rule of law and gender issues according to the Bonn agreement;
- b) promoting national reconciliation and rapprochement through the role of the SRSG.
- c) managing all UN humanitarian, relief and recovery activities in Afghanistan under the supervision of the SRSG, in coordination with Afghan authorities (at present the Interim government)

In December 2003 there were 16 UN agencies in Afghanistan working together with their Afghan government counterparts and with national and international NGO partners. The mandate was initially for 12 months and was renewed in March 2003 for another year.¹²² In a briefing to the Security Council in November 2001 by the Special Representative of the Secretary General (SRSG) for Afghanistan Lakhdar Brahimi stated that the complexity of the issues and the multiplicity of actors engaged in responding to the Afghanistan crisis necessitated “a fully coordinated and integrated approach within the UN system”¹²³. An Integrated Mission Task Force (IMTF) for Afghanistan was established shortly afterwards at United Nations Headquarters. As in Sierra Leone this task force was later abandoned before the mission and UNAMA became formally operational.¹²⁴ UNAMA though was the first integrated peace operation though to be established after the Report of the Panel on UN Peace Operations (Brahimi report)¹²⁵. UNAMA has two main sections or pillars, each is headed by a Deputy Special Representative of the Secretary General reporting to the Special Representative.¹²⁶ In December 2003 the French Jean Arnault was heading the political affairs pillar and the Canadian Nigel Fisher was heading the relief, recovery and reconstruction arm. Noteworthy, the human rights part, including the monitoring and investigation of human rights abuses is within the responsibility of the political affairs pillar. The UNAMA mission is headquartered in Kabul with regional offices in Bamiyan,

¹²¹ UN Security Council. 28th March 2002. Resolution 1401. Par. 1 refers to report of the SG of 18th March 2002, UN doc (S/2002/278) par. 95 –97.

¹²² UN Security Council. 28th March 2003. Resolution 1471.

¹²³ UN Report, Lakhdar Brahimi. Briefing to Security Council. (13 th Nov 2001).

¹²⁴ Henry Dunant Centre for Human Dialogue. *Politics and Humanitarianism Coherence in Crisis?* (2003), p.16.

¹²⁵ UN. Report of the Panel on UN Peace Operations (Brahimi Report). (S/2000/809, Aug. 2000) (2000).

¹²⁶ Put into practice as requested by the SG in his *Report of the SG to the Security Council*, UN doc (S/2002/278), 18th March 2002 par. 99.

Gardez, Herat, Jalalabad, Kandahar, Kunduz, and Mazar-i-Sharif and two liaison offices in Islamabad, Pakistan, and Tehran, Iran. In early 2002, the existing political affairs capacity of United Nations Special Mission to Afghanistan (UNSMA) was absorbed by the political pillar of UNAMA. The UN Office for the Coordination of Humanitarian Affairs (OCHA) was also dissolved within UNAMA. The Inter-pillar cooperation within Afghanistan lies within the office of the SRSB and on the inner-country regional level, with either one of the regional representatives of the two pillars, chosen by professional seniority of the responsible persons. As of November 2002 there were 443 staff members with 175 internationals and 268 Afghan nationals.¹²⁷ Another key security issue being addressed is narcotic drugs. UNAMA in cooperation with the Afghan Government, and the United Kingdom, who is the lead nation assigned to address counter narcotics in Afghanistan, has also been working to address the root causes of the poppy cultivation. In general UNAMA is working with the firm consent of the Interim Afghan government. UNAMA's priorities include strengthening Afghan institutions and building the capacity of the Afghan Administration at all levels. The Afghan transitional government is heading the public sectors with its support and UNAMA recognizes the lead role of the Afghan transitional administration. In that context "its ultimate goal is to work itself out of a job".¹²⁸ The assessment of UNAMA is yet a difficult one, as it is in the midst of its mandated work. For the relief and development pillar it can be mentioned that the return process of refugees and internally displaced people, managed by UNHCR and the International Organization for Migration (IOM), has worked relatively well so far given the difficult security context. Far more than two million refugees and internally displaced people have returned to their home areas. The relief and reconstruction efforts had major setbacks due to security constraints, which are outside of UNAMA's responsibilities. On the educational side, 3 million children were able to return to school, including 1.2 million girls. For the political pillar it can be stated that the Loya Jirga in 2002 went well, and the constitution creating process seems to advance in a reasonable manner. Regarding human rights and gender issues, it has to be mentioned that Afghanistan ratified the Convention on the Elimination of All Forms of Discrimination Against Women in April 2003, a significant positive step towards human rights for women, which are widely neglected even in the post Taliban era. This is clearly a success of

¹²⁷ UN Assistance Mission to Afghanistan. 2003. Internet on-line. Available from <<http://www.unama-afg.org/>>. [5th Nov. 2003, 2003].

¹²⁸ Id. UNAMA Web page

the political pillar of UNAMA. Further on in April 2003, UNAMA was able to broker a cease-fire between Jamiat and Junbish militias in the North. From own experience and observations as Project Coordinator for Médecins sans Frontières (MSF) in Badghis province (Sept. 2002 to July 2003), and an invited observer for the burning of old Afghan currency, I can state, that the implementation of the new currency in autumn 2002 went quite well also. UNAMA was heavily involved in this process. UNAMA also takes a role in the disarmament, demobilisation and reintegration process (DDR), in which UNDP is strongly involved with the ‘Afghan New Beginnings Programme’ (ANBP). The Japan supported and funded DDR process is one of the current key challenges UNAMA as coordinating body of UN agencies, has to face.

3.4.3.1. Blurring the lines UN, Transitional Government and private NGOs

Another blurring of lines however, occurs between the Afghan transitional government, UNAMA and the NGOs. This again affects the perception of neutrality of NGOs. Because the UN has clearly taken the side of the Afghan transitional government, this circumstance may not affect the UN humanitarian agencies, as they are not neutral in this perspective anyhow. However as my MSF colleague Penny Harrison argues, the “UN’s non recognition of Taliban” and “perceived links between UN and US policy pose real problems for other organisations working in Afghanistan.”¹²⁹ From a political viewpoint, every Western NGO of course may sympathize with the Afghan transitional government and the UN agencies within the country have the moral right to take sides. From an operational view of private NGOs though, Afghanistan is not yet a post conflict scenario, where openly taking sides for the Afghan government would not imply security problems in the field. Under this angle the integrated structure approach may have an effect on the humanitarian space of NGOs. “The perception that humanitarian assistance can be used explicitly as a tool of peace-building or conflict management, while linking political and humanitarian objectives- ignores the principle of impartial action”¹³⁰ – one of the most fundamental principles of humanitarian aid. Impartial and independent assistance is ruled by international humanitarian law within the Geneva conventions.¹³¹ A proof or example of impact on impartial action caused by the integrated framework structure of the UN could not be found in publications. Nevertheless, the linking of

¹²⁹ Penny Harrison. The Strategic Framework and Principled Common Programming: a challenge to humanitarian assistance. *Humanitarian Exchange* 2003, no. 9th Sept. 2003 2001. : p.2.

¹³⁰ Id. Penny Harrison. p.1.

¹³¹ International Committee of the Red Cross. Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War. (1949).

humanitarian and political objectives and motivations might set a dangerous precedent for future operations and Afghanistan itself. Again this might be a reasonable political approach for the UN, but will negatively affect the humanitarian space overall and of relief NGOs specifically. There could be operational implications if aid is not distributed according to need, but rather by political backgrounds, similar as it was observed in Sierra Leone. Further, the concept of neutrality is of differing importance within the aid community. Whereas ICRC and most NGOs have neutrality and impartiality as their guiding principles, the UN has lost this principle to a large extent. In Afghanistan the UN has taken its position with the Afghan transitional government. More remarkable, the UN Security Council authorised ISAF, led by international forces such as Great Britain or Germany, who were also part of the Operation Enduring Freedom troops. Now with ISAF under the command of NATO, the lines between peace-keepers and belligerent forces are blurred completely. Overall this may well have enforced the perception that humanitarian NGOs are a part of the occupying powers for Taliban, Hekmatyar and related groups. In this sense it has impacted the neutrality and the security of private agencies. Although the UN's neutrality is eroded for the aforementioned reasons, proof of lack of impartiality in the assistance of aid for Afghanistan could not be found.

3.5. The perception of aid agencies as vectors of Western values¹³²

The main impact of political developments on the 'Humanitarian Space' is the strong erosion of security for aid workers, mainly in Iraq and Afghanistan, but also in other countries. From January 2003 to February 2004, worldwide, 71 workers of UN agencies and NGOs were killed and 108 seriously injured in security incidents.¹³³ With the worsened security situation,¹³³ the aid agencies are also losing the ability for negotiated access to the population they want to serve. In Iraq and Afghanistan the private relief agencies are now perceived as vectors of the Western hegemonic powers and became a prime target. The situation in the two countries will be analyzed to exemplify the dangers.

¹³² Expression taken from id. Alan Shawn Feinstein Intl. Famine Center.

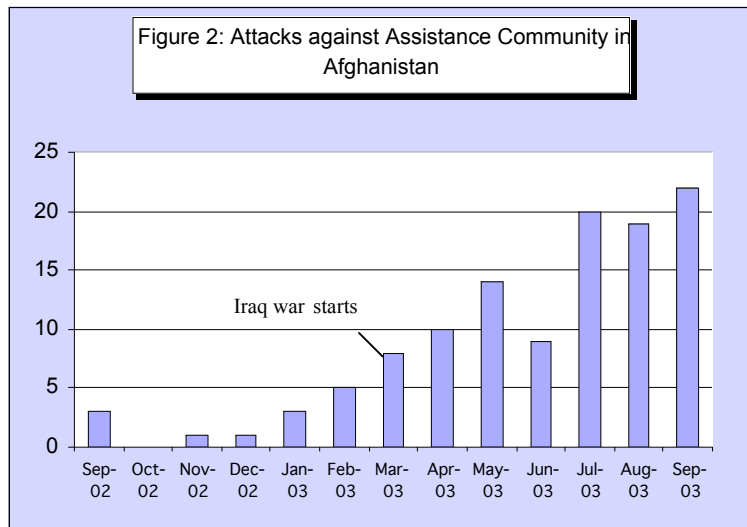
¹³² CARE USA. *Aid Workers Under Attack in Afghanistan*. 7th Oct 2003.

¹³³ RedR. *Security specialists needed to protect humanitarian workers*. 13. Feb 2004. Internet on-line. Available from <<http://www.reliefweb.int/w/rwb.nsf/UNID>>. [2/14, 2004].

3.5.1. Afghanistan

At the beginning of November 2003, a car bomb exploded in front of the office of UNAMA in Kandahar. The UN suspended its movements shortly afterwards. Earlier the same day a car of Handicap, a Belgian NGO, hit an anti-tank mine freshly planted on the road to the airport in Kandahar. The car was destroyed, fortunately nobody was injured. A few days earlier in Kabul a bomb exploded outside the offices of two private international aid agencies, Save the Children, and Oxfam. There were no casualties in this incident.

CARE USA¹³⁴ collected statistics on attacks against aid workers in late 2003 (Figure 2).



Source: CARE USA

The numbers show an alarming trend. In September 2003 six people working for international aid agencies were deliberately targeted and executed. This is more than all murders on workers of aid agencies since the fall of the Taliban two years ago.¹³⁵ Thirteen aid workers have been killed and thirty have been injured in 2003, “half of Afghanistan’s 32 provinces have zones deemed high risk for aid organisations.”¹³⁶ The security incidents involving aid workers raised from one a month to one every two days by the end of 2003.¹³⁷ Two events were crucial for the raising concern. In mid November 2003, Bettina Goislard, a 29 year old French aid worker for UNHCR was executed on an open street close to the shopping bazaar in Ghazni.¹³⁸ The driver

¹³⁴ CARE USA. *Aid Workers Under Attack in Afghanistan*. 7th Oct 2003.

¹³⁵ Id. CARE USA

¹³⁶ BBCNews. *UN seeks to bolster Afghan leader*. 2nd Nov. 2003.

¹³⁷ Antonio Donini, Watson Institute for International Studies in a presentation at the Fletcher School of Law and Diplomacy on 20. Feb. 2004

¹³⁸ The Associated Press. *U.N. Employee Killed in Afghanistan*. (16th November 2003).

was shot in the arm, but survived. The car was painted UN white and clearly marked as a UNHCR vehicle. It was the first fatal deliberate attack on a foreign UN worker in Afghanistan since the Taliban regime was ousted by the US-led coalition more than two years ago. The killing was the latest indication that Taliban insurgents are now targeting the United Nations amongst other aid agencies. Afghans working for humanitarian organisations have also been targeted. The second crucial event happened in March 2003. Ricardo Munguia, an employee of the International Committee of the Red Cross (ICRC), of El Salvadorian and Swiss citizenship, was shot in the southern part of Afghanistan, north of Kandahar. Two ICRC cars were stopped in an ambush on the road. After asking back orders by mobile phone, Ricardo Munguia was executed near the road, allegedly for orders from the Taliban. The main suspect was Mullah Dadullah, who was once operated on and cured by the Red Cross. The International Red Cross is for many the symbol of humanitarian assistance. This was the first clear sign in Afghanistan, that humanitarian workers have become a deliberate target. To describe what implications this had on individual aid project levels, I will briefly tell the story of the programme, where I worked as project coordinator in the northeast of Afghanistan at the time. Badghis province till January 2003 was a relatively calm area of Afghanistan under the indirect influence of Ismael Khan. The Badghis governor at the time was a former commander under Khan. At about the same time when Ricardo Munguia was killed, the Iraq war had started and a lot of ambiguity existed, what influence will the Iraq war have on Afghanistan. In Badghis about 500 Pashtu fighters, some of the leaders with a past Taliban background, were rising up against the provincial government. There were root causes, like strong discrimination of the Pashtu. The discrimination had various aspects such as special taxation, no participation in power for Pashtus and dual standards of legal jurisdiction. The fighting came as close as a one-hour drive to Qala-e-Naw, our main project basis. The Pashtu were defeated by the Government troops, who were supported by Ismael Khan and reinforcements troops from Herat. About 150 people, amongst them many women and children, lost their lives. Simultaneously we received the first signs that foreigners could become a target. In Char Taq, the most remote location of our Basic Healthcare Units, somebody asked the Mullah in the mosque, if it serves the *jihad* (holy war), when they start killing foreigners. The Mullah fortunately denied the question. After all these security incidents I had to ask my team members, if they still felt safe. A medical doctor, a male nurse and the Tuberculosis manager left the project for other missions, because they no longer felt their life and health were secure. With

another midwife leaving because of the end of her mission, the project was emptied of expatriate medical staff for three months. The decisive reason to leave, the team members expressed, was the killing of Ricardo Munguia. The whole expatriate team of the MSF project in Kandahar, providing the medical services for large refugee camps with tens of thousands people in need and parts of Kandahar hospital, had to evacuate their project, some expatriates left the mission. One colleague, a British nurse was traumatized, as she had dinner with Ricardo Munguia the night before he was killed. On top of the security events in Badghis, we had to evacuate three times to Herat, about a day's travel away from Badghis. Also we restricted had access to our three remote project clinics, because of the security concerns. The medical programme was heavily impacted. Life saving activities, such as a Tuberculosis Direct Observational Treatment programme could not be started for another half year. A safe motherhood programme, Afghanistan has one of the highest maternal mortality rates in the world, could not make progress. Presumably, these events cost a few dozen civilian lives, who could not be cured due to the programme restrictions caused by lack of access. Beyond the programmatic limitations caused by lack of access, CARE USA argues¹³⁹ the cost of insecurity is rising and threatening the country's political future. In a survey in autumn 2003, with 10 major aid agencies including CARE, it was estimated that security concerns have resulted in cancellation or delay of aid projects benefiting more than 600,000 Afghans¹⁴⁰till autumn 2003. Even in Kabul, in February 2004 most NGOs had tightened their security guidelines, and expatriates are not allowed to go out without a car and alone. Not only from the aid perspective is all this alarming. From the political strategic perspective of the 'war on terrorism', it signifies the growing success of recovered Taliban and associated groups.

In Afghanistan some of the NGOs have worked there for decades. MSF has worked in Afghanistan for 24 years. They worked with the Mujahedin during the Soviet Occupation, they worked during the Taliban and Northern Alliance time on both sides, and they work now under the Afghan Transitional Administration and US allied and NATO forces. This continuity in serving the population in need during revolving chronic emergencies was possible because the perception of neutrality could be kept over the years. The same is true for other NGOs, such as CARE, who has worked in Afghanistan for 30 years. Now suddenly, workers of these organisations, as well as the UN humanitarian agencies, became deliberate targets. What has

¹³⁹ CARE -USA. *Two years after Taliban's fall, CARE says costs of insecurity are rising*. 12th Nov. 2003. Available from <<http://www.reliefweb.int/w/rwb.nsf> [Nov 14, 2002].

¹⁴⁰ Id. CARE -USA.

driven this change aside from the mentioned political interest of the Taliban and Hekmatyar groups? Noteworthy is that, attacks on humanitarian workers in Afghanistan seem to have a correlation and occur in parallel with the events in Iraq. This could have several meanings. The Iraq war may have been perceived as a war against Islam in Afghanistan and probably has contributed to surge in Anti-Western sentiment, and ultimately may have caused the murder of Ricardo Munguia on the 27th March 2003.¹⁴¹ Eventually, there was also a copycat of military tactics used by the Islamic extremists in Afghanistan. While analysing the causalities of effects on the humanitarian space the most burning question is, why humanitarian workers have become a target in Afghanistan and even more deliberately in Iraq? There are several theories of underlying causes, which are likely to interplay. First, the *jihad* (holy war) of Islamic extremists is apparently no longer distinguishing neutral parties. Every ‘Western’ foreigner became a target, as the perception presumably is, everybody is part of the imperialism of western or at least American values. In this regard, NGOs seem to be perceived as embodiments of these values. Their history, their funding bases, the location of their offices and most of their international staff are components, which may contribute to this perception.¹⁴² For the Islamic extremists, the violence might well be a defence of identity and civilization, and therefore the aid workers are, as representatives of other cultures and societies, prone to be included as targets. Mark Duffield mentions that these wars on civilization and identity tend to be vicious and bloody as fundamental issues of identity are at stake.¹⁴³ Abdel-Rahman Ghandour mentions a “revived memory of the humiliation of the Crusades, colonialism and Christian missionary activity legitimised the rejection of the western model of humanitarianism”.¹⁴⁴

In Afghanistan as in Iraq, humanitarian workers have also become a disturbance for those who are violently seeking to regain power, as the Taliban in Afghanistan or the Sunni in Iraq. The humanitarian workers are targeted, because these groups want to get them out of the country, either to avoid witness, or more importantly to spoil the reconstruction process and to destabilize the central government in Kabul or the authorities in Baghdad in order to regain a

¹⁴¹ The Center for Humanitarian Cooperation. The Provincial Reconstruction Team (PRT) in Afghanistan and its Role in Reconstruction. May 2003.

¹⁴² Nicolas de Torrente Humanitarian Action Under Attack: Reflections on the Iraq War. *Harvard Human Rights Journal* 17, no. Spring 2004 2004.p.23.

¹⁴³ Mark R. Duffield. *Global governance and the new wars: the merging of development and security*, (London ; New York; New York: Zed Books; Palgrave, 2001), p.112.

¹⁴⁴ Although mentioned in the context of Islamic NGOs, the argument may have various implications Fabrice Weissman. In the Shadow of Just Wars - Violence, Politics and Humanitarian Action. (April, 2004).

grip on the political power. This can be assumed from the pattern of attacks and killings. Red cross officials said their marked vehicles are now becoming a liability instead of building protection with the emblem. Also Red Crescent workers were recently murdered in Afghanistan.¹⁴⁵ This clearly signifies that Islamic agencies are also in the line of fire, as long they are perceived as supporting the status quo political powers. The same is true for national staff members of international NGOs. It might be even more dangerous for indigenous aid workers than for international ones to work for 'western' relief agencies in Afghanistan and in Iraq. This might be especially true, when they are obliged to run relief programmes after the international staff has evacuated. The numbers of casualties of national staff members are confirming this risk.¹⁴⁶ An additional reason for humanitarians becoming deliberate targets lies in the high vulnerability of aid workers. As they are not armed, they are simply a much softer and easier target for killings, than armed troops of US led allied forces. A further cause is their lack of contact with the extremists. During the Taliban era, NGOs and UN could negotiate access and the how of doing assistance with the Taliban regime. In the Post-Taliban era, those who threaten the aid workers are not explicitly known and accessible. Therefore nobody can advocate the aid organisations' position with them, explain the position of neutrality, elaborate on the distant role of the US allied forces, not to mention negotiate security and access to the population.

Overall, the situation is still ambiguous and needs further research, for instance the identity of those attacking aid workers in Iraq and Afghanistan is not clear. A report of the Feinstein International Famine Center (FIFC) raises the fair question of why the UN and humanitarian aid agencies became targets in Afghanistan and Iraq, but not in other conflict zones, for instance, the occupied territories of Palestine.¹⁴⁷ A different political setting and the lack of Al Qaeda influence in Palestine as potential reasons are rather obvious, but are just a part of a potential answer. In my view it is a built-up situation with many mosaic pieces, as mentioned before, filling the picture. Many of the political developments listed before are contributing more or less strongly to the changes (see also Figure 4, page 56)

¹⁴⁵ Afghanistan: Biting the hand that feeds. *The Economist*, no. 4th Oct. 2003: (2003), 41.

¹⁴⁶ Dennis King. *Chronology of Humanitarian Aid Workers killed in 1997-2001*. Jan. 15, 2002 2002. Internet online. Available from <<http://www.reliefweb.int/symposium/NewChron1997-2001.html>>. [April 11, 2004, 2004].

¹⁴⁷ Alan Shawn Feinstein Intl. Famine Center. *The Future of Humanitarian Action Implications of Iraq and Other Recent Crises*. (2004). p.22.

3.5.2. Iraq

3.5.2.1. Iraq: Context

The history leading to the Iraq war is still in the memories of many people. In the first Gulf War, Iraq, under Saddam Hussein attacked Kuwait. US led international force intervened and Iraq troops were quickly defeated and thrown back. During the 1990s (1996 to December 2002) more international economic sanctions were authorized by the UN Security Council in order to force Iraq to disarm and disclose their eventual weapons of mass destruction (chemical, biological weapons and missiles with a range of more than 150 km)¹⁴⁸ and to comply with preceding Security Council resolutions. Simultaneously, after the first Gulf War and then from 1995 to December 2002, an ‘Oil for Food programme’ was established, which allowed oil exports for necessary food provisions to the country. In December 1999 the UN Monitoring, Verification and Inspection Commission (UNMOVIC) was created through authorization by the Security Council resolution 1284. UNMOVIC replaced the UN Special Commission (UNSCOM) and continued with their mandate to disclose and disarm Iraq of its potential weapons of mass destruction. The Swede Dr. Hans Blix was appointed by the Secretary General to head the team of weapons inspectors. Notably, the Commission was financed by money earned from the ‘Oil-for-food’ programme.¹⁴⁹ As Iraq under Saddam Hussein repeatedly did not comply with UN Security Council Resolutions, the USA and allied countries attacked Iraq on the March 19, 2003 to disarm the country of its potential weapons of mass destruction. UN personnel withdrew the last days before the attack started. The pre-emptive act of self-defense was arguably a unilateral military action of the US administration, supported by Great Britain, Spain, Italy and many smaller countries. It was ultimately based on Security Council resolution 1441¹⁵⁰ and Iraq’s perceived failure to comply with mandatory disarmament of weapons of mass destruction. As US President George W. Bush declared at the Conference on the Azores Islands on March 16^t March, 2003:¹⁵¹

“Iraq in material breach of its longstanding obligations, demanding once again Iraq’s full and immediate disarmament, and promised serious consequences if the regime refused to comply.”

¹⁴⁸ Facts available at UNMOVIC web page <http://www.unmovic.org>

¹⁴⁹ Open Society Institute/UN Foundation. *Reconstructing Iraq: A Guide to the Issues*. (2003), p.2.

¹⁵⁰ UN Security Council, 8. Nov. 2002. Resolution 1441.

¹⁵¹ Cited in Open Society Institute/UN Foundation. *Reconstructing Iraq: A Guide to the Issues*. (2003), p.11.

Many member states of the UN claimed that SC resolution 1441 was not a proper legal basis for the military intervention of US allied forces, thus splitting the United Nations and the powers in the Security Council.

The military intervention quickly advanced behind the strong technical superiority of the US allied forces. Baghdad was defeated on April 9, 2003. Saddam Hussein and his Baathist regime were ousted and the Coalition forces occupied the whole country. In May the major combat was declared 'terminated' by US President George W. Bush. The same month, Paul Bremer III, a career diplomat, replaced Lt. General Jay Garner as new civil administrator and head of American reconstruction activities in Iraq. The shift from leadership can be called a shift from military to civil administration. Notably, the line of command for reconstruction however remained within the US Department of Defense.¹⁵²

The unilateral military intervention of US coalition forces clearly undermined the role of the United Nations and compromised its role in post war Iraq. In no other post-conflict situation before, was the U.S. role in reconstruction so dominant. As many NGOs rely on the UN either to negotiate access or to act as an interface for dealing with the military in order to avoid diminishing their principles of neutrality and impartiality this was a critical dilemma for a potential post-conflict context. However as in Afghanistan, Iraq can hardly be classified as post conflict. About three times more US soldiers have died so far after the major combat was declared terminated. Further, the mandate on the side of the UN was lacking clarity also. Security Council resolution 1483 ruled that the "UN should play a vital role in humanitarian relief, the reconstruction of Iraq and the restoration and establishment of national and local institutions for representative governance",¹⁵³ but it was vague about how this should play out on the ground beside US and British occupying forces. The resolution also did not clearly state, whether the UN or US led authorities would take the lead in assisting the Iraqis form a new government. Resolution 1483 also ruled, that the Oil for Food programme would be dismantled by the Secretary General, and its funds would be handed over to the Development Fund for Iraq, which is under the auspices of the US transitional authorities.¹⁵⁴ Later on the United Nations Assistance Mission in Iraq (UNAMI) was established and the UN re-entered Iraq on May 1, 2003. UNAMI should have consisted of the Office of the Special Representative of the Secretary

¹⁵² Open Society Institute/UN Foundation. *Reconstructing Iraq: A Guide to the Issues*. (2003), p.8.

¹⁵³ UN Security Council, 22nd. May. 2003. Resolution 1483.

¹⁵⁴ Id. Open Society Institute/UN Foundation. p. 15.

General, the office of the Deputy Special Representative and Resident Humanitarian Coordinator; an Office of the Chief of Staff, including a Policy and Planning Office, a Political Affairs Office; a Human Rights and Rule of Law Office, a Legal Office, and a Public Information and Media Development Office. A Humanitarian Affairs Office was functionally attached to the Office of the Special Representative. However it was planned to report to the Office for the Coordination of Humanitarian Affairs (OCHA) until the end of 2003.¹⁵⁵This coherent structure is similar to the one the UN has with UNAMA in Afghanistan. A personnel strength of 300 civilians including Iraqi staff was planned.

3.5.2.2. The Humanitarian Enterprise in Iraq

The first Gulf War, years of economic sanctions and the governing of the Baath Regime almost ruined the once well developed and comparably wealthy “second world” country. Prior to the first Gulf war, Iraq was described as a middle-income country with a modern public health sector, a relatively advanced social structure and with levels of education.¹⁵⁶ Humanitarian crises as a consequence of war and economic sanctions were already observed during the 1990s. A dramatic setback in health, nutrition and sanitary conditions took place in this time with 60% of the Iraqi population depending on food rations supplied by the government.¹⁵⁷

Hardly any conflict before took place with such a predictable and planned public preparation phase from the onset. Already, some months prior to the war for instance, the Washington based US NGO umbrella group InterAction was reportedly trying to negotiate with the US military about working together on logistics for reconstruction efforts in post-war Iraq.¹⁵⁸ It needed a passed Security Council resolution 1441 in November though, before the US State Department and USAID started to meet with the InterAction working group.¹⁵⁹ InterAction was also trying to influence relief agencies working under civilian control and not under military control. They also tried to lobby, that responsibility for humanitarian coordination should be with the UN as soon as it is possible.¹⁶⁰ This did not bear fruit. On January 20, 2003 the US Defence Department

¹⁵⁵ UN Security Council. *SC establishes UN Assistance Mission in Iraq, welcomes creation of Governing Council-Resolution 1500 (2003)*. 14 Aug. 2003. Internet on-line. Available from <<http://www.reliefweb.int/w/rwb.nsf/vID>>. [2/14, 2004].

¹⁵⁶ International Crisis Group. *War in Iraq: Managing Humanitarian Relief*. ICG Middle East Report No. 12 (2003), p.5

¹⁵⁷ *Id.* International Crisis Group. p.5

¹⁵⁸ Open Society Institute/UN Foundation. *Reconstructing Iraq: A Guide to the Issues*. (2003), p.19

¹⁵⁹ James K. Bishop, *Combat role strains relations between America's military and its NGOs*. *Humanitarian Affairs Report* Summer 2003, p.29

¹⁶⁰ *Id.* James K. Bishop, p.29

established the Office of Reconstruction and Humanitarian Assistance for Iraq (ORHA) as coordination body for American relief and development efforts on a directive by President Bush.¹⁶¹ This marked a new model of integrated humanitarian assistance into bilateral peace-building efforts by the occupying power and was “a further sign of the military’s dominance in the government’s plans for aid delivery.”¹⁶²

Although not publicly announced, the UN began, in effect, to plan for the possibility of an eventual war and a potential post-conflict scenario as early as June 2002.¹⁶³ In other places there were heated discussions in many aid organisations, whether to prepare for humanitarian assistance in the country or not. Many aid agencies feared being co-opted in the political interests of US allied governments and the UN while joining the reconstruction efforts. Others were concerned about losing public awareness and support if they would not work in Iraq, as it was expected to be a media hot spot. Many NGOs were also worried, about how it would affect their funding situation, if they not apply for US and British funding sources. About six weeks before the Iraq war started, I attended, management training for project coordinators with MSF-Holland, in which we debated the dilemmas about humanitarian principles for an expected war in Iraq, in a class simulation. It was just a taste, about how fiercely possible assistance was discussed within the organization and within the different MSF sections and beyond amongst the greater NGO community overall. By then, after first pre-war assessments, there already existed doubts about how large the humanitarian needs in a post-war Iraq would be. Later in the war, several sources reported that there were clear humanitarian needs in various locations, for instance, water and sanitation, or in the health sector. Positively, neither fears of additional large population displacements were confirmed nor a huge nutritional crisis evolved. At least it can be stated, that the humanitarian situation was significantly less critical than in many African crisis zones at the same time, which were left in a media shadow and where comparably, marginal funding was spent. This again was another example demonstrating the political prioritisation of humanitarian assistance, lacking global impartiality. A similar politicisation also happened with other donors like the European Union. They were reluctant to donate funds to Iraq in the beginning of the war, presumably because the donor governments were opposed to the war before the intervention and

¹⁶¹ International Crisis Group. War in Iraq: Managing Humanitarian Relief. ICG Middle East Report No. 12 (2003), p.6.

¹⁶² Nicolas de Torrente. Humanitarian Action Under Attack: Reflections on the Iraq War. *Harvard Human Rights Journal* 17, no. Spring 2004 2004.p.4

¹⁶³ Id. International Crisis Group. p.6.

did not want to legitimise the war with giving humanitarian funds. This affected European humanitarian agencies, which relied on European funding and were not applying for US government funds either because they wanted to conserve their independence, or because they were not able to receive clearance with the US Department of Defense. In fact, security clearance and with it funding, was just given to US based NGOs. Some European NGOs were active in Iraq for more than ten years and their experience, their networks of relationships and their staff with knowledge of the country could not be fully deployed.¹⁶⁴ One US based NGO claimed the acceptance of US funds would offer them the ability to lobby and raise humanitarian concerns with the US authorities, arguably furthering the humanitarian objectives more than staying independent and to be restricted in cooperation.

The US Office of Reconstruction and Humanitarian Assistance for Iraq (ORHA), originally led by Jay Garner, had an office in Kuwait prior to the war and was supposed to enter the country alongside the military forces.¹⁶⁵ It was another action showing the subordination of relief under the political imperative. Further, as in Afghanistan the US military was distributing ‘meals ready to eat’, but in Iraq, not via air dropping. With these meal rations, bottled water was thrown by US and British soldiers from trucks to the crowd on the streets. This demonstrated once more, obvious problems involved with military providing humanitarian assistance.¹⁶⁶

The International Organization of Migration (IOM), an agency closely linked to the UN agreed to handle land and property claims in Northern Iraq for the Transitional Authority of the Occupying Power. They sub-contracted the task to the NGO Norwegian Refugee Council (NRC). NRC then had to denounce the contract with IOM on the basis that the principle of neutrality was breached and their staff accordingly was put at risk.¹⁶⁷ From an NGO perspective all these events put the basic principles of neutrality, independence and also impartiality under pressure and scrutiny.

3.5.2.3. The Humanitarian Imperative lost in the line of fire

The Iraq war and Afghanistan can hardly be separated. The same observations for events affecting the humanitarian space can be made. Both have this in common: US led intervention

¹⁶⁴ International Crisis Group. War in Iraq: Managing Humanitarian Relief. ICG Middle East Report No. 12 (2003), p.14. ICG mentions Save The Children UK, Première Urgence and Enfants du Monde

¹⁶⁵ Id. International Crisis Group. p.6.

¹⁶⁶ Open Society Institute/UN Foundation. Reconstructing Iraq: A Guide to the Issues. (2003), p. 36.

¹⁶⁷ Expression taken from Alan Shawn Feinstein Intl. Famine Center. The Future of Humanitarian Action Implications of Iraq and Other Recent Crises. 22 (2004).p.9.

troops fighting against groups with Islamic backgrounds within the 'war on terrorism'. As the Iraq war had an apparent influence in Afghanistan according to various sources,¹⁶⁸ at least in the beginning, Al Qaeda is now active in Iraq in the Post-Saddam Hussein era. Also in Iraq, nobody knows exactly who is attacking humanitarian workers, let alone have the opportunity to communicate with them in order to negotiate access.

In no country is the humanitarian space so endangered as in Iraq. Humanitarian agencies are confronted with a hostile security environment and the problems arising from the need to interact with US allied intervention forces are more intense than in Afghanistan. For instance, the Humanitarian Operations Center insisted that aid workers must wear US military identification badges. The relief agencies have protested against this regulation, fearing it would compromise their perception of neutrality in the eyes of the Iraqi population.¹⁶⁹ Also aid organisations were asked to put their civilian assets under US government control, clearly risking the safety of their staff.

Other than in Afghanistan the military intervention was seen as illegitimate by large parts of the Middle East and many countries worldwide. The population in Iraq did not perceive the US allied forces as a liberating power and was far more hostile towards the occupying power. The bombing of the UN headquarters and the suicide bomb attack on the International Committee of the Red Cross were, in its deliberation and its dimension, unprecedented aggressions against aid agencies. The bomb on the ICRC in October 2003 was delivered with a disguised ambulance and remarkably happened just one day after rocket attacks targeted Paul Wolfowitz, the US Deputy Defence Minister and chief planner of the Iraq war. The bomb on ICRC was part of a larger series of attacks on aid agencies. Earlier in August 2003, a member of the International Organization for Migration (IOM) was attacked and two employees of ICRC were targeted. By then, the ICRC had already reduced the number of its aid workers in Iraq. The ICRC has been active in Iraq since 1980 and was the only organisation, which did not leave the country during the war. The dilemmas for aid workers are evident. As in Afghanistan they were forced to make a decision on how far they can bend the security risk of their own staff in order to stay and serve the population in need. In retrospect, once aid workers died, it signified that the security risk was

¹⁶⁸ As for instance mentioned in Heiko Flottau. Unheilige Allianz am Werk. *Süddeutsche Zeitung*, no. 28 Oct. 2003: (2003).

¹⁶⁹ International Crisis Group. War in Iraq: Managing Humanitarian Relief. ICG Middle East Report No. 12 (2003), p.13

bent too far. Notably, NGOs are not planning with casualties in conflict scenarios,¹⁷⁰ although their risk of being wounded or killed is often as high as or higher as than military personnel.¹⁷¹ In the shocking bomb attack on August 19, 2004 on the Canal Hotel, the UN headquarters in Baghdad, 22 people died and over 150 persons were injured.¹⁷² The victims were UN staff and visitors, among them the UN Human Rights Commissioner and the UN Special Representative for Iraq, Sergio Vieira de Mello, presumably the prime target of the bomb. What were the reasons?

Even more so in Afghanistan than in the Iraq war, the UN was perceived as having taken sides in the conflict. The sanctions and embargos of the 1990s, authorised by UN Security Council Resolutions have led to much suffering in Iraq and apparently are associated in public opinion with the overall UN and not only the United States. Although many UN countries were opposed to the Iraq war, the threats and pressure on the Baathist Regime of Saddam Hussein regarding the declaration and destruction of Weapons of Mass Destruction were authorized by the Security Council and supported by most UN member countries and UN leadership. In this regard the UN is also suffering from a blurred perception between the UN Security Council and the UN as multilateral representation of all nations. That the UN staff was evacuated on Kofi Annan's behalf, shortly before the US bombing started was also perceived as a "green light for war"¹⁷³ and strengthened the perception that the UN along with the other UN aid agencies were part of the US led conspiracy. Therefore it is a logic consequence that the UN agencies in Iraq have completely lost the perception of neutrality and were viewed as being part of the US directed "Western conspiracy"¹⁷⁴ against the country. Presumably, this has strongly contributed to the tragic consequences for their staff, and the security for aid workers overall. As an ultimate result, most humanitarian agencies have left the country for security reasons with devastating

¹⁷⁰ Interview with Catrin Schulte-Hillen, Program Director MSF-USA. (24 March 2004, New York).

¹⁷¹ For example in 1998 twelve UN civilian personnel was killed, the first time in UN history, it exceeded the casualties of military personnel in Françoise Bouchet-Saulnier. *The practical guide to humanitarian law*, 1st English language (Lanham, Md.: Rowman & Littlefield Publishers, 2002), p.136.

In a rough calculation the mortality rate of US troops in Iraq in the period between May 2003 and March 2004 was about 3.15/10.000 soldiers per month for all causes of death. (Average troop numbers and casualties are taken from Iraq: A wider war, a wider worry. *The Economist* April 10, 2004 (2004). Although a similar calculation for aid workers lacks reliable data, the number of killings and the comparably low average number of aid workers, let assume a similar or even higher mortality rate.

¹⁷² United Nations. *Report of the Independent Panel on the Safety and Security of UN Personnel in Iraq*. 20 Oct. 2003. Internet on-line. Available from <<http://www.reliefweb.int/w/rwb.nsf/vID>>. [2/14, 2004].

¹⁷³ Argument by Alan Shawn Feinstein Intl. Famine Center. *The Future of Humanitarian Action Implications of Iraq and Other Recent Crises*. (2004). p.6.

¹⁷⁴ Expression used id. Alan Shawn Feinstein Intl. Famine Center.

effects on humanitarian aid for the people of Iraq. Some came back; MSF-Belgium returned to Iraq with seven expatriates and about 50 national staff in November 2003. They are seeing about 11,000 patients a month. However, the enormous risk they are taking, while counter-weighting it with the limited medical impact on mortality, is highly controversial, even within the MSF-movement.¹⁷⁵

Women and children were reported to be the most affected groups in the Iraqi population.¹⁷⁶ The *New York Times* for instance reports on February 14, 2004 about chaotic conditions in the Central Teaching Hospital for Children in Baghdad. The drinking water is contaminated there and according to the doctors 80 percent of the patients leave with infections, they did not have when they arrived in the hospital.¹⁷⁷ Although no health survey has been conducted since the war, infant mortality is supposed to have increased significantly. A pediatrician of Yarmuk hospital reported, that out of 48 babies recently brought to the clinic, 19 died twice as many as the year before the war. From 1984 to 1999 the infant mortality had already doubled to 131 deaths per 1,000 births.¹⁷⁸ Moreover, many women stay at home to give birth, increasing the chances of complications, because they are frightened about the security risk in going to the hospital.¹⁷⁹ Eman Asim, a Ministry of Health official, who oversees 185 public hospitals is quoted: “It’s definitely worse than before the war...even at height of sanctions, when things were miserable, it wasn’t as bad as this. At least then someone was in control.”¹⁸⁰ The contrary was expressed by an American health adviser for the Coalition Provisional Authority, who stated that conditions all over are better than pre-war levels. MSF reports strong public health needs, but no significant emergency situation.¹⁸¹

Meanwhile commercial contracting companies in Iraq are confronted with worse circumstances than they expected. G. Laudato, a vice president of Abt Associates, the contractor for health care services, said they discovered that some hospitals were forced to fire their nurses under the Hussein regime to save money. Family members were supposed to take these tasks

¹⁷⁵ Interview with Catrin Schulte-Hillen, Program Director MSF-USA. (24 March 2004, New York).

¹⁷⁶ Open Society Institute/UN Foundation. *Reconstructing Iraq: A Guide to the Issues*. (2003), p.36.

¹⁷⁷ Jeffrey Gettleman. *Chaos and War Leave Iraq’s Hospitals in Ruins*. *New York Times* Middle East (14 Feb. 2004).

¹⁷⁸ Original source by UNICEF, cited in Open Society Institute/UN Foundation. *Reconstructing Iraq: A Guide to the Issues*. (2003), p.36

¹⁷⁹ Id. Jeffrey Gettleman. *New York Times*.

¹⁸⁰ Id. Jeffrey Gettleman. *New York Times*.

¹⁸¹ Id. Interview with Catrin Schulte-Hillen

instead. On some occasions they were able to find former nurses among the janitors.¹⁸² Especially in the Shiite areas in Southern Iraq the conditions in the hospitals are as bad as in Sub-Saharan Africa according to Mr. Laudato:¹⁸³

“Pools of blood on the floor ... lines and needles reused. I saw a ward of heart attack victims in Basra, eight of them on gurneys, some of them twitching, and they had no equipment to do anything for them, not even an IV.”

Clearly, the war had destructive effects on the public health system, but it must also be assumed that the absence of health covering NGOs and ICRC contributes to the lack of improvement. A medical emergency occurred with the thousands of war-wounded during major combat in April 2003. There was little assistance, also because most aid organisations had to withdraw including the UN agencies.¹⁸⁴

The striking dilemma is that also successful reconstruction of Iraq after the ousting of the Hussein Regime was largely dependent on the coordination and cooperation of the UN, private relief agencies and the US led military. This need for collaboration was a main factor in blurring the lines between the occupying power and the neutral aid organisations. Finally, it contributed to the security incidents, and ultimately to NGOs and the UN evacuating and leaving the civilian population in need without assistance. In Iraq, more than in Kosovo or Afghanistan, humanitarian agencies “are widely perceived as part of the framework created by the intervening forces, as actors in the armed conflict, and not as impartial providers of aid and protection.”¹⁸⁵ Aid agencies contributed to that the blurred perception to the military “by not clearly distancing themselves from the United States as a belligerent.”¹⁸⁶

At this time, February 2004, the Iraq conflict is still ongoing and a high number of military and civilian casualties are reported on a daily basis. Although the declaration that the war ended was made by President Bush in May 2003, the violence and crisis continues without an end in sight. Fierce resistance, a consistent anti-US atmosphere and evolving internal power struggles are still continuing. According to a speaker at a recent Tufts University Panel, 40% of USAID’s budget is dedicated to security, including private security companies. The UN agencies and most

¹⁸² Joel Brinkley. American companies rebuilding Iraq find they are having to start from the ground up. *New York Times* Middle East, (22 Feb. 2004).

¹⁸³ Id. Joel Brinkley.

¹⁸⁴ Nicolas de Torrente. Humanitarian Action Under Attack: Reflections on the Iraq War. *Harvard Human Rights Journal* 17, no. Spring 2004 2004.p.12.

¹⁸⁵ Reuters AlertNet. *Viewpoint: When the Red Cross is the target*. 18 Nov 2003 2003. [2 March, 2004].

¹⁸⁶ Id. Nicolas de Torrente.p.3.

humanitarian organisations have not yet returned with reasonable strength. The UN has started assessment visits, recently led by Lakhdar Brahimi,¹⁸⁷ to clear whether, when and how the United Nations agencies may return to Iraq. A clearer mandate than before is needed for the UN in coordination with the Occupying Power as well. UN Secretary General Kofi Annan formulated this importance as “bad resolutions kill people”.¹⁸⁸ Due to the recent upsurge in violence in April 2004, the Secretary General rules out large UN teams for the near future.¹⁸⁹

4. SUMMARY OF AFFECTS AND CAUSALITIES ON THE HUMANITARIAN SPACE

Larry Minear wrote once, “humanitarian space is a dynamic concept with multiple dimensions”¹⁹⁰ which may evolve, shrink or expand in individual conflict settings differently. As Toby Porter points out, the principles are more a means than an end.¹⁹¹ As a result of the analysis, it can be concluded that neutral humanitarian space appears to be shrinking in general and has practically disappeared in present conflict situations like Iraq, Chechnya and some parts of Afghanistan. Looking back to other crises since the end of the cold war era shows that most recent political trends are not new developments, but are exaggerations in new forms, mainly enforced by the ‘war on terrorism’ and its consequences. The humanitarian principles impartiality, neutrality and the humanitarian imperative are compromised more than ever. The independence of agencies is overstretched and often bartered for institutional survival as was observed in Iraq. This is true for both meanings of independence; the separation from influence of politics and as freedom to operate in the way that NGOs consider appropriate, i.e. ‘agency space’. As laid out many different political trends are eroding the operational effectiveness of humanitarian space. Some are of lesser importance, such as the performance based partnership agreements, others like the deliberate killing of aid workers as part of functional war strategy are existential. The political trends affecting humanitarian space however, are compounding one another and are to some extent cumulative in their effects. Humanitarian NGOs are increasingly challenged to revisit

¹⁸⁷ Warren Hoge. Unrest in Iraq Complicates U.N. Plans There, Annan Says. *New York Times*, no. April 13, 2004.

¹⁸⁸ Warren Hoge. Annan Resists Calls to Send U.N. Staff Back to Baghdad. *The New York Times* Middle East, no. 28 Dec. 2003: (2003).

¹⁸⁹ The Associated Press. Annan Rules Out Large UN Team for Iraq. *New York Times* (2004).

¹⁹⁰ Larry Minear, and Thomas G. Weiss. *Mercy under Fire - War and the Global Humanitarian Community*, (Boulder: Westview Press Inc., 1995), p.38.

¹⁹¹ Toby Porter. The partiality of humanitarian assistance - Kosovo in comparative perspective. *The Journal of Humanitarian Assistance* (2000).

their principles and to question their inherent values under the weight of organisational struggle for existence.

Some factors are increasing the probability of eroded humanitarian principles. Kosovo, Iraq and Afghanistan have shown, that the humanitarian space is highly at risk, as soon as donor countries, which are funding international relief NGOs, are in the double-edged role of also being a belligerent part of the conflict. Thus in these situations the humanitarian imperative will be subordinated under the political imperative, and therefore neutrality and independence of NGOs are at increased risk.

4.1. Overview Causalities/ Effects

Figure 3: Overview

Political Developments	Examples	Cause	Effects	Actors
Acceleration of the politicisation of aid	Iraq, Afghanistan, Angola	<ul style="list-style-type: none"> • Misperception of aid agencies in Islamic countries • Blurring the line between political and humanitarian action • Blurring the line between UN and NGO action 	<ul style="list-style-type: none"> • Loss of independence • Loss of neutrality • Increased security risk, suppression of access and stalling of programmes 	Governments and regional organisations incl. various institutions
Aid work as military strategy of belligerent forces	Kosovo, Afghanistan	<ul style="list-style-type: none"> • Blurring the lines between military and aid workers • Misperception of aid agencies in Islamic countries • Blurring the lines between political and humanitarian action 	<ul style="list-style-type: none"> • Loss of neutrality • Increased security risk, suppression of access and stalling of programmes 	US and allied forces, NATO, UN peace keepers
The changed role of UN operations affects the partnership with NGOs	Iraq, Afghanistan, Kosovo	<ul style="list-style-type: none"> • Blurring the lines between military and aid workers • Blurring the lines between political and humanitarian action • Blurring the lines between UN and NGO action 	<ul style="list-style-type: none"> • Loss of impartiality • Loss of neutrality • Increased security risk, suppression of access and stalling of programmes 	UN or authorised regional actors involved in robust peace operations
The aim for cohesion within the UN	DRC, Afghanistan, Sierra Leone	<ul style="list-style-type: none"> • Blurring the lines between military and aid workers • Blurring the lines between political and humanitarian action • Blurring the lines between UN and NGO action 	<ul style="list-style-type: none"> • Loss of impartiality • Loss of neutrality • Increased security risk, suppression of access and stalling of programmes 	UN involved in robust peace operations
The perception of aid agencies as vectors of Western values	Iraq, Afghanistan	<ul style="list-style-type: none"> • Aid workers targeted deliberately 	<ul style="list-style-type: none"> • Loss of neutrality • Increased security risk, suppression of access and stalling of programmes 	Islamic extremist groups, militant political opposition to governing authorities

4.2. Perspective of International Humanitarian Law

As the humanitarian principles are historically rooted in and partially supported by international humanitarian law, it is worthwhile to examine an analysis of the humanitarian space in Iraq from this legal perspective. International humanitarian law may provide a key to workable guiding principles¹⁹², and thus, to functional humanitarian space. Only two principles, which build the operational concept of humanitarian space, appear in the four Geneva Conventions of 1949 and its two additional protocols of 1977, namely impartiality, and humanity. Neutrality and independence are not mentioned.

With SC Resolution 1483, the USA formally accepted its status as occupying power in Iraq.¹⁹³ Hence they have to abide with the provisions of international humanitarian law. This has major implications in regards to the delivery of humanitarian assistance to the Iraqi population and to the related access of it.

4.2.1. Main obligations regarding Humanitarian Space

Out of the obligations for the occupying power towards protection of the civilian population, as ruled by the four Geneva Conventions (mainly the fourth convention for the protection of civilian persons) and the Hague conventions, some apply to humanitarian space.¹⁹⁴ In order to secure access and security for humanitarian assistance, the occupying power has to ensure public order and safety,¹⁹⁵ and has to protect property (e.g. hospitals) and resources.¹⁹⁶ Directly referring to humanitarian assistance, the occupying power has to ensure public order and maintain public health and hygiene,¹⁹⁷ has to provide food and medical supplies to the population,¹⁹⁸ and ultimately has to permit and facilitate humanitarian relief operations.¹⁹⁹

The Coalition Forces have evidently failed in ensuring and providing these obligations. Before the Iraq war, the InterAction work group tried several times to open a dialogue with the Central Command humanitarian contingency planners in order to ensure the government meets

¹⁹² Kate Mackintosh. The Principles of Humanitarian Action in International Humanitarian Law. HPG Report 5 (March 2000).p.1.

¹⁹³ Open Society Institute/UN Foundation. Reconstructing Iraq: A Guide to the Issues. (2003), p.5.

¹⁹⁴ The full obligations are laid out in Amnesty International. *Iraq - Responsibilities of the occupying powers*. April 16, 2003 2003. Internet on-line. Available from <<http://web.amnesty.org/library/print/ENGMDE140892003>>. [Dec 30, 2003].

¹⁹⁵ Hague Regulations, 1907, Article 43

¹⁹⁶ Id. Hague Regulations, 1907, Article 55

¹⁹⁷ Fourth Geneva Convention, 1949, Article 56

¹⁹⁸ Id. Fourth Geneva Convention, 1949, Article 55

¹⁹⁹ Id. Fourth Geneva Convention, 1949, Article 59, 61

its obligations, deriving from the Geneva Conventions for adequate preparations for protection and assistance to the Iraqi civilian population. No such meeting took place.²⁰⁰ The chaotic events on the civilian side accompanying the defeat of the Iraqi army made it apparent, that the NGOs efforts to bring military attention to protection issues such as, avoidance of reprisals, crime and looting were in vain. The main criticism is, that the occupying power has failed to prevent looting of public facilities and to protect hospitals after the defeat of the Iraqi forces. Notably the Oil Ministry was secured and the Ministry of Health looted. In the first weeks after fighting, when health services were still urgently needed, any help from independent NGOs beyond medical supplies would not be accepted till policies for cooperation with NGOs are in place.²⁰¹ They also failed in providing security in order to facilitate humanitarian assistance. As some humanitarian agencies were blocked out by administrative regulations in the beginning, their right to free access to victims and to evaluate the needs of the population was arguably restrained. However, it cannot be argued that the occupying power has not tried to secure access for relief organisations. In this regard it will be difficult to hold the occupying power responsible for the failures of protection of the civilian population and to ensure unimpeded access for humanitarian assistance providers. Nevertheless, international humanitarian law still provides a solid legal framework for safeguarding humanitarian space.

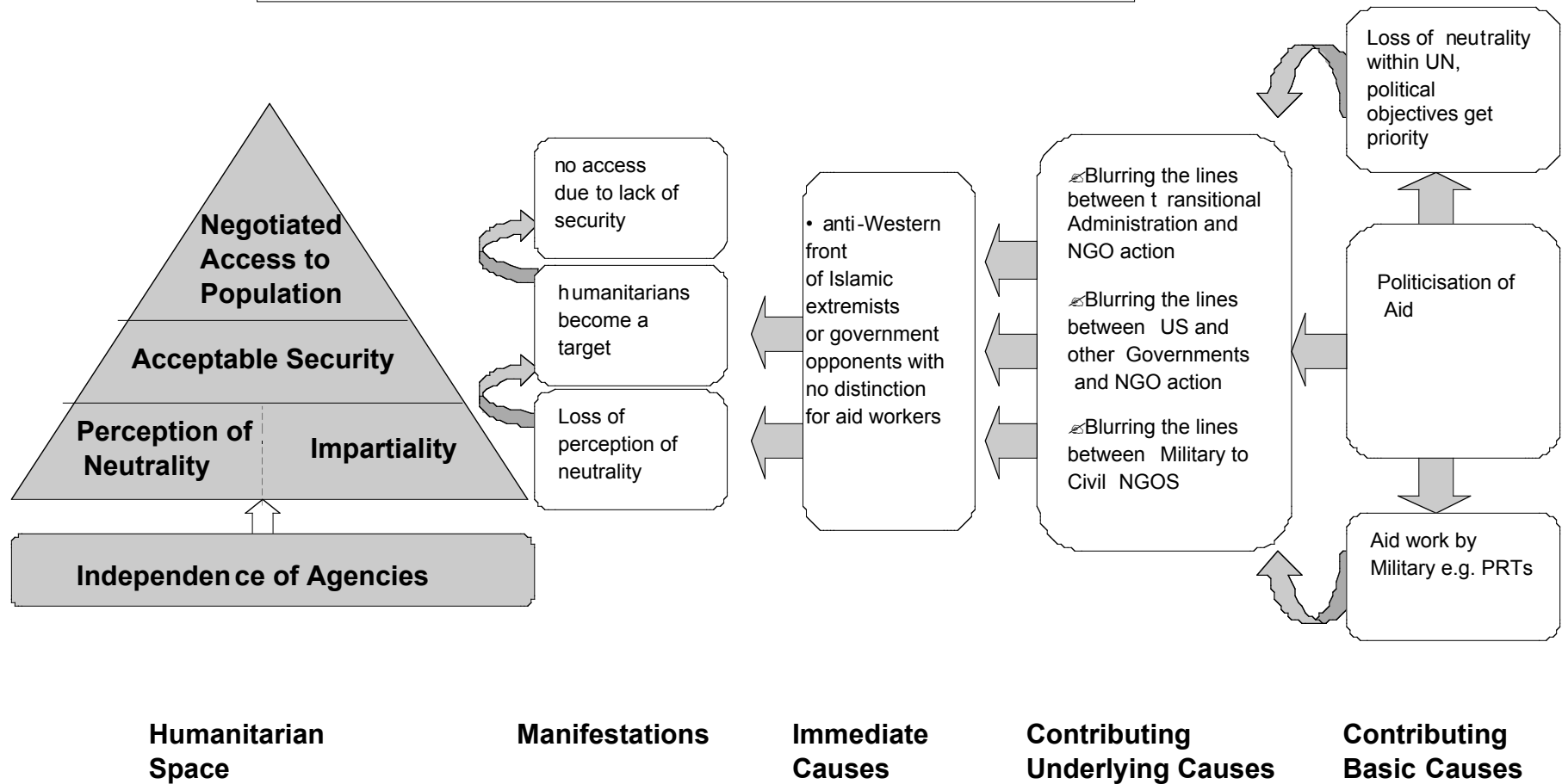
4.3. Compounding Relationships

The political trends affecting humanitarian space are compounding each other as explained in the analysis. Figure 4 illustrates, how these developments are intertwined in Afghanistan.

²⁰⁰ James K. Bishop, Combat role strains relations between America's military and its NGOs. *Humanitarian Affairs Report* Summer 2003, p.29

²⁰¹ Nicolas de Torrente. Humanitarian Action Under Attack: Reflections on the Iraq War. *Harvard Human Rights Journal* 17, no. Spring 2004. 2004, p.17

**Figure 4:
The humanitarian space in Afghanistan in 2003/2004**



4.4. Prognosis

Several burning questions arise from the recent developments affecting the humanitarian space. First, as described most trends are not new, but a clear acceleration is present. Are these trends likely to stay, and exacerbate further? Is the Iraq context today a unique appearance affecting humanitarian assistance and its principles? Are coherence and integration further diminishing the threshold for humanitarian assistance within the UN system? Do the humanitarian principles need to be adjusted and will it change the structure of the relief world?

4.4.1. Are the political developments continuing?

In my personal view, political agendas of donor governments will hardly be shifted by humanitarian imperatives. The trend of politicisation will very likely continue, with more fine tuned instruments of relief assistance as politics. Moreover, there are many signs, that humanitarian assistance became an emerging system of “liberal international governance.”²⁰² This means humanitarian assistance evolved as part of donor countries political tool set to transform conflicts, decrease violence and lay out liberal development.²⁰³ Joanna Macrae expresses it,

“...this is not the end of the story of the relationship between politics and aid. Specifically, while humanitarian assistance may no longer be considered to have a significant role in conflict resolution, it continues to serve other political purposes.”²⁰⁴

As long as humanitarian principles are not functional within political strategy, there is no need for Western governments to comply with these principles. On the contrary, there could be interest from the donor side to increase their influence on programmes, thus diminishing the independence of NGOs. The same is true where these governments have no interest in ‘neutral’ partners within a war on terrorism, which changed the rules of international governance radically.

Aid work as military strategy will also continue either as long as the ‘hearts and minds’ doctrine is considered successful. At present it appears in Afghanistan, that this concept of military security (the PRTs) is perceived as proven positive. At the latest Afghanistan

²⁰² Mark R. Duffield. *Global governance and the new wars : the merging of development and security*, (London ; New York; New York: Zed Books; Distributed in the USA exclusively by Palgrave, 2001)

²⁰³ Devon Curtis. *Politics and Humanitarian Aid: Debates, Dilemmas and Dissension*. HPG Report 10 (April 2001).

²⁰⁴ J. Macrae. *The New Humanitarianisms: A review of trends in global humanitarian action*. HPG Report 11 (April 2002), p.8.

Conference in Berlin (March 2004), new PRTs were requested. On the issue of military doing humanitarian assistance in Somalia, Bosnia, Kosovo, followed Afghanistan and Iraq. Hence similar concepts may be put into practice in conflict scenarios, in which Western countries appear as parties to the conflict. This includes unilateral and multilateral peace operations as well as warfare on terror. Therefore the blurring of lines between humanitarian agencies and militaries is likely to stay a recurring pattern within conflict settings.

The role of the UN as peace enforcer will continue also. The Iraq war has in my view not changed the international perception of the UN as the relevant body for peace operations or so-called humanitarian interventions. Hence the described potential loss of neutrality of UN peace keeping is of high probable to continue to occur in more international war zones. The definition of impartiality of the Brahimi report gives the strategic direction for it. For relief NGOs this implies, the UN will be a differing actor to deal with, depending on the situational context of the emergency. In some settings it will be a partner and coordinating function (like Afghanistan) and in some conflicts, some principled NGOs may keep their distance from the UN, as happened in Sierra Leone.

The aim for cohesion is a necessity within the UN structure to improve the efficiency of sustainable peace-building activities and thus a fair and reasonable concept to pursue for the UN. In this regard the search for coherence will continue, but there might be an organizational model possible, which can protect the impartiality of humanitarian assistance from political prioritisation more, than was the case in recent conflicts.

The perception of aid workers, as vectors of Western values may last as long as the war on terrorism against Islamic extremists, which is completely unpredictable. Nevertheless, the very negative trend of aid workers becoming a deliberate target in conflict zones, which was observed over the 1990s in many conflict zones for instance in Chechnya, Somalia, Democratic Republic of Congo, Afghanistan and Iraq, is very likely to continue. There is a particularly high risk when aid workers are perceived as strengthening the situation for one party by providing assistance, even when they are in fact staying neutral. The same will occur in situations, where aid agencies are contributing to stabilize conflicts and destabilization is functional for one of the parties. In this regard, it appears that security is likely to worsen in general for aid workers and the protection for white cars and agency emblems, such as the Red Cross/Red Crescent will further

diminish. Thus it can be predicted, that access to the population in need will be limited in many conflicts to come, and the situation for agencies finding access will be further complicated.

4.4.2. Effects on the Relief Sector

As noted throughout the analysis, independence in acting is the basic concept for NGOs to enforce neutrality and impartiality in their activities. A lack of funding or conditionalising thereof, are the main threats for independence of NGOs. Hugo Slim is using his anthropological background and Darwin's theories to reflect on the future of humanitarian actors.²⁰⁵ As the principle of natural selection and Darwin's laws of variation might be useful in assessing the ideological background, perhaps micro-economics might be an interesting alternative lens to look at the future of humanitarian NGOs.

Following the financial streams, the donors side can be described as the 'demand' side of humanitarian assistance with governments as main players, but also with foundations, faith-based organisations and private donors as important actors. The UN system has a dual role as donor and as recipient of funds. Although the shares of donations by the 'demand' segment vary, the kind of players overall have not changed significantly. Overall relief assistance is still a growing industry. The growth however is ambiguous, as relief aid is increasing on behalf of development assistance. Overall development assistance is not growing, from the baseline of 1991, it even decreased, mainly driven by cuts from G-7 countries. As a percentage of gross national income of donor countries it decreased from 0.7% in the 1970s to a low of 0.22% in the year 2000.²⁰⁶ In addition the numbers for relief assistance are fluctuating a lot corresponding to major conflicts. From 1990 to 2000, the years of the Rwanda conflict (in 1994, US\$ million 5,621)²⁰⁷ and the Kosovo war (in 2000, US\$ million 5,821) were the highest spending years for humanitarian aid. NGOs may also benefit from a shift to more bilateral funding of major donor countries from the burden of multilateral funding from the UN. As Randel and German analysed, the share of multilateral funding for humanitarian assistance to the UN decreased from 45% of total in 1988 to an average of 25% in the years from 1994-1998 or 2000.²⁰⁸

²⁰⁵ Slim, Hugo. Fidelity and Variation: Discerning the Development and Evolution of the Humanitarian idea. *The Fletcher Forum of World Affairs* Spring 2000.

²⁰⁶ J. Macrae. The New Humanitarianisms: A review of trends in global humanitarian action. HPG Report 11 (April 2002), p.20.

²⁰⁷ Numbers taken from id. J. Macrae

²⁰⁸ Judith Randel, Tony German in id. J. Macrae, p.21.

On the 'supply' side of relief assistance, a lot of change happened during the last 20 years. Still, fewer than a dozen major agencies are dominating the relief market in Europe and the USA.²⁰⁹ However, the number of actors was continuously growing. Especially the number of NGOs, either international or national (in country of assistance) operating agencies, increased significantly. Around 1980, there were about 1,600 NGOs. Today there are between 3,000 and 4,000 international NGOs in the northern hemisphere.²¹⁰ Moreover, new types of players were established; private commercial companies, profit oriented hybrid NGOs and militaries appeared as assistance providers. Islamic NGOs are a relatively new appearance also²¹¹ and may well build their market share on relief aid in Islamic countries. Traditional 'suppliers' of humanitarian assistance, such as ICRC or the UN humanitarian agencies remain. In summary it can be concluded that the competition on the 'supply' side increased enormously, thus strengthening the power of the 'demand' side. The competitiveness on the supply side led to a number of variations of organisations with different mandates and diverse competencies. Some are focusing only on relief, some have a multi mandate and do both relief and development assistance. Notably, the latter may also operate development programmes, in which humanitarian principles, such as neutrality, have no importance. Another distinction is, that some have a doctrine of growth others may look at stabilize their status quo. In fact, the development of revenues for major NGO actors already reflects the struggle for institutional health. Whereas Worldvision (+19%) and MSF (+15%) could grow, CARE (-15%), Oxfam (-40%) and Save the Children (-31%) had significantly less revenues in 2001 than in 1999²¹²(see Figure 5). However, not all of these are spent on humanitarian assistance, but also on development work. Of those NGOs only MSF is a pure relief NGO. The growth of MSF is much related to the Noble Peace Prize. Worldvision is a faith-based NGO with a high private share of funding, namely 80%. 64% of which comes from individual donors from different appeals and child sponsorship.²¹³ Obviously they are very successful in their fundraising activities. These two examples reflect the importance of

²⁰⁹ Abby Stoddard in Macrae, Joanna, Adele Harmer. Humanitarian action and the 'global war on terror': a review of trends and issues. July 2003. p.25.

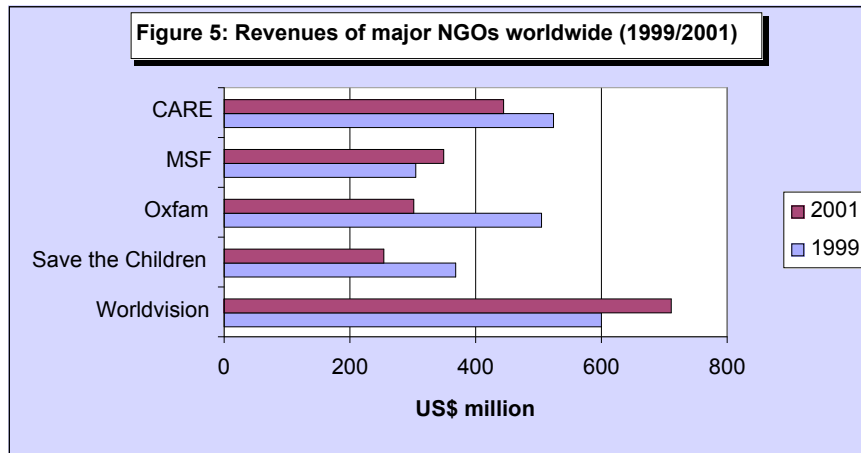
²¹⁰ Marc Lindenberg, and Coralie Bryant. *Going Global: Transforming Relief and Development NGOs*, (Bloomfield, Connecticut: Kumarian Press, 2001).

²¹¹ Abdel-Rahman Ghandour mentions Islamic NGOs as increasing competition to traditional NGOs in some context Fabrice Weissman. In the Shadow of Just Wars - Violence, Politics and Humanitarian Action. (April, 2004).

²¹² Abby Stoddard in Macrae, Joanna, Adele Harmer. Humanitarian action and the 'global war on terror': a review of trends and issues. July 2003. p.26

²¹³ Id. Abby Stoddard, p.29.

fundraising effectiveness and related image awareness for NGOs. Such a significant decrease of income, as Oxfam and Save the Children experienced, results necessarily in program reduction and the downsizing of staff, when financial reserves are used up.



Source: Abby Stoddard Agency Annual reports for 2001 and Lindenberg/Bryant²¹⁴ for 1999

Some NGOs are faith-based and also have religious sources of funding. Interestingly some faith-based NGOs, for instance Worldvision or Catholic Relief Services, are less dependent on government funding than their secular counterparts. In summary, independent of their diverse status, their big difference from the profit-oriented world, is that most of the NGOs have a social cause as their driving force.

Regarding humanitarian principles, different business models developed and are evolving more, as Slim makes the analogy with Darwin's laws of variation.²¹⁵ The NGO world will split more than ever, into those very loyal to today's humanitarian principles, and those who give up or modify these principles for organizational survival or even for growth of 'market share'.

Along this line of thought, Thomas G. Weiss is splitting relief NGOs into four categories: 'classicists', 'maximalists', 'minimalists' and 'solidarists'.²¹⁶ With classicist, Weiss labels the agencies, which stick closest to the humanitarian principles of impartiality and neutrality. The 'classic' example would be the ICRC. 'Solidarists', on the contrary take the side of selected

²¹⁴ Marc Lindenberg, and Coralie Bryant. *Going Global: Transforming Relief and Development NGOs*, (Bloomfield, Connecticut: Kumarian Press, 2001).

²¹⁵ Hugo Slim. Fidelity and Variation: Discerning the Development and Evolution of the Humanitarian idea. *The Fletcher Forum of World Affairs* Spring 2000.

²¹⁶ Thomas G. Weiss, The Humanitarian Identity Crisis. *Ethics & International Affairs* 13 1999. : 1-42.

victims and may provide aid disproportionately, when they think it favors the correct political goals. Hence clear partisanship is their main characteristic. Weiss mentions MSF as an example, but out of my personal experience, I would categorize them more as 'minimalist'. 'Maximalist' and 'minimalist', Weiss describes as two groups between the former mentioned extremes, in which 'minimalist' is close to 'classicist' and associated with the work of Mary Anderson and her working principles of 'doing no harm'. 'Maximalists' are described as next to 'solidarists' and are more prepared to tackle underlying causes of violence, though they may take into account, that humanitarian action gets politicised while aiming for maximal goals of transforming conflict.²¹⁷ Marc Lindenberg is using the more comprehensive term "active humanitarianism" to express the same category in his classification of choices.²¹⁸ Using Weiss' categorisation from 'classicist' to 'solidarist' organisations, personally I feel most comfortable with the 'minimalist' approach.

These segments will develop and the external factors will drive their share of the overall 'market' on relief. However, as Larry Minear points out, "in the competitive world of NGOs, there is no assurance that the agency which, for the best of reasons, lowers its profile and moderates its reach will soon recapture foregone market share."²¹⁹ From Slim's analogy to Darwin, a selection process of best adaption to the environment will happen. In this sense, these 'business models' of humanitarian principles described, will also achieve different success depending on the individual contextual settings. On the principles themselves, Weiss is citing Andrew Natsios from a 1997 text (before his time at USAID), "the advocates of neutrality are losing ground in the debate."²²⁰ The perception of neutrality as operating principle of 'classicists' and 'minimalists' is further jeopardized by 'maximalists' and 'solidarists' acting parallel in the same conflicts. Hence they are diluting the operational effectiveness of neutrality.

A similar growth of share within overall funding can be predicted for private organisations, if the war on terrorism continues to be fought throughout the world. The current disadvantage of private profit-oriented organisations, of being less experienced in complex emergencies than the established NGOs, will disappear with time. They will be serious competitors for state funds,

²¹⁷ Thomas G. Weiss, *The Humanitarian Identity Crisis*. *Ethics & International Affairs* 13 1999, p.17.

²¹⁸ Marc Lindenberg, *Complex Emergencies and NGOs: The Example of CARE*. In *Humanitarian Crises*. Cambridge, MA: Harvard University Press 1999.

²¹⁹ Larry Minear. *NGO Involvement in Iraq: A Moment of Truth for the Humanitarian Enterprise*. July 2003. Internet on-line. Available from <<http://www.fpif.org>>.

²²⁰ Id. Thomas Weiss, p.5.

particularly, where donor governments have a political agenda or have no interest in neutrality or independently acting agencies. In these contexts, donor governments may be prepared to pay a premium for the more expensive commercial companies. A more established donor-agency relationship, may then further foster the use of commercial companies. So far profit-oriented companies are more in the development sector and less in the relief sector. Arguably there are indications that this may change. In Iraq, USAID has given contracts for water, health and education to private companies. Those are traditionally NGO projects. In summary, particularly in a relief to development transition context, the advantages of private companies may play out and they may gain on importance.

The more principled, independent NGOs will cover niches of the humanitarian assistance market, while depending on private funds or working in conflicts, where they can garner security and unimpeded access, without denying humanitarian principles. However this could be the forgotten crisis with little media awareness, which would in itself diminish the possibility of fundraising from private sources and thus may accelerate a potential reduction of importance within the aid community. Independence and indirectly neutrality will be taken aside consciously by some organisations, while defining their funding policy. Where very principled NGOs, such as Oxfam or MSF, are avoiding for instance US government funds, others, for example Mercy Corps, may fill the gap and focus on USAID funding. Minear and Smilie point out, that larger NGOs streamline and consolidate their trans-nationalism, thus competition is intensifying in this way.²²¹ Local NGOs will often cover niches, where they can play their competitive advantages of knowing the context, being eventually less principled and being more likely to stay in risky circumstances.

In a nutshell, the ‘demand’ and ‘supply’ side of humanitarian aid are evolving substantially and the ‘demand’ is gaining an advantage from increasing competitiveness on the ‘supply’ side. Hence a major donor’s policy can create variations of humanitarianism. In this sense, the multiplied number and increased diversification of different actors on the ‘supply’ side are forming an inherent growing threat for the existing humanitarian principles via the pathways of financial funding and institutional survival. Thus, as a lack of coherence regarding principles, the developments putting the concept of humanitarian space in danger are not solely external and political, but are also coming from inside of the aid community.

²²¹ Ian Smillie, Larry Minear. *The Quality of Money - Donor Behavior in Humanitarian Financing*. (April 2003).

5. THOUGHTS ON SOLUTIONS

As this paper was written from an NGO perspective, the focus on solutions is limited to potential approaches, from which action on the NGO side can be launched. Recommendations, dedicated towards UN or 'Western' governments, are therefore only included as far as there is space for NGOs to advocate change within these organisations. Many of these issues have no common solution, which would survive the litmus test of real political life. Every NGO has to find its own positioning towards the humanitarian principles and independence, while reflecting on their values. As Hugo Slim put it in a recent article, "the overall analysis of humanitarian challenge is likely to remain something of a patchwork that requires a nuanced and not a singular interpretation."²²² Most thoughts are common sense and are, fair enough, from academic side easier to propose, than from the practitioners' side to implement.

5.1. Unified Action

The so-called aid community appears fragmented and is usually not developing a common stance. This weakness makes most NGOs susceptible to instrumentalisation by political means. Many argue, that the expression 'aid community' is misleading and organisations, which consider themselves humanitarian, have in fact different identities, mandates and operating principles.²²³ Some are less political, some are highly dependent on politicised funding. Despite these differences, an effort of major importance should be directed toward unified action. Still most NGOs have common aims (and common problems) and may be, on this basis, prepared to cooperate. With upcoming competition from "for-profit humanitarianism" and military erosion of humanitarian space, a need for more cohesion among the relief NGOs is evident.²²⁴ There are core values, common denominators, which need to be defined and agreed upon. Then commitment for their safeguarding and maintenance needs to be formalised and implemented. One could call this a revisit to and a recommitment of the Code of Conduct.

The NGO community is organised in umbrella groups such as InterAction and the Inter-Agency Standing Committee (IASC) or in associations to discuss improvements in humanitarian aid, such as the Sphere Project or ALNAP. The discussion in these forums of dialogue and

²²² Hugo Slim. A Call to Alms, Humanitarian Action and the Art of War. Feb. 2004.

²²³ As f.ex. argued by Marion Haroff-Tavel. *Principles under fire: does it still make sense to be neutral?* 4 Feb. 2004 2004. Internet on-line. Available from <www://www.icrc.org/web/eng/siteeng0.nsf/html/>. [2/14, 2004].

²²⁴ Abby Stoddard in Macrae, Joanna, Adele Harmer. Humanitarian action and the 'global war on terror': a review of trends and issues. July 2003. p.35

information sharing, about topics around new humanitarianism is ongoing. They would build the right platform for coordinated action. Nonetheless, the aid community appears weak in defining unified action. Even among the main NGOs and ICRC, which signed the Code of Conduct or others following similar values, such as the MSF movement, there is an observed lack of coherence. One reason for this may lie in the diversity of opinions. Another cause lies in the increased competition for funding, personnel and media awareness. A further reason for lack of unity may be in the institutional defense of independence within some NGOs. On the lack of unity in the humanitarian community, Abby Stoddard writes about the widening rift between US and European NGOs, or between the anglophone and francophone spheres.²²⁵ Here she distinguishes between the ‘Dunantist’ and the ‘Wilsonian’ tradition. The latter comprises the NGOs more in favour of rule-based coordination. Examples would be CARE or IRC. The ‘Dunantist’ are the more rule-adverse and independence driven NGOs, such as MSF, ACF or Médecins du Monde, which were all founded in France.²²⁶

As described the ‘demand’ side of humanitarian assistance is gaining from the increased competition and the growing diversity on the ‘supply’ side. Therefore the NGOs on the supply side need to unify themselves on fundamental issues to leverage their power of influence and to be able to enforce changes. So for instance, a letter was sent to the US State Department, protesting the implementation of the PRTs and its consequences for humanitarian agencies in Afghanistan. This letter was signed by almost all international NGOs active in Afghanistan.²²⁷ In Washington InterAction members and staff protested to the administration, the Congress and to the media.²²⁸ Five agencies, which had accepted funds from USAID in Iraq were advocating the ability to operate without interference from the military. They co-signed a letter to the Pentagon stating their concerns about the loss of independence.²²⁹ More of this type of unified action among NGOs is, in my view, needed in order to strengthen their aims. At the end of the day, they are working towards the same objectives of alleviating the suffering of people in need.

²²⁵ Abby Stoddard in Macrae, Joanna, Adele Harmer. Humanitarian action and the 'global war on terror': a review of trends and issues. July 2003.

²²⁶ Id. Abby Stoddard

²²⁷ Information by Patricia M. Haslach, Bureau of South Asian Affairs, US Dept. of State, in a presentation at Fletcher School of Law and Diplomacy on 20. Feb. 2004

²²⁸ James K. Bishop, James K. Combat role strains relations between America's military and its NGOs. *Humanitarian Affairs Report* Summer 2003.

²²⁹ Id. James K. Bishop, p.30

5.2. Operational Approaches

5.2.1. Advocacy issues

There are several pathways which NGOs have to advocate their positions. This includes to influence policy change or to educate and build support for ideas and values. From observation of several panels and conferences within the past seven months, I recognised, that aid agencies have a difficult time explaining their positions regarding the humanitarian principles. Particularly in the USA in a phase of ‘war on terrorism’ the concept of neutrality for US based NGOs (thus not taking the side of US forces) is a very difficult position to communicate. The perception, that neutrality means passivity is especially widespread. The perception of neutrality as an operational concept for humanitarian space to deliver on impartial humanitarian needs is yet a complex one, and the spread of clear understanding, even in the media, is often limited. Here is definitely an area, where principled NGOs have to improve their focus of public relations and government relationship affairs, and have to cooperate more than at present.

While going through the list of analysed recent developments, I see some advocacy issues that are worthwhile to pursue. As mentioned on the Provincial Reconstruction Teams, there are ways to deploy them that actually serve the politico-military needs and may not, or at least affect less, the perception of neutrality, security and unimpeded access of humanitarian agencies. The way the British Reconstruction team is deployed in Mazar-e-Sharif appears to be close to an approach, which would fulfill this ideal. The advocacy of NGOs while communicating with the US State Department and military, or the press, could therefore target to achieve this British model of PRTs as a realistic compromise. The crucial issue of PRT members not in uniform, was addressed by the NGOs before.

By no means should NGOs give up on keeping the communication line open with Western governments, militaries (particularly NATO countries) and peace-keeping troops in their home countries. Before the Iraq war, NGOs tried recurrently to keep this dialogue open. In the countries of emergency however, an open communication is critical as it may quickly result in a blurring of lines and a loss of perception of neutrality for the NGOs. In these circumstances, NGOs often rely on the UN agencies as a buffer and communication intermediaries.

Humanitarianism and militaries are two different cultures, which in many ‘new’ conflicts have to somehow cooperate and coordinate. There is also a lot of misperception, misunderstanding and arrogance from both sides. An ongoing effort to improve the

understanding of each other's position is therefore enormously important for both sides. A sustained communication and mutual effort of education is therefore an important proactive problem prevention or mitigation strategy. Thomas Weiss concludes, "the fact that humanitarian space cannot be opened or maintained by humanitarians themselves suggests clear benefits from thinking politically and collaborating with diplomatic and military institutions."²³⁰

The UN, especially the humanitarian agencies, is in its thinking, closer to relief NGOs than the military. Many UN aid workers have worked for NGOs before and many former UN employed staff now work with NGOs. The humanitarian agencies of the UN are working alongside relief NGOs in almost all crisis zones. From this angle, the NGOs advocacy towards the UN has much more a routine communication line. However, there is again a lot of complexity to depict and to communicate transparently the humanitarian problems of coherence within the UN. In Sierra Leone and Angola, there were clear consequences for the impartiality of relief assistance. In Afghanistan these implications were not apparent. For the UN humanitarian agencies one realistic path is to go to work on a parallel, not subordinated linkage of the two,²³¹ while acknowledging the reality of connectedness to the political side of the UN. This also implies to accept the loss of neutrality in many conflicts without giving up the aim for it where possible, but still to safeguard the principle of impartiality. For the NGOs this means the same sort of acknowledgement in relation with the UN. Their advocacy towards the UN should be directed to promote and support the principle of impartiality within the UN as a major humanitarian body. This includes speaking out against political conditionality, the withholding of, and disproportionate or selective assistance, while criticizing organizational coherence, where it causes a lack of impartiality. The Inter-Agency Standing Committee proposed two models for peace operations for a different situational context. In both alternatives the Humanitarian Coordinator is still reporting to the SRSG, but is structurally more independent. In conflicts, where perception of neutrality and impartiality are a priority for the humanitarian agencies, the looser, more independent model could be applied.²³²

²³⁰ Thomas G. Weiss, (includes Responses by Cornelio Sommaruga, Joelle Tanguy and Fiona Terry, David Rieff). *The Humanitarian Identity Crisis. Ethics & International Affairs* 13 1999. : p.22..

²³¹ One UN person was cited „it is ok to be impartial but not neutral“ in Alan Shawn Feinstein Intl. Famine Center. *The Future of Humanitarian Action Implications of Iraq and Other Recent Crises.* (2004).

²³² Joanna Macrae, Nicholas Leader. *Shifting Sands: The search for 'coherence' between political and humanitarian responses to complex emergencies.* HPG report 8 (2000), p.35.

5.2.2. “Indigenising” of operations

One proposal, which came up in several discussions is the “indigenising” of operations²³³ in order to achieve expanded or continuing humanitarian space. This means a stronger shift within aid agencies towards national staff within emergency countries. An extreme form would be a similar organizational structure as the International Federation of the Red Cross (IFRC). This would serve several objectives, including the humanitarian aim of capacity building. Another advantage is, that strong national staff can run the programme while expatriates have left the country, thus keeping access and assistance open to people in need. This actually happens in an increasing number of situations. However it is a double-edged solution, as it may imply putting national staff at significant risk, as is apparently the case at present in Iraq or Afghanistan, where the association to ‘Western’ organisations is a hazard for aid workers. A blind eye may be turned to this risk association, but it is of major ethical importance. It puts the equal human treatment of expatriates and national staff at question. Reading through statistics of killed aid workers, there is no proof, that national staff members are at lower risk than expatriate staff. Nevertheless a further ‘indigenising’ is a reasonable strategy to pursue, which can mitigate the loss of humanitarian space. The positive or negative implications need to be well analysed though, on a per context basis. This implies taking into account the weaknesses of working with local actors. Under these conditions, it may be also a reasonable strategy for work in Islamic countries to enhance the understanding and to improve the perception of neutrality while putting expatriate Muslim staff in management positions.

Many NGOs already go in the direction of indigenising. Worldvision is probably one of the most advanced organisations of indigenising their programmes, while employing even native country managers. About 40 country offices are indigenous from their boards down. CARE and Oxfam are moving in a similar direction.²³⁴ MSF is also changing their approach in regards to team composition iteratively. More and more medical, logistic and administrative positions are staffed with former national personnel. As a major shift within conflict countries, expatriate medical staff may now sometimes report to supervising national staff,²³⁵ although country

²³³ In more detail discussed in Larry Minear. *The humanitarian enterprise : dilemmas and discoveries*, (Bloomfield, Conn.: Kumarian Press, 2002).

²³⁴ Abby Stoddard in Macrae, Joanna, Adele Harmer. Humanitarian action and the 'global war on terror': a review of trends and issues. July 2003. : p.27.

²³⁵ Interview with Catrin Schulte-Hillen, Program Director MSF-USA. (24 March 2004, New York).

management positions are still filled with expatriates. In Iraq, Arab speaking team members were integrated, thus enhancing the security threshold and operational independence from translators.

5.2.3. Other operational issues

With the deteriorated security situation in Afghanistan and Iraq, the discussion on armed protection with bodyguards and escorts comes up again. In the Somalia crisis almost all organisations used armed escorts. Also armed guards or convoys were used in Afghanistan by some NGOs and UN agencies after the killing of Ricardo Munguia. Equally in Iraq, many organisations are using armed protection services, and different kinds of private security services have a booming business. Many agencies are reacting with hiring internal security officers as an intermediate step to improve their intelligence and procedures.²³⁶ As these security measures are probably necessary in Iraq, they are also exacerbating the militarisation of aid and thus are strengthening the perception within the Iraqi population that aid agencies are a part of the Western conspiracy occupying their country.

Relief agencies will always face the dilemma of deciding whether to stay or to pull out of a crisis country, with all its involved consequences. As conflict becomes more complex, this decision making exercise needs to have a more elaborated analysis. Further, NGOs have to consider the implications from and on other players on the ground. For MSF-France, it was for instance, easier to withdraw from the refugee camps in Rwanda, because other actors took over the assistance for the people in need. True, every context is unique and different, however, some characteristics are common. Therefore NGOs may develop decision matrices as guiding instruments in order to facilitate staying or withdrawal decisions. The high fluctuation of experienced staff within the NGO community is intensifying this need even more.

5.3. Revisiting the individual guiding principles

As mentioned in the introduction, NGOs need to revisit their guiding principles from time to time to react to political developments. More than ever, the established big NGOs are at a crossroads. They need to make a strategic analysis, if their guiding principles and ethical values, foremost the principle of independence, are still in sync with their actual work and funding. The principle of neutrality is often discussed as well, as human rights objectives sometimes are conflicting with neutrality or the perception of it is lost completely, as is the case in Iraq at

²³⁶ RedR. *Security specialists needed to protect humanitarian workers*. 13. Feb 2004. Internet on-line. Available from <<http://www.reliefweb.int/w/rwb.nsf/UNID>>. [2/14, 2004].

present. The environment for the purists of neutrality ('classicists' and 'minimalists') has deteriorated. As many organisations have to opt for compromised neutrality models, it became even more difficult for the ICRC, the frontline purists, to maintain their perception as neutral.

The new developments could lead to a redefinition of organisational guiding principles. There are two extremes of directions; one is to embrace the new trends, thus decreasing the threshold for importance of independence within the organization. This would imply, that the agencies could still apply for USAID funds or other governmental funds of agencies involved in recent conflicts. The second extreme would be to reinforce the principle of independence within the organisation with all its consequences, which would imply for US based NGOs, not to apply for funds from the US government. Already in Iraq the NGOs were split in their approach to the conflict and to the occupying power. As some, mainly US based NGOs accepted US Government funding and implicitly complied with the requirements of the government, other NGOs, primarily European, stayed distant and did not accept US or British money²³⁷ in order to conserve independence. Between these two extremes of decisions on independence and funding, there are several intermediate iterations of strategies, which might also be suitable for an individual organization. It also needs to be acknowledged, that there are no universal solutions for every conflict, in which agencies work.

5.3.1. Embracing the new developments

“There are clearly unusually high levels of tension between principles and institutional survival cutting across the humanitarian and wider international communities.”²³⁸ The option of not applying for governmental political funds while not being able to raise sufficient private funds does not appear as a good solution, as long as benign humanitarian assistance by an organisation could be provided. The option of embracing the new trends and to apply, for instance, for US funds when they are offered is therefore a fair approach to secure institutional survival and to fulfill the humanitarian imperative simultaneously. Some US-based NGOs have apparently chosen to take this path. Another argument for this strategy is, the claim to be more able to advocate with US authorities on several policy issues, due to the good trusted work relationship.

²³⁷ Alan Shawn Feinstein Intl. Famine Center. *The Future of Humanitarian Action Implications of Iraq and Other Recent Crises.* (2004). p.9.

²³⁸ Id. Alan Shawn Feinstein Intl. Famine Center, p.3.

5.3.2. Independence at all costs

Not to apply for ‘political funds’ while staying independent has two potential implications. First, the need for unconditional private funds would strongly increase. Hence the efforts on fundraising, while intensifying competition gains importance. The same can be said for a professional management of the ‘brand’ of the NGO. Thus media presence, particularly in the highly publicized emergencies gains more importance also. Both of these organisational necessities however have a potential downside involved. As private donations to social purposes are not growing significantly and are fluctuating a lot,²³⁹ there is high competition and financial risk involved. Hence not every NGO can go this way successfully. Second, a strategy of growth or organisational stability might have to be replaced by a healthy shrinking process in order to stay loyal to the humanitarian guiding principles. For some NGOs this means an internal discussion about the strategic direction. This should result in a clear decision, where the organisation stands regarding income growth and gaining market share.

MSF-USA used to apply for funds from USAID in the past, but had stopped for four main reasons, which reflect the different patterns of politicisation of humanitarian assistance.²⁴⁰ USAID contracts at present have terrorist protection regulations. Although MSF would not lack the will to comply with the principle of these regulations, they are considered to be impossible to safeguard in some critical contexts, for instance in Somalia. The second issue is of programmatic importance. USAID requires, that drugs be approved by the Federal Drug Association (FDA), thus inexpensive generic drugs are not allowed within USAID funded programmes by standard. As most anti-retroviral programmes on HIV/AIDS, are dependent on generic drugs this programmatic condition cannot be accepted. Third, as noted, USAID contracts in Iraq contain rules, where press releases of NGOs have to be authorised beforehand by USAID, clearly restricts the independence of these funded NGOs. The fourth reason, not to take USAID funds, is a traditional one. In order to stay neutral and independent, funds from donor countries involved in a conflict are excluded. This would exclude USAID funds for example in Colombia, Haiti, Palestine, Afghanistan or Iraq. Interestingly, MSF states that their relationship and their lines of

²³⁹ As for instance Sept. 11 caused a temporary fall in private donations for humanitarian purposes

²⁴⁰ Interview with Catrin Schulte-Hillen, Program Director MSF-USA. (24 March 2004, New York).

communication with USAID are not harmed, although they do not apply for funds. On the contrary, as they can stay independent, they may be perceived in a more unbiased manner.²⁴¹

In summary, it can be concluded that it gets more and more difficult to stay independent and many NGOs have to struggle with it, thus many will choose to pursue compromised strategies between the two main alternatives, hence being able to conserve partial independence.

5.3.3. Funding

As explained, funding is the biggest constraint for independence. Nicholas Leader called it the “political economy of the humanitarian system” how the relationship to donors affect the NGOs’ attitude and safeguarding of principles.²⁴² Similarly as mentioned for MSF, most other NGOs have developed country specific donor policies. They are not applying for funds for instance, if the donor country is politically or even militarily involved in the conflict, which created the emergency. This means, funds may be taken from a donor government in one country, but applications are excluded within critical contexts. This allows at least some flexibility on a global level and gives some financial flexibility to avoid the ‘independence pitfall’. Some international NGOs are also shifting parts of their funding, while using alternative donors, such as ECHO (European Commission Humanitarian Office) in Europe. As Emery Brusset and Christine Tiberghien stated in their analysis on European humanitarian action “over the years, ECHO has proved surprisingly successful at insulating itself from external intervention by member states and the other external relations services and from the Common Foreign and Security Policy.”²⁴³ ECHO is or might be therefore a reasonable funding alternative to USAID or DfID for some international NGOs, as long as they have branches in Europe. International Medical Corps for instance, a US NGO, opened a branch office in London a few years ago to be able to apply for ECHO funds. The share of humanitarian assistance going to Europe based NGOs grew from 1997 to 1999 to 63.6% of all assistance. However, also ECHO may risk being more co-opted into European crisis response mechanisms in the future and thus may become more subordinated under political strategies. This needs to be closely monitored by NGOs in the future.

²⁴¹ Interview with Catrin Schulte-Hillen, Program Director MSF-USA. (24 March 2004, New York).

²⁴² Nicholas Leader. The Politics of Principle: the principles of humanitarian action in practice. HPG Report 2 (March 2000).

²⁴³ In J. Macrae. The New Humanitarianisms: A review of trends in global humanitarian action. HPG Report 11 (April 2002), p.56.

6. CONCLUSION

As laid out in this paper, there is an accelerating trend of shrinking the ‘humanitarian space’ framework in many contexts. Within these trends the ‘war on terrorism’ appears more as a catalyst and less a basic condition for the developments, which erode humanitarian principles. Although the current Iraq conflict is among the most complex political and ethical scenarios humanitarian NGOs have faced, the dilemmas do not appear to be unique. Present problems are very likely to continue in variations after Iraq and Afghanistan in other crisis zones. Regarding the humanitarian guiding principles, the perception of neutrality will be lost in more conflicts to come. Organisational independence is already overstretched for many relief NGOs and was even more compromised by some agencies in Iraq. Hence the efforts of the aid community should focus on safeguarding the principles of humanity and impartiality as a ‘must have’ priority. However, this should not be interpreted, as neutrality and independence would have to become obsolete. Humanitarian NGOs should keep them as important guiding principles. The principles “represent the most detailed compromise yet achieved between military necessity and humanitarianism.”²⁴⁴ They are still functioning in some of the most complex emergencies and there are no better humanitarian alternatives yet available. Nevertheless it may be acknowledged, that neutrality and independence slipped by force to a ‘good or nice to have’ priority for many NGOs in recent crises. This is particularly the case for conflicts with Western donor countries as belligerents or supporting party to the conflict. In this regard, it will not be possible to disentangle the agenda of the humanitarian enterprise from political considerations and interests of the donor countries in the Northern hemisphere. For the humanitarian NGOs this means, that their working environment will get even more complicated than it used to be. Given the dependence of humanitarian organisations on funding from donor governments, the politicisation of aid and coherence of political and humanitarian imperatives will likely reshape the ‘supply’ side of humanitarian assistance. Hence this will restructure the NGO community, if they are not prepared to unify themselves around core values.

²⁴⁴ Nicholas Leader. *The Politics of Principle: the principles of humanitarian action in practice*. HPG Report 2 (March 2000).

ANNEX

List of Acronyms

ACBAR	Agency Coordinating Body for Agency Relief
ACF	Action contra la Faim (ACF)
ALNAP	Active Learning Network for Accountability and Performance in Humanitarian
Action	
ANBP	Afghan New Beginnings Programme
ATA	Afghan Transitional Administration
CHAD	Conflict and Humanitarian Affairs Department
DDR	Disarmament, Demobilization and Reintegration
DFID	Department for International Development
DHA	Department for Humanitarian Affairs
DSRSG	Deputy Special Representative of the Secretary General
ECHO	European Community Humanitarian Office
ECOWAS	Economic Community of West African States
FDA	Federal Drug Association
HRW	Human Rights Watch
IASC	Inter-Agency Standing Committee
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IFRC	International Federation of the Red Cross
IRC	International Rescue Committee
IOM	International Organisation for Migration
ISAF	International Security Assistance Force
IMTF	Integrated Mission Task Force
KFOR	Kosovo Force (NATO)
KLA	Kosovo Liberation Army
MoPH	Ministry of Public Health
MSF	Médecins sans Frontières or Doctors without Borders
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
NRC	Norwegian Refugee Council
OCHA	UN Office for the Coordination of Humanitarian Affairs
OEF	Operation Enduring Freedom
OFDA	Office of Foreign Disaster Assistance
ORHA	Office of Reconstruction and Humanitarian Assistance for Iraq
PPA	Performance based project agreements
PKO	Peacekeeping operations
SRSG	Special Representative to the Secretary General
UN	United Nations
UNAMA	United Nations Assistance Mission Afghanistan
UNAMI	United Nations Assistance Mission in Iraq
UNDP	United Nations Development programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMIK	United Nations Mission in Kosovo
UNMOVIC	United Nations Monitoring, Verification and Inspection Commission (Iraq)
UNSMIA	United Nations Special Mission to Afghanistan

US	United States
USAID	United States Agency for International Development
WFP	World Food Program
WHO	World Health Organization

Bibliography

- 1) Struck in Afghanistan: Man muss mit Anschlägen rechnen. *Süddeutsche Zeitung* Ausland 31.01.2004.
- 2) Interview with Catrin Schulte-Hillen, Program Director MSF-USA. 24 March 2004.
- 3) Iraq: A wider war, a wider worry. *The Economist* April 10, 2004 2004.
- 4) Peacekeeping in Sierra Leone, UNAMSIL hits the home straight. Monograph No. 68 2004.
- 5) Afghanistan: Biting the hand that feeds. *The Economist* , no. 4th Oct. 2003: 41. 2003.
- 6) Beyond Kabul. Peacekeeping finally expands. Sort of. *The Economist* 40-41. 2003.
- 7) In Kundus brauchen wir die Bundeswehr nicht. *Die Welt* , no. 29th Aug. 2003: 2003.
- 8) Iraq and the UN: We won't be sacrificial lambs. *The Economist* , no. 30th Aug. 2003: 33. 2003.
- 9) Second Joint Donor Mission to Afghanistan on the Health, Nutrition, and Population Sector - Aide Memoire. In 2002.
- 10) ACBAR (Agency Coordinating Body for Afghan Relief). Provincial Reconstruction Teams and the Security Situation in Afghanistan. 3. 2003.
- 11) Afghan Assistance Coordination Authority. *Provincial-Level Performance-Based Partnership Agreements*. Internet on-line. Available from <http://www.afghanistangov.org/aaca/procurement/spn/Health%20Sector.html>>. [Dec 27, 2003].
- 12) Alan Shawn Feinstein Intl. Famine Center. The Future of Humanitarian Action Implications of Iraq and Other Recent Crises. 22 2004.
- 13) Amnesty International. *Iraq - Responsibilities of the occupying powers*. April 16, 2003 2003. Internet on-line. Available from <http://web.amnesty.org/library/print/ENGMDE140892003>>. [Dec 30, 2003].
- 14) Barry, Jane, Anna Jefferys. A bridge too far: aid agencies and the military in humanitarian response. 37 1-30. 2002.
- 15) Bhatia, Michael, Jonathan Goodhand, Haneef Atmar, Adam Pain, and Mohammed Suleman. Profits and poverty: aid, livelihoods and conflict in Afghanistan. HPG Report 13 1-24. 2003.
- 16) Bishop, James K. Combat role strains relations between America's military and its NGOs. *Humanitarian Affairs Report* Summer 2003. : 26-30.
- 17) Bouchet-Saulnier, Françoise. *The practical guide to humanitarian law*. Lanham, Md.: Rowman & Littlefield Publishers 2002.
- 18) Brahimi, Lakhdar. Briefing to the Security Council. UN Verbatim Transcript 2001.

- 19) Brinkley, Joel. American companies rebuilding Iraq find they are having to start from the ground up. *New York Times Middle East*, no. 22 Feb. 2004: 22 Feb. 2004.
- 20) Cahill, Kevin M. *A framework for survival : health, human rights, and humanitarian assistance in conflicts and disasters*. New York: Routledge 1999.
- 21) CARE USA. *Aid Workers Under Attack in Afghanistan*. 7th Oct 2003 2003.
- 22) CARE -USA. *Two years after Taliban's fall, CARE says costs of insecurity are rising*. 12th Nov. 2003 2003. Internet on-line. Available from <<http://www.reliefweb.int/w/rwb.nsf/9ca65951ee22658ec125663300408599/dc86e4710097522785256ddc00809f9e?OpenDocument>>. [Nov 14, 2002].
- 23) Carey, Henry F., and Oliver P. Richmond. *Mitigating conflict : the role of NGOs*. London ; Portland, OR: F. Cass 2003.
- 24) Chairmen's Report of an Independent Task Force. *Afghanistan: Are we losing the peace?* 1-24. 2003.
- 25) Chesterman, Simon. Walking Softly in Afghanistan: the Future of UN State-Building. *Survival* 44, no. no. 3 Autumn 2002. : 37-46.
- 26) Chesterman, Simon. The New Interventionism. In *Just War or Just Peace? Humanitarian Intervention and International Law*. 2001.
- 27) Curtis, Devon. Politics and Humanitarian Aid: Debates, Dilemmas and Dissension. HPG Report 10 April 2001.
- 28) Davis, Austen. Same aims, different means? 70-3. January 2003.
- 29) De Torrente, Nicolas. Humanitarian Action Under Attack: Reflections on the Iraq War. *Harvard Human Rights Journal* 17, no. Spring 2004 2004.
- 30) Deutsche Welle. *Humanitarian Aid - a new Political and Military tool?* 24 huly 2003 2003. Internet on-line. Available from <http://www.deutschewelle.de/dwelle/cda/detail/dwelle.cda.detail.artikel_drucken>. [01/16, 2004].
- 31) Dobbins J., McGinn J.G., Crane K., Jones S.G., Lal R., Rathmell A., Swanger R., and Timilsina A. Kosovo. In *America's Role in Nation-Building: From Germany to Iraq*. RAND Corp. 2003.
- 32) Duffield, Mark R. *Global governance and the new wars : the merging of development and security*. London ; New York; New York: Zed Books; Distributed in the USA exclusively by Palgrave 2001.
- 33) Fisher, Ian, Elizabeth Becker. Aid Workers Leaving Iraq, Fearing They Are Targets. *The New York Times International, Middle East*, no. October 12, 2003: 2003.
- 34) Flottau, Heiko. Unheilige Allianz am Werk. *Süddeutsche Zeitung* , no. 28 Oct. 2003: 2003.
- 35) Gall, Carlotta. U.S: Expanding G.I. Presence in Afghanistan to Permit Aid Work. *The New York Times International Asia*, no. Dec. 22, 2003: 2003.
- 36) Gettleman, Jeffrey. Chaos and War Leave Iraq's Hospitals in Ruins. *New York Times Middle East* 14 Feb. 2004.
- 37) Gidley, Ruth. *Interview: Companies winning few friends in Iraq-MERLIN*. Feb. 02, 2004 2004. Internet on-line. Available from <http://www.alertnet.org/printable.htm?URL=/the_facts/reliefresources/107573954321.htm>. [Mar. 02, 2004].

- 38) Grünewald F., Bousquet C., Levron E., Dufour C., and Maury H. Quality Project in Afghanistan -Mission Two. 38. 2003.
- 39) Haroff-Tavel, Marion. *Principles under fire: does it still make sense to be neutral?* 4 Feb. 2004 2004. Internet on-line. Available from <www://www.icrc.org/web/eng/siteeng0.nsf/html/>. [2/14, 2004].
- 40) Harrison, Penny. The Strategic Framework and Principled Common Programming: a challenge to humanitarian assistance. *Humanitarian Exchange* 2003, no. 9th Sept. 2003 2001. : 4.
- 41) Henry Dunant Centre for Human Dialogue. Politics and Humanitarianism Coherence in Crisis? 24. 2003.
- 42) Hoge, Warren. Unrest in Iraq Complicates U.N. Plans There, Annan Says. *New York Times* , no. April 13, 2004: 2004.
- 43) Hoge, Warren. Annan Resists Calls to Send U.N. Staff Back to Baghdad. *The New York Times Middle East*, no. 28 Dec. 2003: 2003.
- 44) Humanitarian Policy Group. The New Humanitarianisms: A Review of Trends in Global Humanitarian Action. HPG Report 11 1-38. 2002.
- 45) Humanitarian Practice Network. The Brahimi report: politicising humanitarianism? *Humanitarian Exchange* 18, no. March 2001 2001. : 1-55.
- 46) Internat. Crisis Group. Afghanistan: the problem of Pashtun alienation. 2003.
- 47) International Committee of the Red Cross. Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War. 1949.
- 48) International Crisis Group. Joint Statement by The International Crisis Group, Care International, and the International Rescue Committee on The Expansion of the International Security Assistance Force in Afghanistan. 1. 2003.
- 49) International Crisis Group. Peacebuilding in Afghanistan. ICG Asia Report No. 64 1-24. 2003.
- 50) International Crisis Group. War in Iraq: Managing Humanitarian Relief. ICG Middle East Report No. 12 32. 2003.
- 51) International Crisis Group. *Securing Afghanistan : the need for more international action*. Kabul ; Brussels: International Crisis Group 2002.
- 52) International Security Assistance Force. 3rd Nov 2003 2003. Internet on-line. Available from <<http://www.afnorth.nato.int/ISAF/index.htm>>. [8th Nov 2003, 2003].
- 53) Intl. Committee of the Red Cross. Wir müssen einen Schritt zurück treten. *süddeutsche.de/AP/dpa* 2003.
- 54) Intl. Federation of the Red Cross, Red Crescent, and ICRC. Code of Conduct in Disaster Relief. 1995.
- 55) James, Eric. Two steps back: Relearning the humanitarian-military lessons learned in Afghanistan and Iraq. *Journal of Humanitarian Assistance* Oct.2003 2003.
- 56) Johnson, Chris, Loslyon Leslie. Coordination Structures in Afghanistan. 2002.
- 57) Kaldor, Mary. *New and old wars : organized violence in a global era*. Stanford, Calif.: Stanford University Press 2001.

- 58) King, Dennis. *Chronology of Humanitarian Aid Workers killed in 1997-2001*. Jan. 15, 2002 2002. Internet on-line. Available from <<http://www.reliefweb.int/symposium/NewChron1997-2001.html>>. [April 11, 2004, 2004].
- 59) Leader, Nicholas. *The Politics of Principle: the principles of humanitarian action in practice*. HPG Report 2 March 2000.
- 60) Lindenberg, Marc. *Complex Emergencies and NGOs: The Example of CARE*. In *Humanitarian Crises*. Cambridge, MA: Harvard University Press 1999.
- 61) Lindenberg, Marc, and Coralie Bryant. *Going Global: Transforming Relief and Development NGOs*. Bloomfield, Connecticut: Kumarian Press 2001.
- 62) Lobe, Jim. *NGOs in the US firing line*. Internet on-line. Available from <<http://www.atimes.com/atimes/printN.html>>. [Nov 22, 2003].
- 63) London School of Hygiene & Tropical Medicine. *Health Policy Formulation in Complex Political Emergencies and Post-conflict Countries*. 47. 2002.
- 64) Mackintosh, Kate. *The Principles of Humanitarian Action in International Humanitarian Law*. HPG Report 5 March 2000.
- 65) Macrae, J. *The New Humanitarianisms: A review of trends in global humanitarian action*. HPG Report 11 1-67. April 2002.
- 66) Macrae, Joanna, Adele Harmer. *Humanitarian action and the 'global war on terror': a review of trends and issues*. July 2003. : 1-72.
- 67) Macrae, Joanna, Nicholas Leader. *The Politics of Coherence: Humanitarianism and Foreign Policy in the Post-Cold War Era*. Nr. 1 1-6. 2000.
- 68) Macrae, Joanna, Nicholas Leader. *Shifting Sands: The search for 'coherence' between political and humanitarian responses to complex emergencies*. HPG report 8 1-81. 2000.
- 69) Mahony, Liam. *Military Intervention in Human Rights Crises: Responses and Dilemmas for the Human Rights Movement*. 24. 2001.
- 70) Malan, M., Meek S., Thusi T., Ginifer J., and Coker P. *Sierra Leone - Building the Road to Recovery*. Monograph No. 80 March 2003.
- 71) Management Sciences for Health. *Local Organization Awarded Grant to Expand Health Services*. 2002.
- 72) McNamara, Dennis. *Aid business cannot go on as usual*. 2. 2003.
- 73) Médecins sans Frontières USA. *Iraq: Independent Humanitarian Aid under Attack*. 2003.
- 74) Minear L., Clark J., Cohen R., Gallagher D., Guest I., and Weiss T. G. *Humanitarian Action in the Former Yugoslavia: The U.N.'s role 1991-1993*. Providence: Thomas J. Watson Jr. Institute for International Studies 1994.
- 75) Minear, Larry. *NGO Involvement in Iraq: A Moment of Truth for the Humanitarian Enterprise*. July 2003. Internet on-line. Available from <<http://www.fpif.org>>.
- 76) Minear, Larry. 1999. *NGO Policy Dialogue VI: NATO and NGOs during the Kosovo Crisis*. In Tufts University.

- 77) Minear, Larry, and Thomas G. Weiss. *Mercy under Fire - War and the Global Humanitarian Community*. Boulder: Westview Press Inc. 1995.
- 78) Minear, Larry. *The humanitarian enterprise : dilemmas and discoveries*. Bloomfield, Conn.: Kumarian Press 2002.
- 79) Münch, Peter. Im Krieg und in der Pflicht. *Süddeutsche Zeitung* , no. 28 Oct. 2003: 2003.
- 80) NATO. *NATO in Afghanistan (ISAF 4)*. 19th Nov 2003 2003. Internet on-line. Available from <<http://www.nato.int/issues/afghanistan/index.htm>>. [19th Nov, Nov 2003].
- 81) Natsios, Andrew. *NGOs and the UN in Complex Emergencies: Conflict or Cooperation?* 1996.
- 82) OCHA Irin News. *Afghanistan: First international peacekeeping forces deployed outside Kabul*. 27th Oct. 2003 2003.
- 83) OCHA, IRIN N. *Afghanistan: UN restricts staff movements in Kandahar after car bombing*. 12th Nov. 2003 2003.
- 84) Open Society Institute/UN Foundation. *Reconstructing Iraq: A Guide to the Issues*. 77. 2003.
- 85) O'Shea, Brendan. The future of UN peacekeeping. *Studies in Conflict and Terrorism* 25, no. 2 2002. : 145-148.
- 86) Overseas Development Institute. *International Humanitarian Action: A Review of Policy Trends*. ODI Briefing Paper 4. 2002.
- 87) Oxfam. *Aid workers face ongoing danger, rampant insecurity stalls restoration of basic services*. 2nd Oct. 2003 2003. Internet on-line. Available from <<http://www.reliefweb.int>>.
- 88) Porter, Toby. *The interaction between political and humanitarian action in Sierra Leone, 1995 to 2002*. 19th March 2003 2003. Internet on-line. Available from <<http://www.reliefweb.int/w/rwb.nsf/vID>>. [Jan. 10, 2004].
- 89) Porter, Toby. The partiality of humanitarian assistance - Kosovo in comparative perspective. *The Journal of Humanitarian Assistance* 2000.
- 90) Rashid, Ahmed. Afghanistan Imperiled. *The Nation* 2002.
- 91) RedR. *Security specialists needed to protect humanitarian workers*. 13. Feb 2004. Internet on-line. Available from <<http://www.reliefweb.int/w/rwb.nsf/UNID>>. [2/14, 2004].
- 92) Reuters AlertNet. *Viewpoint: When the Red Cross is the target*. 18 Nov 2003 2003. [2 March, 2004].
- 93) Rieff, David. *A bed for the night : humanitarianism in crisis*. New York, N.Y.: Simon & Schuster 2002.
- 94) Rinke A., Ziener M. Nato denkt an 32 Wiederaufbau-Teams. *Handelsblatt* , no. 27th Nov 2003: 2003.
- 95) Schröder, Alwin. Afghanistans Helfer in Not. *Spiegel Online* , no. 23. Dez. 2003: 2003.
- 96) Slim, Hugo. *International Humanitarianism's Engagement with Civil War in the 1990's*. Briefing Paper for Action Aid/UK 15. Dec. 1997, posted 3 June 2000.
- 97) Slim, Hugo. *A Call to Alms - Humanitarian Action and the Art of War*. 2004.

- 98) Slim, Hugo. Humanitarianism with Borders? NGOs, Belligerent Military Forces and Humanitarian Action Paper for the ICVA Conf. on NGOs in Changing World Order: Dilemmas and Challenges (Geneva 14 Feb. 2003). *The Journal of Humanitarian Assistance* 2003. : 6.
- 99) Slim, Hugo. Military Intervention to Protect Human Rights: The Humanitarian Agency Perspective Background Paper: Meeting on Military Intervention and Human Rights. Prepared for the International council on Human rights Policy. 17. 2001.
- 100) Slim, Hugo. Fidelity and Variation: Discerning the Development and Evolution of the Humanitarian idea. *The Fletcher Forum of World Affairs* Spring 2000 2000.
- 101) Smillie, Ian, Larry Minear. The Quality of Money - Donor Behavior in Humanitarian Financing. April 2003.
- 102) Spiegel Online. *Bundeswehr befürchtet Anschläge afghanischer Drogenbarone*. 17 Jan. 2004 2004. Internet on-line. Available from <<http://www.spiegel.de/politik/ausland/0,1518,druck-282336,00.html>>. [Jan 17, 2004].
- 103) Stoddard, Abby. The US and the 'bilateralisation' of humanitarian response. Background Research for HPG report 12 1-8. Dec 2002.
- 104) Stoddard, Abby. Trends in US humanitarian policy. 3 1-4. 2002.
- 105) Tanguy, Joelle, Fiona Terry. On Humanitarian Responsibility. *Ethics & International Affairs* 13 1999.
- 106) Tauxe, Jean-Daniel. 2000. The ICRC and civil-military cooperation in situations of armed conflict. In , edited by ICRC, .
- 107) Terry, Fiona. The military and refugee operations. *Humanitarian Exchange* 19, no. Sept. 2001 2001.
- 108) The Associated Press. Annan Rules Out Large UN Team for Iraq. *New York Times* 2004.
- 109) The Associated Press. U.N. Employee Killed in Afghanistan. 2003.
- 110) The Center for Humanitarian Cooperation. The Provincial Reconstruction Team (PRT) in Afghanistan and its Role in Reconstruction. May 2003.
- 111) Thompson, Larry, Michelle Brown. *Security on the Cheap: PRTs in Afghanistan*. 07th July 2003 2003. Internet on-line. Available from <<http://www.refugeesinternational.org/cgi-bin/ri/bulletin?bc=00613>>. [21st Nov, 2003].
- 112) Tufts e-news. *Aiding a War Zone*. [April 15, 2004, 2004].
- 113) Ulrich, Stefan. Terror im Irak - Die geschockten Helfer. *Süddeutsche Zeitung* , no. 28 Oct. 2003: 2003.
- 114) UN. Report of the Secretary-General on Implementation of the recommendations of the Special Committee on the Brahimi Report. (A/55/977 - 1st June 2001) 2001.
- 115) UN. Report of the Panel on UN Peace Operations (Brahimi Report). (S/2000/809, Aug. 2000) 2000.
- 116) UN. Report of the Secretary-General on implementation of the Report of the Panel on UN Peace Operations (Brahimi Report). (A/55/502) 20th Oct. 2000 2000.
- 117) UN Assistance Mission to Afghanistan. 2003. Internet on-line. Available from <<http://www.unama-afg.org/>>. [5th Nov. 2003, 2003].

- 118) UN Secretary General. Supplement to an Agenda for Peace: Position Paper of the SG-General on the Occasion of the 50th Anniversary of the UN. A/50/60-S/1995/1 19. 1995.
- 119) UN Secretary General (B.B. Ghali). An Agenda for Peace Preventive diplomacy, peacemaking and peace-keeping Report to the Security Council. A/47/277-S/24111 1-18. 1992.
- 120) UN Security Council. Resolution 1441. S/RES/1441 8 Nov. 2002.
- 121) UN Security Council. Resolution 1483. S/RES/1483 (2003) 22 May 2003.
- 122) UN Security Council. Report of the Security Council mission to Afghanistan, 31 Oct. to 7 Nov. 2003. S/2003/1074 1-15. 2003.
- 123) UN Security Council. Resolution 1471. S/RES/1471 2003.
- 124) UN Security Council. Resolution 1510. S/RES/1510 2003.
- 125) UN Security Council. *SC establishes UN Assistance Mission in Iraq, welcomes creation of Governing Council-Resolution 1500 (2003)*. 14 Aug. 2003. Internet on-line. Available from <<http://www.reliefweb.int/w/rwb.nsf/vID>>. [2/14, 2004].
- 126) UN Security Council. Resolution 1401. 2002.
- 127) UN Security Council. Resolution 1386. S/RES/1386 2001.
- 128) UN Security Council. Resolution 1296. S/RES/1296 2000.
- 129) UNDP. *From Peacekeeping to Peacebuilding: UN Strategy to Support National Recovery & Peacebuilding in Sierra Leone (Executive Summary)*. 28 Oct. 2002 2002. Internet on-line. Available from <<http://www.reliefweb.int/w/rwb.nsf/vID>>. [Jan. 10, 2004].
- 130) United Nations. *Report of the Independent Panel on the Safety and Security of UN Personnel in Iraq*. 20 Oct. 2003. Internet on-line. Available from <<http://www.reliefweb.int/w/rwb.nsf/vID>>. [2/14, 2004].
- 131) USAID. *Assistance for Iraq*. Internet on-line. Available from <<http://www.usaid.gov/iraq/contracts/ph.html>>. [2/15, 2004].
- 132) Vick, Karl. Facing Different Kind of War, Aid Groups in Iraq Adopted Lower Profile. *Washington Post*, no. 29 th Sept. 2003: 2003.
- 133) Von Pilar, Ulrike. 1999. Humanitarian Space under Siege - Some Remarks from an Aid Agency's Perspective. In Médecins sans Frontières Germany.
- 134) Waldman, Amy. Afghanistan: Faltering Progress, Security Fears. *New York Times A*, no. 19th Sept. 2003: A10. 2003.
- 135) Weiss, Thomas G. (includes Responses by Cornelio Sommaruga, Joelle Tanguy and Fiona Terry, David Rieff). The Humanitarian Identity Crisis. *Ethics & International Affairs* 13 1999. : 1-42.
- 136) Weissman, Fabrice. In the Shadow of Just Wars - Violence, Politics and Humanitarian Action. April, 2004.

Map of Iraq



Map of Afghanistan

