

The political dimension of humanitarian action. Rethinking the humanitarian space

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I. Introduction

In recent years, it is often said since the Cold War ended, we have been witnessing a rapid escalation of internal conflicts among developing countries. Right now, approximately twenty-tree wars are raging around the world. Most of them are called *complex emergencies*. There, conflict combines with large-scale displacement of people, fragile, failing or collapsed economic, political and social institutions. Among complex emergencies' characteristics can also be mentioned: high number of casualties, those no-combatants theoretically protected under IHL; massive and systematic violence against civilians, who are indeed deliberately targeted and converted in a new weapon; widespread disregard of the *ius in bello*, that western states have codified without enforcement mechanisms, a part from the willingness of the parties in conflict.

Complex emergencies are multifaceted and intricate phenomena, an explosive mixture constituted of different elements often, but not always, combined all together: the scars of the colonial period and of Cold War confrontations; the dilemmas originated by neo-liberal policies and structural adjustments, imposed by IMF and WB; exclusion and marginalisation dynamics, generated by the globalisation. Root causes of complex emergencies are a combination of economic/territorial disputes, ethnic/religious tensions, political power struggles, discontent for social injustice, sometimes detonated by natural disasters, some-

times detonating them. Most of these complex emergencies end up becoming so called chronic emergencies, a contradiction of terms that well indicate especially conflicts where when the economy of war results more lucrative than peace for the parts in conflict (and not only for them). Summing up, complex emergencies are humanitarian in outcomes and political in causes; for that, someone alludes to them (with a clear political intent, as explained in the following pages) as complex humanitarian emergencies, some others name them complex political emergencies, and some others as the output not «of a sick state in need of healing and capable of recovery, but that of a transforming society adapting to marginalisation and impoverishment in innovative but exceedingly brutal non-state ways. These societies, for whom classical notions of borders and government are increasingly irrelevant, are therefore transitioning fast but not towards liberal democracy»¹.

In this ambiguous, challenging context, complicated by the Post Cold War new geopolitical balances and interests, No Governmental Humanitarian Agencies (hereinafter NGHAs) have been called upon a more proactive role for the resolution of those conflicts. And the NGHAs have indeed picked up the gauntlet, integrating ambitious objectives to their job (human rights, development continuum/ contiguum and peace-building) and to support, not duplicating, military humanitarian interventions. Humanitarian Agencies have therefore found themselves more and more involved in political issues, beside political actors,

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¹ Slim (1997).

i.e. States and International Organizations. At the same time, they have assisted to a progressive inclusion of the humanitarian action in the political agenda of the States, in the framework of a corresponding diminution of the international will to engage in complex scenarios; to an increasing militarization of aid, till the declaration of humanitarian wars, where humanitarian organizations' task is, paradoxically, to contain the humanitarian effects of military humanitarian interventions; and, finally, to the use of humanitarian actions as a *panacea* to forgotten crisis (as Chechnya).

The fact that the deployment of emergency relief in war affected areas has been quite often ending up in a disaster itself; that financing aid is becoming for western States the main, when not the only form of intervention in case of a crisis; and that the New Political Humanitarianism(s) seems to encourage this trend, is causing among many Humanitarian Agencies the re-thinking of their mission and mandate. Indeed, the proximity of the New Political Humanitarianism(s) to foreign policy objectives and actions has often resulted in gross violations of the principle of impartiality, which prescribes the adjustment of aid exclusively on the base of the needs of the population in danger. Similarly, universality has been progressively substituted with the accomplishment of technical conditions (or, better said, submitted to political conditionality); independence has been reduced to a boast of few organizations; and neutrality, now perceived as an empty word, does not any more guarantee security to humanitarian personnel nor safe access to the affected populations.

Humanitarian Agencies have thus found themselves stalled in a dilemma, which is ethical in theory and political in practice. Is emergency relief tackling the symptoms, but not the root causes of complex emergencies, humanitarian? Should NGHAs integrate a political component to their job, would this compromise the humanitarian imperative and the principles of impartiality, universality, neutrality and independence? Is humanitarian action contributing to exempt State from a more direct involvement in complex emergencies? Is there a place for humanitarian action in international politics? If yes, what is that place and what form can that action take?

This work aims to explore these questions. It is divided in two sections: in the first one, we will try to (re)define the humanitarian space from an ethical perspective; in the second one, on the base of the previous findings, suggest operative tools. To identify an ethical framework for humanitarian actions, the first chapter will go back over the historical evolution of the humanitarian idea. Starting with a description of the two classical currents, humanism and humanitarianism, in the further sections the attempts to combine the humanitarianism and the humanism currents, the arousing of the New Political Humanitarianism(s), until the recent military-civil cooperation and integrated approaches, will be outlined. This evolution, as we will see, far from expanding the humanitarian space, has indeed caused its deterioration and blurred the humanitarian principles. The first chapter concludes suggesting a minimum ethical framework for Humanitarian Agencies. In the second part of the work, the possibility for NGHAs to make of politics a tool while respecting the ethical framework previously identified will be reasoned. In the framework of humanitarian interventions in the pursuance of justice, it will be discussed how politics can become a valuable instrument to correctly integrate human rights and humanitarian action. In conclusion, the activities that NGHAs having either protection or assistance mandates, and those having both, can implement without jeopardizing their humanitarian imperative and its governing principles of neutrality, impartiality and independence will be analysed.

Multidimensional analysis of the context (political, economical, social and cultural) at macro and micro level, attentiveness to the dynamics of the economy of war, to the structural and immediate causes of a conflict, lection learning, advocacy, education and sensitisation, cultural sensibility and proximity, networking, coordination and collaboration, are political tools which enable NGHAs to accomplish their humanitarian imperative to prevent and alleviate suffering while responding to the human claim for justice. These tools can therefore design a peaceful space for humanism and humanitarianism to revolutionarily meet.

Part I: Humanism, humanitarianism, new political humanitarianism. Where are we heading to?

Since its beginning humanitarian action has been guided by ethical principles. Far from being static, these principles, which ultimately represent fundamental objectives to orientate action², have been codified, institutionalised, criticized, modified and sometimes opportunistically adapted to circumstances. Especially in the last years this ethic of pragmatism seems to prevail. But it is now time for NGHAs to agree and explicit the set of principles and values which must lead their action³ to avoid political space to prevail and prevent that, «caught in an ambivalent discourse fluctuating amidst a national disorder that does not integrate it and an international order that manipulates it, humanitarianism *became soon* dead letter, an extinct doctrine»⁴. In their report⁵ about the origins and evolution of the concept of coherence and its implications for the humanitarian system, Macrae and Leader conclude with these recommendations: «While NGHAs call for political action, they are uneasy regarding the “politicisation” of humanitarian assistance. NGHAs therefore need to articulate more clearly and consistently their institutional relationships with, and understanding of, “politics” in recipient and donor countries. Such a clarification implies recognition of the potential conflict between humanitarian principles and NGHAs claims to contribute to peace-building and developmental objectives. Poor adherence to humanitarian principles by NGHAs undermines their claim for unconditional and unregulated access to public funds. These agencies should therefore review their commitment to these principles and agree mechanisms by which adherence to them can be enhanced».

How is that «humanism has been reduced to humanitarianism, humanitarianism has become a substitute for politics, worst of all, humanitarianism has become a politics in itself»⁶? Each of these phases will be analysed in the next sections, while in the last, clear the difference (not incompatibility) between humanism and humanitarianism, we will focus on the possibility to recover a genuine ethical framework for humanitarian agencies.

1. Humanism and humanitarianism

Behind the crisis of theory in NGHAs' practice in war lies, in the words of Slim⁷, a «more fundamental crisis of values». This crisis of values has been presented as a clash between humanitarianism and humanism; resumed in the difficulty for NGHAs to choose between responding to the right to life or the right to justice, or in the tension between the twofold concern of humanitarianism: assistance and protection. «This tension is essentially the healthy frustration which comes from realising that saving life is not enough when wider human rights abuses endanger that life in the first place and continue unabated with, without or even because of humanitarian relief»⁸. Caught in this dilemma NGHAs have started to re-think their role, challenge the intimate validity of the two classical currents, humanism and humanitarianism, and discuss their adherence to them.

The differences between the two currents can be resumed as follows: «Humanism attempts to humanize the world, to pacify it, to change it, while...Humanitarianism struggles to humanize war, to limit its effects. One cares about the quality of life, the other about the life itself; one is about rights, the other about health; in one humans recognize each other by their common natural characteristics (all human are equal), in the other suffering is the identifying element (all victims are equal)»⁹. I.e., Humanitarianism cares about the individuals in time of war (the victims), while Humanism of the individuals in time of peace. This separation is actually more terminological than evident¹⁰, but has indeed legitimated two separated codes: namely International Humanitarian Law and Human Rights Law. And although this separation could be justified in terms of application (International Humanitarian Law applies in times of war, while International Human Rights Law applies in times of peace), these two legal systems should be looked as the two sides of the same coin. This is particularly evident if we recognize that the objective of humanitarianism is to *prevent* and *alleviate* suffering. From this perspective, in fact, the subjects of humanitarian actions can not be exclusively the victims of a conflict.

² Minear, Weiss (1993).

³ Rey Marcos, De Currea-Lugo (2001:15).

⁴ Raich (1999: 48). Emphasis of the Author.

⁵ Macrae, Leader (2000).

⁶ Raich (1999: 36).

Humanitarianism is also often explained in terms of deontological ethics, which considers that political, socio-economic, and other consequences of the action must well be taken into account, but without compromising the lifesaving imperative that underpins humanitarian action. It is therefore identified with the idea of charity. Conversely Humanism, identified with the idea of justice, is explained in terms of theological ethics, which values actions according to their consequences.

From a different perspective, Humanitarianism and humanism are identified, respectively, with a realistic and idealistic posture. Assuming that war is a political matter, the former accepts war as a reality and assumes a neutral and apolitical stand before it. The latter, in the pursuance of justice and peace, calls for a politically responsible action.

Supported by the factual observation that, despite their good intentions, humanitarian actions can do harm and fuel conflicts, a critical movement inside the humanitarian system (reflecting, as we will see, the changed international environment), is therefore re-considering the humanitarianism, its deontological basis and the realistic position of those who think that humanitarian actions must have nothing to do with politics. All these premises lead in fact to detrimental results and charitable and conformist positions which must be rejected. To avoid them, Humanitarian actions should be instead context and conflict sensitive, socially, culturally and politically attentive and, developing the local capacities, have peace-building objectives. This movement advocates therefore for a more idealistic humanitarianism (*rights-based humanitarianism*) and refuses to see humanitarianism as separated from politics. Instead, politics has to shape humanitarian actions to produce responsible and politically informed responses to crisis, in the pursuance of justice and defence of human rights. I.e. NGHAs, should avoid philanthropy, and start standing for rights⁷.

The dilemma between humanism and humanitarianism is discussed by Slim in terms of conflict between protection and assistance. While the Author does not really see great difference

between humanism and humanitarianism, he suggests to NGHAs to strive for a «full humanitarianism», not an «heretical variant which, over-emphasising assistance or protection», would compromise one another. «Humanitarianism», says Slim, «is a human rights position which, under international humanitarian law, seeks to ensure the rights well beyond the physical right to life. In a war, people do often need food and protection, but while a certain form of relief food delivery is now well honed, the delivery of protection is still extremely problematic»¹².

More practical the perspective of Raich. In his essay *Ethical evolution of the humanitarian idea*, Raich points out in fact that the humanitarian problem does not lie obviously on the definition of the humanitarian idea but on the practical outcomes, on the effects of that definition on NGHAs' attitude in conflict scenarios. That is to say: if there are no particular objections when defining a humanitarian person as someone concerned and engaged in human welfare, more controversial is agreeing on the actions through which that humanitarian person will promote the human well-being. Depending on their perspective, relief organizations will act differently to pursue their objectives. And because arduous problems arise in practice when humanism and humanitarianism, protection and assistance mix up and violations of human rights are provided as justification for humanitarian interventions, the Author warns: «human rights and international humanitarian law are different and separated branches of international law, the mixture of which may provoke a nefarious confusion when it comes to its application»¹³. This happens when human rights' violations are merely reduced to the suffering of the victims of a conflict in need of humanitarian assistance. It has, in fact, allowed politicians to appoint humanitarian interventions as the answer to human tragedies, while relieving themselves from their political responsibilities. «Mixing the peacetime individual and the war time victim has created [a] moral and operational mess... principles have been debased, the application of the two legal codes confused, justice has been ridiculized, and the human suffering protracted»¹⁴. NGHAs should therefore recognize the risks of

⁷ Slim (1997).

⁸ Slim (1997).

⁹ Raich (1999:16).

¹⁰ Serrano, Verdú (2003:15).

¹¹ Slim (2002).

¹² Slim (1997).

¹³ Raich (1996: 21).

¹⁴ Raich (1996: 40-41) «the new approach proposed allows us, for humanitarian and human rights ethics' sake, to try to reform humanitarian intervention and to create a new specie called Humanity Intervention. This

extending humanitarian actions' objectives to include the protection of human rights from abuse, but at the same time advocate for an ethics of consequences, i.e. be aware that saving lives (in terms of stomachs filled) is not the most important goal and, without solving the problems, it would only «trivialize human rights»¹⁵.

2. From humanitarianism to the new political humanitarianism. A new humanitarian era?

Following the critics inside the humanitarian movement, the humanitarian approach to crisis has evolved. These critics do not account alone for such transformation. This evolution is, in fact, to be considered on the light of two main factors: the new geopolitical interests and context of the post-Cold War Era and the changed nature of war. The first has led to a series of profound changes in the relationship between the humanitarian and political spheres, the search for «coherence» being the most important one. The second factor has required humanitarian agencies (and not only) to re-think their

new brand would not save lives, the humanitarian would do that, but it would work to stop wrongdoing, reinforce institutions and bring justice to avoid future misdeeds... the narrow definition reflects much better not what humanitarian intervention is but what it should ideally be, while liberates human rights giving an opportunity to both humanism and humanitarianism to cut the threats of the immoral humanitarian marionette we have created».

¹⁵ Raich (1996).

¹⁶ Macrae, Leader (2000:11): «There are four categories of countries in her [i.e. US Secretary of State, Madeleine Albright] world-view: those that participate actively in international affairs and the global economy and abide by mutually agreed rules; those emerging democracies that seek to participate positively in international affairs because they accept that course as in the best interests of their people; rogue states that reject the benefits of positive participation in international affairs, suppress their people and often support terrorism; and states that have failed and are unable to provide the basic requirements of life and physical security for their people».

¹⁷ Macrae (2004).

¹⁸ Butros Ghali (1992).

¹⁹ Raich (1999: 35): «There is a fiction that collective security and humanitarian intervention are related thanks to the myth that refugees displacements constitute a threat to international peace...When the normative expansion for the protection of human rights is done based on the

approach to crisis. Both have not happened without direct impacts on humanitarian operations.

A NEW GLOBAL WORD...

In the afterwards of the Thaw, countries and conflicts were classified according to new strategic objectives¹⁶. Consequently, also international development cooperation came to acquire a new logic¹⁷. In the new global world, the receipt of the «liberal peace», appealing to free trade and democracy as universal values, applies everywhere. With its «Agenda for Peace»¹⁸, the world, embodied by the Security Council, targets human poverty as a threat¹⁹ to global security and peace²⁰, re-defines the problem of global security in terms of «human security» and thus, in the name of the universality of human rights²¹, erodes the principle of sovereignty, proclaiming the legitimacy of a new interventionism²². Systematic violations of human rights can no longer be regarded as a purely internal matter, especially when producing massive refugees flows to the West, and borders do not represent any more the limits of States' interests. It is also the age of the global communication and the public opinion, when and where aroused, pressurises governments²³ to react in case of humanitarian crisis.

rationale that violations of human rights constitute a threat to peace, the moral contents of the doctrine is being washed away. In an extraordinary distortion the victims turns out to be the danger, so we have to assist them not because of the rights they are entitled to, but because they threaten regional stability and will be knocking our door if we do not stop the outflow».

²⁰ Raich (1999: 32): «post Cold-War main players, uncertain about the kind of international order they wish to support, have borrowed the ethical principles of the morally reductionist charitable intervention to create humanitarian states that perform state humanitarian intervention (non-forcible) and military humanitarian intervention (forcible) to protect human rights. *A move that has proven badly damaging for both humanism and humanitarianism, for both the peacetime and the wartime individuals*».

²¹ Macrae, Leader (2000:11): «This meant that aid policy actors could be seen to make decisions regarding whether to engage with particular countries at all, and on what terms, not as racist neo-colonialists, but as defenders of human rights, peace and prosperity».

²² The limitation of sovereignty was greeted with enthusiasm due to the fact that this last was often presented as a veil behind which rogue regimes can hide with impunity. Respect for sovereignty and complicity on violations of human rights become synonymous and states inaction charged with breaking international rules, compelling to intervene in cases of genocide and violations of international humanitarian law. But States

The main posture of the international community towards civil wars becomes multilateral third-partyism²⁴, shifting from a war-making to a humanitarian and peace-making paradigm (but with a clear containment strategy). Coordinated and multilateral interventions²⁵, undertaken by Western states, are legitimised by appealing to universal values: human rights and humanity. Humanitarian action takes several forms²⁶ and demands a corresponding array of actors: political, military²⁷ and economic.

Aid starts to be seen as having a clear political function and impact in addressing the root causes of conflicts²⁸. In the 1990s, international relief and development organizations, alongside UN agencies and UN forces, become the main instruments of the international community's response to civil wars.

had also a more egoistic reason to intervene than respect for international humanitarian law. As mentioned in the next sentence, containing massive refugees exodus to West was a clear goal in redefining the human security agenda.

²³ Raich (1999:31), is the beginning for humanitarian sphere to be seen by states as a «useful technique of public communication strategy».

²⁴ Slim (1997). Throughout the Cold War, a strongly divided international community had supported one side or the other of a conflict, applying the logic of the confrontation between the two Blocks (bilateralism); now, concerted international action, canalised through the UN, seeks to engage between warring parties as a third-party (multilateralism).

²⁵ As Urquhart, former Undersecretary General of the United Nations, affirms: «The trouble with the euphoric period of international humanitarian intervention of the early 1990s was that little effort was made, before taking action, to think out the significance of the changed nature of international involvement, to devise new mandates and arrangements for essentially new situations, and to decide who was to do what. The result was that the military very often drifted into the humanitarian field without much prior thought or planning...this is not the main role of the military, and other priority military functions will inevitably get in the way». Weiss (2004: xi).

²⁶ Roberts (1996:7): «provision of food and shelter for refugees; airlift of supplies to besieged populations; proclamation of "safes areas"; attempts to ensure implementation of the laws of war; monitoring of detention conditions; the use of outside armed forces for humanitarian intervention in situation of chaos, warlordism, massive atrocities and tyrannical government; mine clearance; and post-war (and sometimes intra-war) reconstruction».

²⁷ There was a pretty wide agreement among governments, NGHAs and international agencies that military role was legitimate in protecting the delivery of relief supplies, ensuring security of refugee camps, enforcing ceasefire agreements to allow humanitarian relief efforts. As many Authors

This trend, far from arresting, is strengthening after the «September 11». While the security agenda has been reshaped²⁹, the role of humanitarian aid in international politics has not really changed and many governments continue to see it as an instrument of soft security, crucial to address the perceived root causes, especially social, of a new, global, undefined enemy: terrorism. It is not a case, in fact, if «in justifying its wars in both Afghanistan and Iraq, the Bush administration used the humanitarian reasons to explain the benefits of regime change».

Surprisingly, this brand new third-party UN-led humanitarianism, at the forefront of the international response to civil wars, has not been unanimously criticised and some Authors value

and humanitarians denounce Roberts (1996: 8): «the record of outside military involvement supporting humanitarian action is full of instances of vacillation and retreat, poor coordination, a reluctance to make serious commitments and take serious risks, and achieving at best only temporary results». See also Raich (1999: 33), although it has to be pointed out that «much of the criticism confuses the "two United Nations"- the first where governments meet and make decisions, and the second comprising the various secretariats, officials, and soldiers who implement these decisions. Although both have been at fault...the latter mainly can do what the former permits...Prescriptions to build upon success or avoid failures must specify whether it is the behaviour, attitudes, and policies of states or rather of their national and international civil servants and soldiers that is responsible». Given that security and logistic should be the two main military tasks, it is worrying to notice that «in the light of the pressure on governments to do something, there is a seductive appeal in sending the military to furnish emergency goods and logistic rather than security. Indeed it results easier to provide clean water than to think about a clear exit strategy and avoiding mission creep». Weiss (2004: 2 and 19). Concerning to security, it must be said that some Authors, among them Roberts, estimates that the security provision by military forces in war scenarios should be emphasized being protection a key aspect of the international community's response to wars and crises. The Author also stresses out as the failure in developing serious policies regarding the security of humanitarian actions, and of affected people and areas, has compromised their effectiveness. In a vicious circle, this policy vacuum has turned back in increased demand for humanitarian response. See Roberts (1996: 9 and 84-86).

²⁸ Among them can be mentioned Macrae, Slim, Roberts, Perez de Armiño, Raich.

²⁹ Macrae (2004). It is interesting to notice, as the Author mentions in this article, that the coherence agenda seems to be part of a broader trend applied among Western democracies toward «joined up» govern-

this multilateral international involvement and its emphasis on humanity in a positive manner. And there is also who³⁰, in the framework of end-of-war and post-military society theories, interprets the increased number of humanitarian interventions as a signal of the international society moving beyond war. The use of force in humanitarian interventions would be therefore a sign of a new idealism in the use of war and examples of humanitarian interventions where no real political interests are at stake, like in Somalia, would confirm it.

However, the opinions about «integrated approach» are mainly negative: professionals and academics accuse western countries of cynically abusing humanitarianism and, precisely because the great powers which dominate UN policy have no strategic interest in most of today's civil wars, humanitarian interventions have become their major foreign policy's instrument. The international community has let NGHAs facing alone complex emergencies while it is essentially absent in terms of political commitment and concern for human rights (what Roberts calls humanitarian action «in a policy vacuum»³¹). These pessimistic theories lay on the assumption that the international community has basically given up on universal development and, because the perverse global system produces marginalisation and exclusion³², humanitarians' new task would be containment of poverty (in its economic meaning) and discontent. Duffield³³, who reads this trend through the lenses of the globalisation process and the responses it attracts at the local (national and sub-national) and global (inter-state and supra-national) level, believes that Western Countries, failing to understand the political and economic implications of the globalisation process and misconceiving the nature of violent conflict in «the south», are trying to export their «liberal democracy project» around the poorest, war-prone parts of the world. For

ment. «The attainment of complex public policy goals is increasingly seen to rely on breaking down conventional demarcations of departmental responsibility and promoting cross-departmental cooperation toward a common objective. This requires new mechanisms of coordination that effectively bring together different mandates under a single managerial structure».

³⁰ Is the position expressed by Keegan. Reference from Slim (2001).

³¹ Roberts (1996).

³² About marginalisation and exclusion see Osorio, Aguirre, Nuñez (2001): «It is evident that the actual predominant model of political, social and economic organization is generating inequalities, both at international

that, they have co-opted humanitarian agencies, pushing them towards a developmental perspective which, in reality, is hiding a project of transition of crisis affected countries into liberal democracies. Thus humanitarian assistance, increasingly set up as developmental relief, has simply become a part of this minimal, transition-based idea of development. In this shift humanitarian assistance «has lost its unconditional and universal values and, like development aid, has become conditional as an upstream part of the wider conditional aid package now offered by western liberal democracies to those who would emulate them».

...NEW WARS...

As mentioned above, the second factor to be considered is the changed nature of war. This factor is partly resulting from the first. Indeed, most of the wars raging around the world during the Cold War Period were internal conflicts supported as part of the Two Blocks' confrontation. After the Thaw most of these conflicts have become strategically irrelevant in the new geopolitical order and often mutated into self-sustaining «war economies»³⁴.

The wars which characterize the so-called complex emergencies have driving forces and political end games which are very different from those of the wars of ideology and self-determination which characterized the Cold War period³⁵. At the same time, understanding this phenomenon is a key factor in order for humanitarian operations to efficiently respond to complex emergency. As a consequence in the last years there has been a significant re-examination of traditional war theories, although it has to be mentioned that classic models and assumptions, like the traditional conflict resolution and peace-building theory in protracted social conflicts, still inspire the practice of most of

(marginalized countries) and national levels (marginalized groups), thus resulting in the exclusion of large parts of the world population from the process of social development». Text translated by the Author.

³³ Duffield (2004).

³⁴ However the characteristic, for what these wars have become known as «war economies» — the extraction of wealth as an end in itself more than to sustain military activity — could be already tracked down in most of the conflicts from the mid-1980s onwards. War economies range from trade in natural resources such as oil, diamonds and forest products (is the case of Angola, Sierra Leone, DRC and Cambodia); to production and traffic of narcotics (Colombia, Afghanistan and Peru); to violent asset

the NGHAs. This despite the critics of poor conflict sensitiveness and poor approach to the specificity of the «new wars».

Although some efforts have been done to elaborate general theories³⁶ to explain the new wars, most Authors rather avoid general explanations and prefer to analyse each conflict at local level as a specific reality. Among them, especially anthropologists and political economists such as Keen, Duffield and de Waal, have analysed different wars and their particular violence at the local level, trying to identify the distinct cultural, economic and political patterns within them. Indeed their findings, grounded in political-economy and anthropological enquiries, belie general theories: wars have a logic, rational function for (political) local groups, whether that logic is rooted in economics, political power or in a culture of violence and its ritual.

Slim's theory is instead based on «the conventional view of western politicians that most civil wars are the result of a "failed state"». This view, he argues, shared by western governments and the UN system, would be a «very statist approach to war [that] still assumes that flourishing states can prevent war and that the recreation of such states will end war». Such an approach, as indicated by the Author, has been at the heart of UN policy in the 1990s (in the person of its former Secretary General Boutros Ghali), although the idea that the state itself is both the problem and the solution of war has been vigorously challenged by Duffield and others. Is Globalisation³⁷, Duffield argues, and the need for rulers to survive it, the problem. They generate what he calls «network wars» where the war's rulers are engaged in the creation of brutal but innovative non-state political structures and parallel illegal economies which guarantee them the power of a state without the bureaucracy and institutions which typically disperse power and weaken states. Duffield denounces that this «post-modern transformation», as he calls it, is underway in many parts of Africa, where states have been deliberately destroyed in a process designed to dismantle state structure and supersede it. The outcome of such a process is now frequently described as «the new feudalism». And, more concerning, such tactics are not confined to non-state warlords,

but many state-actors are increasingly adopting warlordism while retaining the outward appearance of statism.

«At present, therefore, theories of «ethnic conflict» or classical ideas of «failed states» may persist as the most popular and dominant theories around today's civil wars. However, an ever increasing body of theory is now gaining ground around notions of «post-modern conflict» and its logic, rationality and ritual as a form of lucrative and politically powerful adaptation to, or protest at, the marginalisation of particular social groups to the process of globalisation».

...A NEW HUMANITARIAN ERA?

What have been the implications for the humanitarian sphere of the two factors briefly analysed? How the critics and re-thinking inside the humanitarian system have reshaped it? The *New Political Humanitarianism(s)* has arisen, a new humanitarianism, politically informed and concerned not only with saving lives but also with peace, security and development. It has been included in a comprehensive, coherent and containing international agenda, while the role of aid in conflict has been completely (and opportunistically) transformed³⁸ at the expenses of its principles of impartiality, neutrality and independence.

In the new challenging scenario offered by complex emergencies, protection is increasingly being perceived as a key component of humanitarian actions³⁹. At the same time, observing the direct and indirect effects of the relief effort, authors have concluded: humanitarian action fuels the conflict by direct contribution or by freeing up local resources for the war effort; escalating violence by attracting raiding; facilitating the isolation or displacement of particular populations and undermining their coping strategies⁴⁰; legitimating warlords. The «do no harm» approach⁴¹ has therefore required humanitarians deployed in war torn areas for a better understanding of the dynamic of the conflict in order to minimize the negative effects of relief. In a further effort, humanitarian action has been required not only to «do no harm», but also to «do good». Peace building and

stripping (Sudan, Bosnia and Kosovo); to massive manipulation of markets, particularly in food (Sudan, Somalia). About war economies see: Keen (1998); Le Billon (2000); Le Billon (2001).

³⁵ Slim (1997).

³⁶ One of the general theories of contemporary and future wars was elaborated by Samuel Huntington. It claims that future wars, what he calls «clash of civilizations», are likely to occur among different cultural identities (particularly Jewish and Islamic civilizations). Huntington (1996).

³⁷ Duffield (2004).

development continuum have turned into new objectives of humanitarian action and required its integration in a broader agenda. Finally, as the ICRC⁴² stresses out, the belief that all, political, military and humanitarian actors, strive to pursue the same goal has caused further misunderstandings and problems in the humanitarian sphere.

At the present time minimalist, classical, maximalist and solidarity positions⁴³ coexist in the humanitarian system but none of them has been able to avoid that the implementation of the integrated approach and the military-civilian cooperation devalued the humanitarian space⁴⁴ and eroded⁴⁵ its principles. And, more discouraging, agencies that refuse to be a part of the integrated effort in a specific country may find themselves unable to attract vital donor funding because «the major donors have chosen to line up behind the integrated approach overseen by the UN's special representative of the secretary-general, in close cooperation with the internationally recognized authorities that have emerged from the peace process»⁴⁶. And precisely because suffering in much of the world is irrelevant to the agenda of the major donor governments, the principle of the proportionality of the humanitarian response to needs has been betrayed.

The militarization of aid, the increasing civilian-military cooperation, the inclusion of coherent and broader mandates and finally the integration of humanitarian aid in the political agenda of international political actors have progressively caused the erosion of the ethical framework which should inform NGHAs' activity. Far from sustaining the validity *per se* of the humanitarian principles, from a teleological perspective it is undeniable that going away from those principles has caused

serious practical consequences for the humanitarian system as a whole. First of all, it has encouraged a progressive disinterest of the political actors who, far from a serious commitment to solve the causes of complex emergencies (which are and remain mainly political), nevertheless appear to the public opinion involved in humanitarian interventions. These last have been submitted to political, military and economic interests, and look more like development projects (and poor quality ones) than relief operations. In fact the theory of a relief-development continuum, which would include also, in its last version, a relationship between relief, development and peace, has in practice turned into a form of programming where relief, development and peace overlap and aid has started to be subjected to the same conditionality of development⁴⁷. As Macrae suggests⁴⁸, in war the developmental component should be restrained and the relief effort guided solely by the classical humanitarian principles of neutrality and impartiality. The continuum, in fact, a part from good technical programming, requires institutional involvement and participation, which is difficult to have in most of the countries affected by modern civil wars where institutions are likely to be collapsed.

On the light of the above mentioned difficulties, some authors are calling NGHAs for a return to a classical position; something that for other authors, like Charny, is «neither desirable nor possible» and only «an effective integrated strategy preserves and expands the space for humanitarian agencies to respond to the needs of vulnerable people»⁴⁹. Elements of this strategy would be operational independence, complementarity, more emphasis on effective protection, local action, proportionality and financial independence. Some of these elements will

³⁸ De Torrenté (2004).

³⁹ Roberts (1996).

⁴⁰ Harrell-Bond (1986).

⁴¹ Anderson (1999).

⁴² Forster (2005).

⁴³ Perez de Armiño (2002).

⁴⁴ Serrano, Verdú (2003).

⁴⁵ Donini (2004).

⁴⁶ Charny (2004): «On a per capita basis, the response to the displacement created by the conflict in Kosovo, for example, exceeded the funding provided to displaced persons in West Africa by a factor of seven. The United States has so far devoted \$18 billion for the reconstruction of Iraq, an amount greater than its entire foreign aid budget. The Bush administration's original Iraq reconstruction program called for rebuilding one children's hospital in Basra for \$775 million, an amount greater than the total annual U.S. allocation to refugees. While poor infrastructure leaves

be further discussed in the second chapter. Others believe that NGHAs should instead benefit from some of the findings of the New Political Humanitarianism(s) to «build a constructive relationship with politics»⁵⁰. It will be discussed in the following paragraph how preliminary to this relationship is that NGHAs redefine a minimum ethical framework for humanitarian actions.

Minear⁵¹ describes three models, each encompassing a possible different balance in the relationship between humanitarian action and the political framework in complex emergencies. The first would be the «integration» of assistance and protection activities within the given political framework. It would also include military or peacekeeping/peacemaking elements along with political and diplomatic objectives. The second would be the «insulation» of humanitarian action from that framework, but considering aid as complementary to a broader set of policies in the spheres of politico-military activities, development, trade, and conflict resolution. The third is the «independence» of humanitarian activities, in structural and administrative terms, from the political agenda that guides other forms of international involvement in a given crisis. The author advises that the efforts at insulating humanitarian activities from a pre-established political framework have proved generally unsuccessful, while integration implies high costs for the humanitarian project. The independence model has thus become the most attractive option though, he says, «its effectiveness is by no means a foregone conclusion». Notwithstanding, as Minear argues, operational insulation and proclaimed adherence to impartiality alone do not guarantee the NGHAs' independence because other factors associate humanitarian action with the western political agenda (for example the predominantly Western origin and character of humanitarian institutions and personnel). Moreover, embracing the independence option has wide-range implications in terms of humanitarian coordination, management of the political response and attentiveness to the views of humanitarian field staff. NGHAs, he suggests, should strive for strengthening the humanitarian leadership within the UN system in order to maintain the collective effort focused on the protection of vulnerable civilians⁵². We will come back later

on this issues when talking about the tools of politically oriented humanitarian actions.

3. *Re-holding the reins: a minimum ethical framework for a real humanitarian space*

In the first paragraph the value and the specificity of the humanitarian action in comparison with other forms of intervention have been discussed. As we have seen many Authors agree that humanitarian is not just what action is done but, above all, how it is done. Those actions, which do not present basic characteristics, can not be therefore named humanitarian actions. At the same time, if it has to be recognized that the presence of other actors in the scenario of contemporary emergencies is inevitable, it becomes necessary for NGHAs to build a relationship with those actors. It is at this point that the concept of «humanitarian space» is called in question. The term humanitarian space can be explained as: the space where humanitarian actions can be performed in respect of the humanitarian principles and imperative and without being interfered or, worst, subordinated to economic, military or political interests⁵³. Is it still possible to talk about a humanitarian space? Can NGHAs re-gain it?

Firstly, humanitarian organizations should review their ethical framework (and especially their adherence to it) and test its validity on the new scenario(s), briefly presented above. This is the position, among others, of Weiss and Collins, Raich and Donini. The following are their considerations: «the clear articulation of principles provides an emergency brake on the slippery slope of the shameless opportunism. When principles bump into one another, compromise and tough trade-offs are inevitable, but those who deviate from principles should be aware of the costs»⁵⁴. «It is time for recognize the urgent need of strengthening the international normative structure and clarifying the moral codes and actions to be taken by different actors»⁵⁵. «Are humanitarians clear on their value set and are they walking their talk? Are humanitarians putting this value set and consequent actions unashamedly before governments and international civil society?»⁵⁶.

hundreds of thousands of people suffering in total isolation in the Democratic Republic of the Congo, the United States disbursed nearly \$100 million to contractors to expedite the completion of the Kabul-Kandahar road in

Afghanistan to shore up political support for the embattled government of President Hamid Karzai».

⁴⁷ Perez de Armiño, (2002:84). As this Author points out, most of the speculations about linking relief to development aroused in scenarios

Humanitarian principles are not supreme and unchangeable moral norms having an intrinsic value, but rather they serve as functional, operational guidelines, which should inform humanitarian action in order for it to achieve and comply with the humanitarian objective of preventing and alleviating suffering. «The only absolute principle is the respect for human life. Other principles are standard operating procedures reflecting empirical judgements about experience. They amount to finding way to make things happen in individual situations»⁵⁷. It will be therefore a functional and operative perspective, more than a moral judgement, to guide our redefining of those principles. But there is also another function that this «minimum ethical framework» can accomplish: it can allow NGHAs to build a relationship with others actors in an effective «humanitarian space».

Neutrality: yes. Blindness: no. The reduction of the principle of Neutrality to political blindness has to be rejected. Ethically and operationally. Ethically because it has to be recognized that the objectives of donors, multilateral agencies and other political and military actors dubitably coincide with those of the victims of a conflict. This observation becomes truly evident if we think about the so-called forgotten crisis, like Chechnya. Operationally the belief that all the actors involved in humanitarian interventions have the same goal has led to the manipulation of aid. Neutrality must be instead a positive concept, requiring to humanitarians analysis and awareness of the political context in order to protect and preserve the humanitarian scope: prevent and alleviate suffering. This political awareness means to take not any other side than that of the victims and prevent humanitarian actions from being politically directed by external interests. This applies at micro and macro level. As we have mentioned above, aid has a political impact, especially in complex emergencies scenarios. Pretending to deny it is no more sustainable. Avoiding this impact to be conditioned, auspicious.

From another perspective, as Rey Marcos and de Carrera-Lugo point out, neutrality is directed to combatants (and other external actors), whereas impartiality concerns victims. While

these last are the subjects of humanitarian action, the formers are not. These authors believe that Neutrality should be therefore sacrificed whenever it might compromise impartiality in the delivery of aid.

Neutrality has been also understood as confidentiality according to a particular interpretation of the ICRC's code of conduct. However, this articulation of the concept can be misleading. In fact the International Humanitarian Law itself does not require NGHAs to be neutral when delivering humanitarian aid during a conflict⁵⁸. Moreover it is arguable that neutrality, a part from a concept or an ideal to aspire, can qualify an action. Indeed, is neutrality, in the meaning of (no taking a side) a real no choice? Not taking a side would not be itself taking a side? Secondly, as some authors argue neutrality is not a virtue⁵⁹ in itself and therefore, they say, it has to be considered according to the context. Along this line, some agencies⁶⁰ believe that reporting events, present a reality as it is, would not compromise neutrality (as it would do if we identify it with confidentiality and silence) but has to be carefully handled to avoid both personnel and affected population' security and access could be compromised

Universality and Impartiality through Independence.

The objective of humanitarian action is prevent and alleviate suffering, not to resolve conflicts. «There is its majesty and, at the same time, its limit»⁶¹. Again, misunderstandings due to the belief that all the actors involved in humanitarian interventions have the same goal must be avoided. Ideological independence requires humanitarians to recognize the specificity of their jobs. And make other actors understand that specificity. It is also a matter of security: the fact that «insurgents, or parts of the population, perceive the humanitarian agencies as instruments of a foreign agenda... entail...security risks, not only for expatriates but also for locals working with international organisations»⁶².

«Humanitarian actors come in to promote respect for the law, provisionally substitute for the national authorities when

of natural disasters; they would therefore poorly fit with crisis associated to conflicts.

⁴⁸ Macrae (2004).

⁴⁹ Charny (2004).

⁵⁰ Serrano, Verdú (2003: 32-33).

⁵¹ Minear (2004).

⁵² Charny (2004).

⁵³ Rey Marcos, De Currea-Lugo (2001).

⁵⁴ Weiss, Collins (2000:127-128).

⁵⁵ Raich (1999:47).

they are not willing or able to respond to the most pressing needs, and mobilize outside help when needed. But humanitarian actors should not fall into the trap of thinking that they, and they alone, can help the population in the long run. Humanitarian action is not, and should not be used as, a substitute for sustainable political action»⁶³. Independence (economical and operational) is therefore necessary to NGHAs to be able to direct their action solely on the base of the needs of the victims. At the same time, NGHAs should recognize that, in order to accomplish with the objective of prevent suffering and not only that of alleviate it, humanitarian action has to be complemented with other activities. That humanitarian action can not be «a substitute for sustainable political action», does not relieve nor prevent NGHAs from implementing other kind of activities, more «politically informed». NGHAs should consider their actions in the context of a broader and more complete picture of the emergency (each emergency is, indeed, part of a more complex phenomenon) in order to organize activities which have to be seen as complementary to the immediate humanitarian effort. Politics is a useful tool in this sense.

Independence means NGHAs should be not subjected to conditionality when evaluating victims' needs and organizing humanitarian efforts. Independence has therefore a component of freedom of analysis and action and another of financial autonomy to make the first possible. But financial autonomy does not *per se* guarantee decisional autonomy. That is why NGHAs

should consider financial autonomy as functional to a primary objective: to be not instruments of government foreign policy (i.e. financial independence shall not be an objective itself but an instrument). This means that, even if major funds come from institutional donors, NGHAs should maintain «independence of thought» in diagnosis, evaluation and analysis, given that they will shape posterior activities⁶⁴.

Contextualization and subsidiarity. Contextualization means to shape the humanitarian effort according to circumstances, not the humanitarian principles according to opportunistic possibilities; it means operational flexibility not ethical permissiveness. Contextualization means also that NGHAs should be aware of the «contamination» of the emergency scenario, that programming and coordination are not options but feasible and beneficial necessities. NGHAs must be conscious of their responsibilities and of the probable outcomes and impacts of aid. Contextualization means preparing exit strategies, on the base of the temporary nature of humanitarian actions (temporal subsidiarity), not because financial necessities compel it. In this sense the exit strategy is a strategic objective of the action. Contextualization means build humanitarian actions on local capacities, not the contrary (operational subsidiarity), for what cultural proximity and sensitiveness are necessary. Finally, contextualization means effective participation of crisis-affected populations and not simply consultation.

⁵⁶ Donini (2004).

⁵⁷ Donini (2004). On the same line Slim (2001), Raich (1999) and Macrae (2004).

⁵⁸ Raich (1999: 44-45).

⁵⁹ Weiss, Collins (2000).

⁶⁰ Is the case of MSF.

⁶¹ Rey Marcos, De Currea-Lugo (2001). Ttranslation by the author.

Part II: Politics as a tool

In the first part of this work we have tried to identify a minimum ethical framework for humanitarian organizations. This ethical framework would secure the humanitarian space, that is to say, the ethical framework tells NGHAs how far they can go⁶⁵ without compromising the humanitarian imperative of prevent and alleviate suffering. At the same time it operates as a reminder: NGHAs should not appropriate objectives that can not be qualified humanitarian. This because the manipulation of the humanitarian sphere has proved to compromise security and access. Moreover, it would give an alibi to those who should instead intervene on the root causes of the emergency⁶⁶. On the other hand, «the danger of the assumption that it is possible to separate politics from humanitarianism is that it prevents an examination of the effects of local, national, and international politics⁶⁷» on aid policies. And this kind of blindness makes humanitarian action do harm.

Said that, protecting humanitarian space does not prevent NGHAs from: intervening on aid policies, for example taking some positive actions to press governments⁶⁸ and other actors to get more involved and assume their responsibilities; sensitising societies and communities, to drive the attention on particular alarming issues and advocating for changes in policies, programs or entire systems. The list is long, but the rationale behind it can be resumed as follows: «the humanitarian imperative is best served not by avoiding the political process but by consciously engaging it»⁶⁹. In short: politics can be a tool. The humanitarian imperative demands to prevent and alleviate suffering: politics can be a tool in prevention activities, because it is a valuable element to analyse the context and to understand the dynamics (at macro and micro level) of the emergency;

to reshape humanitarian actions and improve performance through lection learned; to strengthen networks and coordinate efforts with other actors; to extend social participation, awareness, education and sensitisation in North-South societies; to advocate for changes in policies, programs and systems. Especially these last two activities are strictly correlated, because policies of solidarity are not feasible without a society of solidarity⁷⁰.

In this second part we will therefore focus on those actions which can be qualified political, in the meaning of «actions facing with and managing the political aspects of the humanitarian action». These actions, in the respect of the minimum ethical framework, «do not compromise the humanitarian space»⁷¹ and can enable NGHAs to improve their approach to emergencies and positively influence the external environment. The discourse addresses especially NGHAs having protection and assistance⁷² mandate. Although, at this point, it should be clear that humanitarian actions (and inaction too!) have, willing or not, a political dimension⁷³, is especially in protection activities that the political and the humanitarian spheres interact⁷⁴.

The first section discusses the use of politics as a tool for operational improvements. With this term we refer to the use of a political perspective in the different phases of action's management. Without pretending to be exhaustive, we will focus on analysis of the context and lection learning and how they (should) shape programs and projects. These two phases have been chosen because they have a direct impact on external activities (although it does not mean that, for example, different dynamics of internal organization do not). Not needless to say that analysis of the context and lection learning represent only two of the possible uses of politics in humanitarian actions. What we intend is just to analyse whether and how politics can be a tool.

⁶² Forster (2005): «a blurring of the lines between political/military action and humanitarian/development action might thus have severe consequences for the lives and safety of many groups and individuals. Scepticism about the accountability of humanitarian actors if they are no longer setting their own objectives and have become, as it were, «second class citizens» in a broader political framework over which their influence is limited».

⁶³ Forster (2005).

⁶⁴ Marcos, De Currea-Lugo (2001): «MDM France suggests, in application of the article 22 of the UN Chart, the creation of a consultant body, the Humanitarian Commission, in charge of assessing the necessities of the civil population in case of breach of peace, threat to peace, armed

conflict or situation of extreme emergency. Members of the Body would be independent experts elected on the base of their professionalism and integrity».

⁶⁵ Serrano, Verdú (2003:63).

⁶⁶ Rey Marcos, González Bustelo (2000): «Humanitarian action can not be the only answer, because it is directed to alleviate the consequences of a crisis, not to solve its causes. For that humanitarian action must be complemented by clear and planned political action. But not whatever political action». In this sense NGHAs, trough advocacy can «help» governments and political actors to «find the way». Leonine embargos, mainly endangering the civil population, discriminative interventions on the basis

In the second section we will adopt a different perspective and explore whether improving and increasing social participation should be looked as important political goals for NGHAs. Activities aimed at improving social participation can have a top-down perspective (as in the case of lobbying), or a bottom-up one (as in the case of campaigns of sensitisation). Both will be briefly examined.

Finally, it will be discussed why NGHAs who want to foment «social change»⁷⁵ can not set certain activities aside and whether these political goals can qualify for the pursuance of justice, conciliating the humanism and humanitarianism perspectives.

1. *Prevention in humanitarian action*

The humanitarian imperative is sometimes compared to the categorical imperative of Immanuel Kant. It is also understood, since the Red Cross articulated it for the first time in 1955, as the ethical duty to prevent and alleviate suffering, to protect life and health and to ensure respect for the human being. But how can NGHAs prevent suffering and remain engaged to the principles of neutrality, impartiality and independence?

In this section we will explore the possibility and the benefit of using a political perspective in context analysis and lection learning as preventive activities. From this point of view politics is a protective and pro-active instrument for operational improvement. Protective in the meaning that makes NGHAs aware of the context (that, as we have seen, is highly politicised); pro-active because it can suggest to NGHAs operative tools to intervene-interfere in different context, preserving humanitarian interests and objectives. As Macrae and Leader have pointed out: «By sleight of hand the coherence called for in the aftermath of events in 1994 has been rewritten such that aid actors are simultaneously blamed for having a negative political impact, while assuming the mantle of diplomats and soldiers. Humanitarian actors thus

need to become more aware not only of the political economy of the contexts in which they work, but of the aid processes of which they themselves are a part»⁷⁶.

1.1. POLITICAL CONTEXT ANALYSIS AS A PREVENTIVE TOOL IN EMERGENCIES⁷⁷

«Bare realities, which have to be faced in order to learn how to do better»⁷⁸»

NGHAs should stop thinking in a «all emergency» way⁷⁹ so that themselves contribute to the dichotomy action-aid and start consider humanitarian action in a structural manner and «prepare [their] workers for new realities»⁸⁰. I.e.: think politically and act strategically⁸¹. It means that: context analysis should effectively inform planning and programming of the activities. That emergencies can not be foreseen is an excuse that, since the concept of vulnerability has been developed, can not be used any longer. Context analysis should be as broad and deep as possible, including not only cultural and social aspects, but also political and economic; not only local but also regional, national and international dynamics. Not only gender impact but also transversal vulnerability assessment and coping strategies appraisal. All the possible stakeholders should be analysed, alone and in their combination, in order to be able to better adjust programme and project to different realities, identify possible outcomes, reshape and readapt them. NGHAs should also take into consideration that they are not isolated identities who work alone that each agency has its own mandate which must be taken into account for its repercussions on the NGHAs operational steps and outcomes.

Contemporary conflicts are highly politicised; in this scenario a strategic approach is fundamental and, in this sense, context analysis results useful to protect the humanitarian space. In analysing the context NGHAs should always bear in mind that humanitarian actions have an impact and that while they have to minimize the risk to do harm, they also have to maximize

of political interests, unilateral interventions in disregard of International Law and UN limitations on the use of force, are the kind of political commitments that NGHAs shall fight.

⁶⁷ Harrell-Bond (1986:17). The author was referring to refugee policies.

⁶⁸ Etxeberria.

⁶⁹ MacFarlane (2000).

⁷⁰ González Martín.

⁷¹ Serrano, Verdú (2003:36).

⁷² For a definition of Humanitarian Action and its components, protection and assistance, see Perez de Armiño (2001:1).

⁷³ González Martín.

⁷⁴ Serrano, Verdú (2003:66).

the positive effects of aid⁸² (benefit). At the same time, NGHAs should be aware of what is the objective of humanitarian aid and that a limited objective is not an arbitrary restriction but comes from the necessity to preserve principles (cost), which are functional to the scope. So if it is true that humanitarian action must adjust to the reality it is true only to a certain extent.

Some of the most relevant matters to be analysed in conflict scenarios are:

—**On a local level.** NGHAs should take into consideration that not only the emergency but also humanitarian aid itself intervene in and modify the balance of interests involved in a particular context: money, business, relationship, sometimes media coverage and international attention. All these factors must be considered prior to the action. It means that NGHAs must be aware of the following issues: humanitarian action can be subjected to manipulation, access can be negated or restricted or directed to a particular population as part of a strategy; that military interests can hide behind certain collaboration or, on the opposite, behind certain restrictions. At the same time, humanitarian action can be seen as legitimating a particular political authority. This is especially the case when insurgents or guerrillas do not effectively control part of the territory or lack of social support. Delivery and distribution of aid have to be carefully planned and managed according to the needs but also of the context. The risk is that the principle of proportionality results eroded and aid channelled to support military effort, a particular social, religious or racial group. Needs can also be artificially created, to attract humanitarian action, international attention and media coverage.

Programming the action would mean strike a balance costs-benefit of the action respect to the problems highlighted: NGHAs would then decide to intervene, conscious of the risks or, to the extreme opposite decide to abandon. However, also in this last case NGHAs are not left without choices: between humanitarian action and inaction there are several possible activities that NGHAs can initiate, such as advocacy, education, sensitisation and diffusion of the IHL, negotiations and public shame.

—**On a regional level.** Emergencies can affect more than one state and their impact, such as refugee flows, has to be carefully considered, especially under the following aspects: massive refugee flows can alter ethnic balances; diminish or alter access to goods, facilities and services thus alimenting tensions between host and refugee population; make difficult to distinguish between combatants and non-combatants; violation of the principle of non-refoulement.

Programming their actions NGHAs could decide for: cooperation with the host government, local institutions and population; intermediate to facilitate an agreement between the state receiving and the one producing refugees; lobby for other states accept to host refugees and for international organization to manage the flow. It is clear that, especially in refugee matter, strategic planning and political analysis of the context are necessities more than options.

1.2. «LECTION LEARNED»: POLITICAL APPROACH AFTER INTERVENTIONS⁸³

Critical reviews of implemented activities and approaches in emergencies can be useful tools to avoid to commit again the same wrongs. Lesson learning methodologies have started to be implemented in many NGHAs, and they have been the central theme of ALNAP Review of the humanitarian practice in 2002, although «in face of frequent failure by the humanitarian sector to learn from experience».

After-Action Review Process and sharing of knowledge, networks on humanitarian practices and sources of learning are some of the positive tools the humanitarian sector is developing in this sense (ALNAP refers to them as «examples of a good practice»). However, several surveys of ALNAP highlight that «the humanitarian sector does not currently make adequate distinction between learning and accountability approaches to evaluation, and consequently the contribution of evaluation to learning is limited». That is to say that although NGHAs have recognized the importance of evaluation and self-evaluation and assimilate them as good practices, they are poorly benefiting from them when formulating future programs and activities. This is somewhat concerning, considering that while the evaluation of the activities is required by donors, the use of the findings

⁷⁵ Serrano, Verdú (2003:58).

⁷⁶ Macrae, Leader (2000:64).

⁷⁷ Consideration in this paragraph are drawn mainly from MacFarlane (2000), Serrano, Verdú (2003).

for learning is very political and its absence indicates probable lack of dynamics of internal participation and of legitimacy inside the organization.

On the base of ALNAP's observations about the constrains to learning in NGHAs the following conclusions can be drawn: one of the obstacles to the implementation of lection learning mechanism is usually seen on the difficulty and sometime the resistance to criticism (obviously we refer to constructive criticism) and the limited resources devoted to this activity. At the base of operative constraints can also be mentioned a «lack of clarity in objectives and desired outcomes, responsibilities and relationship between individuals, teams and organizations» limiting the performance and the assessment of the factors contributing to that performance. Also the high rates of staff turnover within ongoing programmes and between programmes make lection learning very difficult to be implemented, especially in the phase of knowledge transfer, and has led some authors to talk about «amateurism and incapacity learned»⁸⁴. At last, but not least, in the whole humanitarian sector cross-organizational learning⁸⁵ is poor and certainly not an extended phenomenon.

Another possible interpretation of the difficulties mentioned is that the humanitarian sector lacks of strategic thinking. If programmes are though in terms of short-terms activities and objectives, not influencing one another, it is likely that lection learning mechanisms will have poor impact. NGHAs should therefore focus evaluation activities not only on the project itself but also on the project as a result of a particular organizational structure.

It is interesting to point out that one of the factors that reviews and evaluation activities identify as a key point for successful humanitarian actions is good need assessment. This, like in a virtuous circle, takes us back to context analysis and introduces us to the issues of participation of emergency affected populations and cultural proximity.

2. Social participation as a political goal for the NGHAs

Should fomenting social participation be a political goal for NGHAs? What is the connection between social participation and humanitarian action? Our findings, until now have led us to say that, while external political interests should not vitiate the humanitarian space, NGHAs have political interests that can be pursued without compromising their guiding principles and imperative. One of these political interests can be to take a part in the development of «a real political contract between people and the power»⁸⁶. In this line Macrae⁸⁷ argues that creating and maintaining a social constituency for humanitarian action «can be a potent force for ensuring that the “right” kind of politics complement humanitarian action», while a «partially informed public opinion can undermine humanitarians». Verdú and Serrano also agree that political participation is intended to seek commitment and accountability from political powers and more capacity of election for the societies, developing what they call «espíritu crítico»⁸⁸ and empowerment. Although we have seen that broadening humanitarian action's objectives could reveal detrimental for humanitarian space, is the adherence of the NGHAs to a philosophy of rights, and not to philanthropy, that calls them to «make an impact on politics from their rightful place within it»⁸⁹.

2.1. EDUCATION AND SENSITISATION

Different authors and practitioners have highlighted the importance of a «good» communication strategy for NGHAs. For some of them it would imply a Copernican revolution on the way NGOs intend communication. Referring to NGOs' communication strategies, Erro Sala⁹⁰ argues that while towards South societies the debate about communication is producing reflections and some «technical» improvements, in the North a change in communication should be accompanied with (and preceded by) a change on the way NGOs approach North societies. With North societies, the Author says, NGOs should start

the “ideology of normality” where we live is itself a constant perpetual crisis?». Translation of the Author.

⁸⁰ Hammock, Lautze (2000).

⁸¹ Serrano, Verdú (2003:61).

⁸² MacFarlane (2000).

⁷⁸ Harrell-Bond (1986: ix).

⁷⁹ Martinez de Bringas (2001). «We live in a world where the normal condition is inequality: of the 6000 millions people living in our planet 2800 live with less than 2 \$ per day and 1200 with less than 1 \$; the average income of the 20 more richest countries is 37 bigger than that of the 20 more poorest... what does it mean thus humanitarian crisis, being that

to communicate values; to legitimate themselves among the society and to «inform» the society of the North on how its relation with the South and the dynamics of globalisation are causing more marginalisation and exclusion. Until now, he argues, NGOs have used a commercial strategy to communicate. It entails that the objective of communication has been mainly the search for funding and that a real communicative strategy in the meaning of a social educational communication has been set aside. Indubitably, the problems NGOs are currently facing for funding their activities makes the issue to come up again. Independence from institutional donors is not only desirable but also healthy, especially for American NGOs. It means to invert in communication strategy.

2.2. PARTICIPATION OF EMERGENCY AFFECTED POPULATIONS⁹¹

The new political humanitarianism has made evident that the concept of humanitarian action as a pure act of charity is unbearable. The objectives it proposes are broader. Particularly it insists on the concept of to do no harm and in this sense, It is also thanks to its critics that technical capacities, procedures, logistic and operative tools have been developed and increased and there have been also improvements in the elaboration of a set of common rules for humanitarian practitioners (the SPHERE Project, Project Qualité). Both intents to link, through minimum standards, the provision of humanitarian assistance to fundamental human rights. The scope of the two projects is thus to ameliorate humanitarian performance fixing a set of norms about minimum level of specific services, but while the SPHERE project focuses on technical and quantitative aspects (water, sanitation, nutrition, refuge, shelter, health and so on), the project Qualité has been thought to improve not only technicalities but also, as the same name suggest, the quality of humanitarian activities. For the project Qualité thus, the technicalities

stay behind or, better, side by side policies directed to achieve broader objectives. It particularly insists on the importance to improving and implement mechanisms for the participation of emergency affected population. But while the majority of NGHAs agrees that participation⁹² must be encouraged, still most of them are not able to implement participation methodologies and for those who do it, participation takes the form of consultation but rarely of participation in decision-making. The problem is often perception⁹³: NGHAs still consider that «the need to respond quickly and the severity of the impact on the local populations [make] it difficult to engage in consultation and/or participation».

While surveys, like those of ALNAP in six selected countries, highlight «a number of benefit associated with participation and consultation of affected populations⁹⁴, it is worthy to mention that participation is not exempt from risks (for the affected populations) and is not always feasible. On the base of what humanitarian agencies should decide whether participation should be implemented and to what extend? Context analysis results useful to take these decisions. Politics again comes to help us. Needless to say that the participation of emergency affected population has also other significances: it is expression of a fundamental right of citizenship and it is a means through which humanitarian agencies can show their respect and cultural sensitivity for affected population.

2.3. ADVOCACY

NGHAs have experienced a great sense of frustration since they have realized that traditional relief commodities, like food, medicine and temporary shelter, can ameliorate suffering but do not pre-empt violence or protect against it. Violence against civilians has dramatically escalated and in contemporary wars

⁸³ Consideration in this paragraph are drawn mainly from ALNAP Annual Review (2002a).

⁸⁴ Tortosa (1998).

⁸⁵ With this term we mean a process (instead of a sporadic activity) for exchanging information and transfer knowledge among organisations which could be: part of the same group, such MSF France and Italy; work in the same sector, as for example sanitation; or in the same region or country; or more generally, working in humanitarian action.

⁸⁶ Slim (2001).

⁸⁷ Macrae, Leader (2000:64).

⁸⁸ Serrano, Verdú (2003:56).

⁸⁹ Slim (2001).

⁹⁰ Erro Sala.

⁹¹ Consideration about the participation of emergency affected population are drawn mainly from ALNAP Global Study (2002b).

⁹² According to ALNAP «participation in humanitarian action is understood to be the active involvement of beneficiaries and affected popula-

the number of casualties exceeds combatant's deaths. At the present time it might be erroneous to talk about casualties since civilians have converted in specific targets of warring parties. This has led many agencies to wonder how they can ensure the protection of civilians⁹⁵ and that the political and civil rights enshrined in IHL be guaranteed in today's civil wars. Protection has become paramount alongside assistance, even above it on occasion. The problem is that implementing humanitarian protection remains tragically difficult. Given that «does not exist separation between protection (political) and action (humanitarian)» and «protection of emergency affected population is a humanitarian objective»⁹⁶, NGHAs must elaborate ways to implement protection objectives to their action using politics as a tool.

There is a «need for sustained advocacy, to inform the general public in donor and recipient countries regarding humanitarian principles and the need for political actors to respect them. NGOs are in a powerful position to develop such advocacy activities. Such investment requires sustaining a minimum level of independent funding in order to enable effective advocacy with regard to donor government behaviour»⁹⁷.

Advocacy allows NGHAs to directly influence the policy process with the intention of directly benefit the populations we are working with. In order to be included in the negotiation process, NGHAs have to research and collect data at local level, elaborate and translate them into information to be presented in formats that policy makers can understand and use. At the same time NGHAs have to amplify among community leaders, advocates, the public and the media, the result of their research and the proposal they are advocating for.

Conclusions

Recent political developments, namely the war on terrorism and its resulting conflicts in Iraq and Afghanistan, present a new challenging dimension for NGHAs. Most of the political changes in act are a further expression of the trends we have already

pointed out, such as a progressive politicisation of aid and the fighting of a new kind of wars, some others are partly their consequences, such as the expansion of deliberate targeting of aid workers and civil population for political reasons. The response of the international community (that someone insists to call «humanitarian community») has been a claim for cohesion and integrated efforts. We have also discussed how these political changes in their interconnectedness build a serious threat to the «humanitarian space» of NGHAs and are compelling them to an «existential reflection» about their guiding principles, structures and operational action. We have also suggested a minimum ethical framework for those agencies writhing between their independence and a compelling humanitarian imperative. In fact, although some may argue that Iraq is a one time unique context, experiences from Kosovo and Afghanistan show that this is very likely not the case. Humanitarian context is changed and NGHAs are called to react.

The problem we see, however, is that there is a great division, or better no-cohesion among NGHAs. Political blindness and its successive step, not developing a common stance, are weaknesses that make most NGHAs susceptible to instrumentalisation by political means. It is therefore necessary for NGHAs not only to be politically aware of the context but also politically active (in the meaning we already explained) to try to modify the context (at micro and macro level) in a way that better fit into humanitarian scopes and in order for them to protect the humanitarian space. One of the best way we see to do it is uniting efforts and improving cohesiveness in the defence of the humanitarian space.

Cohesion, although many agencies are very happy with their independence, is of interest for all, and for independent agencies too. Organisations which consider themselves humanitarian can have different identities, mandates and operating principles; some are less political, some are highly dependent on politicised funding. Without blaming these differences, an effort of major importance should be directed toward unified action on the basis of common aims and, above all, common problems. Cooperation is becoming a pressing need: competition from

tions in the various phases of the project cycle. Consultation is considered to be one type of participation». ALNAP (2002b:16).

⁹³ We say perception to highlight the fact that most of the time agencies arrive after coping strategies have already been implemented by local population. The concept of victim, which recently NGOs are reluctant to

use, entail passive qualification while it has been demonstrated, see for example the survey of Harrell-Bond, that victims of emergencies are rarely waiting for help to come. «beneficiaries are not just passive recipients of humanitarian aid, but social actors with insights into their situation and

«for-profit humanitarianism» and military erosion of the humanitarian space call for it. A «minimum ethical framework», as the one we suggested, is to be defined and agreed upon to become a «minimum common denominator». The commitment to safeguard independence and integrity should be formalised and implemented.

In this direction it could be suggested that, the Code of Conduct, that many have signed but less have provided with implementation instruments, be revisited and its adhesion strengthened. Umbrella groups such as InterAction and the Inter-Agency Standing Committee (IASC) or associations to discuss improvements in humanitarian aid, such as the Sphere Project or ALNAP may play a key role in this direction and be the right platform to discuss about and agree on coordinated actions.

The good results obtained with coalition campaigns can be taken as an example to demonstrate the benefit of collaboration among NGHAs and acts s incentives to ameliorate cooperation. It is also important to insist that having a strong and aware social constituency is of interest for all agencies. So as collaboration within UN system. An increased competition for funding, personnel and media awareness could be instead an adverse factor, so as an institutional defence of independence within some NGHAs (they should remember however that the independence is functional to the humanitarian imperative and this last is not to be treated as a private property). Talking in economic terms, it has been said that 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»⁹⁸. It would be advisable for NGHAs to unify their effort also at international level. As we have pointed out, even if some agencies have reacted better, the whole sector is encountering the same problems and working in the same environment. All this suggests that trans-national political action could be the right answer.

A particular point requiring NGHAs to be unified is the articulation (not the articulations) of the concept of neutrality. Particularly in the USA⁹⁹. Especially in this phase of «war on terrorism». Funding in the USA have been openly conditioned to

foreign policy objectives¹⁰⁰ and the media perception of the principle of neutrality contributes to create confusion between passivity and needs oriented humanitarian action. A good communication strategy and a better relation with the media are needed. But, again, concerted actions would best serve these scopes and agreement on a common ethical framework has to exist preliminarily.

Communication has to be improved also with military forces. Their understanding of the importance of the concepts of neutrality and humanitarian space is of vital importance for NGHAs to avoid suspects of being Western policy exporters and to preserve the safety of their personnel.

Finally, it has to be remarked that agencies can be scrupulously neutral in dealing with highly politicised environment while at the same time actively engaged in shaping the context for effective humanitarian action. Politically thinking is one key to avoid NGHAs to be politically dominated. Willingness to observe the ethics behind the humanitarian imperative the other. And now NGHAs can not use the pretext of neutrality to justify that they are «looking the other way»¹⁰¹.

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competencies, energy and ideas that can be harnessed to improve their circumstances». ALNAP (2002b).

⁹⁴ In particular «action are more responsive, appropriate and effective in addressing affected people's priority need», ALNAP (2002b:18).

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