CHAPTER ONE

Coherence or cooption? Europe and the new humanitarianism

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Humanitarian action has always been a highly political activity. The provision of humanitarian assistance and protection has relied upon engaging with political authorities in conflict-affected countries and has thus influenced the political economy of conflict. At the same time, the provision of humanitarian assistance has always been influenced by domestic political considerations in donor countries, reflected by the fact that different emergencies, and different groups affected by them, have received more or less relief aid. The issue is then not whether humanitarian assistance is political, but how.

Despite, indeed because, of the inherently political character of humanitarian action, those responsible for humanitarian protection and assistance sought to define rules to guide their relationship with both warring parties and donor governments. Most important of these is the principle of impartiality: non-combatants are entitled to assistance and protection in proportion to their need, and not according to their political affiliation, religion, race or creed. More practically, humanitarian access has been contingent upon the principle of neutrality: not taking a position with regard to the justness of any particular cause. Importantly, these principles implied a separation of what might be called 'humanitarian politics' from the partisan politics of the warring parties and interventions or interests of other states. In donor organisations, this separation was marked by institutional and funding arrangements that underscored the independent and unconditional character of emergency assistance.

The past decade has seen profound changes in the relationship between humanitarian, political and military responses to crises. This chapter reviews the factors driving these changes globally, analyses how they are shaping the new humanitarian agenda, and examines the implications of these trends for the European Union's humanitarian role in the context of the future of Europe debate. It argues that the current trend towards integrating humanitarian

objectives within a wider security framework risks contravening international legal norms, is unethical and will prove counterproductive. It concludes that safeguarding the independence of the European Community's humanitarian capacity is vital.

Coherent humanitarianism: origins and impact[1]

Calls for a more integrated approach to humanitarian crises have a long and complex history. First, and perhaps most fundamentally, they emerged from a recognition that humanitarian crises are not simply acts of God, they are political events. While the Ethiopian famine of the mid-1980s was portrayed largely as arising from drought and the dynamics of war remained largely hidden, by the end of the decade the term 'complex emergencies' gained increasing currency in expressing the multiple causes of such crises. The primacy of political factors in causing massive vulnerability of populations through forced displacement, asset stripping and widespread killings was demonstrated with appalling effect in Rwanda in 1994. The evaluation of the international community's response to the crisis concluded that while the aid effort had been largely successful in mitigating the effects of the genocide, diplomatic and military efforts had failed catastrophically.[2] The evaluation concluded that humanitarian aid cannot be a substitute for political action and called for increased coherence between political, military and humanitarian efforts to prevent or mitigate conflict induced emergencies. Importantly, the report argued for an integrated approach to constitute a new international humanitarian order.

The Rwanda evaluation was important in providing momentum to the coherence agenda, but it did not invent it. The trend towards tighter integration of political, military and humanitarian response was signalled first in northern Iraq in 1991, and formulated in the 1992 report of the UN Secretary General *An Agenda for Peace*. This approach sought to overcome the conceptual and bureaucratic divisions that had previously separated aid and politics by pursuing a new vision of international security that became known as 'human security'. In this, the analysis of the causes of conflict was broadened to include social, economic and environmental factors, and the Secretary General called for the coherent mobilisation of political, military and aid assets to build peace and security.

This integrated approach coincided with the end of the Cold War and an era in which it was assumed there was a shared global understanding of the origins of conflict, and increasing confidence on the part of the international community, particularly among Western powers, regarding their roles in resolving such conflicts. Buoyed by their successes in achieving political solutions to the

proxy conflicts in Mozambique, Cambodia and Central America, there was a rapid series of experiments in 'humanitarian intervention' during the early 1990s which offered mixed results in Iraqi Kurdistan, Somalia and the Balkans. The failure to intervene with force in Rwanda lay on the conscience of UN and Security Council leaders, and along with the Bosnian quagmire, provided the motivation for intervention in Kosovo, widely touted as the world's first 'humanitarian' war.

In this context, humanitarianism was elevated quickly from its status as an obscure branch of international law and minor aid instrument to the mainstream of international relations. Stepping into the spotlight was a mixed blessing. The humanitarian enterprise, as understood by its founders in the Red Cross Movement, became quickly associated in theory and in practice with a new and controversial world order. This association reflected a major shift in the understanding of many Western donor countries regarding the role of humanitarian need and a rethinking of its relationship with wider political responses to conflict, particularly in the Third World. This rethinking had a number of related elements.

The first entailed a move to operationalise the role of aid in enhancing human security. Specifically, an analysis emerged that aid itself might have considerable leverage in influencing the dynamics of conflict. Initially, this analysis focused on the role of development aid in addressing the 'root causes' of conflict. Development itself was seen to make a contribution to conflict reduction. The problem was that in those countries affected most intensely by conflict, mainstream development aid was largely absent for political reasons, and the primary aid instrument available to policy makers was that of emergency relief.

Furthermore, armed forces also became increasingly predatory on both civilian assets and emergency relief supplies. From the recognition that relief was used to *sustain* conflicts came the tantalising proposition – that it might also be used to *contain or reduce violence.*

It was a short step for some policy-makers to seek to use humanitarian aid to exert leverage over a conflict, in other words to introduce political conditionality on humanitarian assistance. Examples of such an approach include the UK's policy in Sierra Leone in 1997, when the government refused to provide Non Governmental Organisations and the UN with funding on the grounds that it was likely to sustain the military junta[3], and the policy of the UK and US governments with regard to Afghanistan in the late 1990s, in which aid was withheld and the deployment of expatriates restricted. This marked an important shift in principle, as well as practice. Impartiality and neutrality imply an ability to navigate complex political environments and to negotiate with actors

on all sides. Yet humanitarian principles require that humanitarian actors do not seek to influence the outcome of a conflict, or to be seen to side with any party. Using aid as part of such a political strategy compromises such principles from the outset.

New humanitarianism?

Politically difficult to defend and of limited efficacy, overt use of political conditionality on humanitarian assistance has remained the exception rather than the rule. However, this is not to suggest that the new humanitarianism is dead, it has been merely revised. Two features stand out: the increasing blurring of the boundaries of humanitarian and developmental interventions; and the increasing differentiation and diversification of humanitarian actors.

The 'developmentalisation' of relief is at first sight the least controversial aspect of calls for coherence. Efforts to link relief and development have been driven by the very real frustrations facing relief practitioners responding to protracted crises in which the problems are not only or primarily deficits in terms of shortage of inputs such as food and water, but the challenges faced by communities in sustaining livelihoods. Development aid is typically not made available in situations of protracted crisis because the political framework for development is absent. Despite this, relief practitioners are under increased pressure from an emerging orthodoxy, that it is feasible and desirable to 'fill the gap'. This involves engaging with national and local institutions to develop capacity and sustain social welfare and livelihoods without taking a position with regard to the legitimacy of these institutions. Again, this form of coherence quickly raises questions of objectives and principles. Is the purpose of developmental relief to achieve sustainable livelihoods and institutions, or is it to save lives? The two are not necessarily complementary and quickly involve trade-offs in terms of resource allocation and indeed of principle.

The second important set of developments in relation to the rethinking of the links between humanitarian and politico-military responses emerges from the fact that humanitarian organisations – such as the specialist organisations of the United Nations and the Red Cross Movement – are no longer seen as having the monopoly on humanitarian response. As we shall see, this is particularly significant with regard to the EU, but is also obvious in European Member States and the US as both military and paramilitary (such as civil defence and police) forces take an increasingly prominent role. There is a long history of deployment of military assets to provide surge capacity for humanitarian logistics, such as air transport, vehicles and site planning. What is new, is that in conflicts such as those in Kosovo, Afghanistan and Iraq, the distinction between the military as

supporting a civilian led humanitarian operation, and the military providing aid to civilians as part of a hearts and minds operation has become increasingly blurred. In the process, it becomes more difficult for everyone, including the belligerents, to differentiate between impartial and neutral humanitarian assistance and aid as a security strategy.

European humanitarian action: from ECHO to integration?[4]

The unique and multi-faceted architecture of the European Union, combined with its significant resources, makes it a key centre for debates regarding the relationship between humanitarianism and political action. As such, the 'Future of Europe' debate will be significant not only in its implications for EU aid, but also in revealing the values and principles that underlie the Union.

The European Community Humanitarian Office (ECHO) is responsible to the European Commissioner in charge of the Directorate for Development (DG DEV). The Directorate for External Relations (DG RELEX) also maintains oversight and an interest in humanitarian policy. ECHO's constitutional status provides it with considerable autonomy from the Council of Ministers. In contrast, the EU Common Foreign and Security Policy (CFSP), belongs to the realm of inter-governmental policy-making under the political direction of Member States in the Council. EU Member State decisions in the Council set the agenda for EU foreign policy through common positions and joint actions, which sometimes overlap with European Commission-managed areas of activity.

ECHO: political insulation

Since its establishment in 1992, ECHO sought to maintain its independence not only from broader foreign policy but also from development cooperation more specifically. Because humanitarian aid was seen as emergency aid rather than a 'significant action' it was given a specific status in its EC Financial Regulation. This not only gave it greater financial flexibility, but also meant that all dialogue with Member States would happen on a country by country basis, because of its Humanitarian Management Committee structure where Member States are represented.

The renewal of the Commission in 1995 saw responsibility for the oversight of ECHO shifted from Development Cooperation into the portfolio of Commissioner Bonino. The move was both a strategic decision and a political signal in line with the emergence of the CFSP. It demonstrated the will of the European Community to be present in the main crisis areas. As an illustration of this shift, the Commission changed the status of the Financial Regulation – which had meant limiting its interventions to emergency cases alone – and

proposed a Regulation for 'humanitarian aid'. The subsequent adoption in 1996 of Council Regulation 1257/96 concerning humanitarian aid, and the publication of the EC Communication on Linking Relief, Rehabilitation and Development (COM96-153) confirmed not only a broadening of ECHO's mandate, but also introduced new measures designed to enhance its accountability.

The regulation was important in affirming the political independence of ECHO and its responsibility to allocate in an impartial manner. Specifically, EC Regulation 1257.1996 that established ECHO states: "[The sole aim of] humanitarian aid … is to prevent or relieve suffering, is accorded to victims without discrimination on the grounds of race, ethnic group, religion, sex, age, nationality or political affiliation and must not be guided by or subject to political considerations. [H]umanitarian aid decisions must be taken impartially and solely according to the victims' needs and interests … the independence and impartiality of non-governmental organisations and other humanitarian institutions in the implementation of humanitarian aid must be preserved, respected and encouraged."

Although humanitarian aid was explicitly seen as non-political, the criteria and method of intervention by the EC were not precisely defined, leaving a great margin of interpretation to ECHO.

ECHO also sought to insulate itself from political control by others through a number of less high profile means. The Humanitarian Aid Committee, which comprises representatives from emergency aid departments in Members States (as opposed to Council representatives) is consultative rather than being a regulatory body. ECHO's autonomy is also reinforced by its budgetary procedures, which give it a high level of flexibility in its large, albeit declining, budget.

Furthermore many Member States also sought to minimise any foray by ECHO into an awkward political role, for example, in conflict prevention. They were concerned that it would be difficult to control and might conflict with their own bilateral efforts. The identification of three other funding sources in the RELEX services (the CFSP budget line and the Rapid Reaction Mechanism, and to a lesser extent the European Initiative for Human Rights and Democracy) constitutes, from the Council perspective, the necessary and sufficient political dimension of the EC in conflict issues. Maintaining the political neutrality of ECHO is expedient, as well as desirable, for Member States.

The significance of ECHO's constitutional and operational independence should not be underestimated. For example, in Serbia in 1999, there was strong pressure from the Council for ECHO to implement an 'Energy for Democracy'

Programme targeting opposition controlled municipalities in Serbia as a part of political efforts to overthrow Milosevic. This proposal coincided with a scarcity of energy in the country, which the UN warned might threaten the health of the population. ECHO's delegation in Belgrade rejected the Council proposal, since it contravened the principles of impartiality and neutrality. ECHO won the battle, but not the war: in the end the Programme was delivered through a private contractor.

An evolving Common Foreign and Security Policy

Against the context of an evolving CFSP, two related trends emerged in EU humanitarian response. On the one hand, ECHO itself is increasingly concentrating itself on areas of its core mandate, and placing increasing emphasis on protecting its independence and commitment to impartiality and neutrality. On the other, there is increasing diversification in the non-traditional instruments available to the EU to intervene on humanitarian issues.

This diversification of 'humanitarian' response has been facilitated by the coming into force of the Amsterdam Treaty in May 1999, and the so-called 'Petersberg Tasks' (Article 17, TEU), which provided for the deployment of Western European Union (WEU) military forces for humanitarian and rescue tasks, peace-keeping and tasks of combat forces in crisis management, including peacemaking. While the WEU has proved an ephemeral source of military power, in more recent years, the establishment of the Rapid Reaction Force (RRF) has provided an umbrella under which domestic resources of Member States can be deployed in foreign emergencies. These semi-military capabilities, related to civilian instruments such as police forces and national disaster response capacities, have an advantage over traditional aid instruments in terms of their political flexibility, rapid deployment and the greater visibility they offer to individual member states.

The Nice Treaty in 2002 further reduced the functions of the WEU and increased EU capacity to respond to crises using military engagement more closely linked with assistance and information. Rather than being linked to development ministries, these structures report primarily to ministries of home affairs and defence. The RRF is envisaged ultimately to comprise a military force of 50–60,000 people. While the extent to which this force will be deployed in peace enforcement operations remains to be determined, its likely emphasis on the provision of humanitarian goods and services seems assured.

It is against this backcloth that debate has once again intensified about the future of the EU's humanitarian role, and the principles and practice that are likely to guide it.

Poul Nielson, the Commissioner now responsible for ECHO, has argued that: "This basic principle of impartiality represents a real added value […] It is also the cornerstone in the effort of securing the necessary access for delivering humanitarian aid […] A lot of people are asking for the humanitarian aid effort to be put at the service of foreign policy decided by Member States in an inter-governmental setting. I want to warn strongly against such a tendency."

Nielson offers two main reasons in defence of maintaining a separation between humanitarian and political responses. First, he notes the practical importance, as well as the ethical imperative, arguing that it is important not only to ensure secure access, but that unless EC aid is neutral and impartial, its operational partners will increasingly refuse to accept funding. Second, he notes problems in terms of accountability, stating that if ECHO were to become politically driven by decisions taken under the CFSP framework, its accountability to the Commission, Parliament and the Court of Auditors would become blurred.

Development and humanitarian advocates repeatedly reinforce the distinction not only between humanitarian aid and politics, but also between development and humanitarian aid. Thus, for example, while Nielson laments the lack of coherence between the EU's development aid policy and political efforts with respect to Zimbabwe and sees development contributing to a wider security framework, he is adamant that humanitarian aid is a distinct form of activity situated outside both. If realised in practice, this hardening of the distinction between relief and development aid will run against the prevailing orthodoxy, embraced by the EC itself in successive communications about the need to better link relief and developmental instruments. A new and different way will have to be found of squaring the circle of aid provision in chronic political emergencies.

Conclusions

A number of conclusions emerge from this analysis.

First, coherence is not necessarily good in itself. Policy can be consistently wrong as well as consistently right: France in Rwanda (1994-5) or the UK in Sierra Leone (1997) were two examples of the former. The fundamental question is whether or not military and political actors are intervening in a crisis motivated by humanitarian concerns and act in a manner as to maximise the humanitarian outcomes. Are the overarching objectives that link military, diplomatic and aid responses focused on relief of suffering and the protection of civilians? Or are they a reflection of national interest? There is currently little evidence of a sustained basis for humanitarian politics guiding international interventionism, but much more of a politicised humanitarianism.

In such a context, humanitarian organisations are right to be wary of erosions to their political independence, recognising that it will undermine not only their legitimacy, but also their capacity to act practically. Yet humanitarian organisations should not concentrate their efforts on building higher walls around themselves, which enable them to differentiate themselves from their political, military and developmental colleagues. Rather, they must engage with those same actors, and encourage them to fulfil their roles and responsibilities in upholding international law, including international humanitarian law. Unless they do so, humanitarian organisations will again be cast to the margins of international relations.

While extremely important, the preservation of an independent ECHO is only part of the challenge. Perhaps more significant, will be ensuring that the role of other European political and military instruments remain informed by humanitarian objectives and principles. ECHO and other humanitarian organisations do not and should not claim a monopoly of responsibility for humanitarian action. In this respect, Convention proposals to include "freedom from poverty, famine and fear" in the purpose and objectives of EU External Action come close to the UN Rwanda evaluation's vision of a new humanitarian order. However, given the ambiguities inherent in trying to define the means to achieving such an order – regime change, military interventionism and political conditionality – it will be important to watch how this might be interpreted and abused. Hard security issues, such as counter-terrorism, can quickly overtake the agenda.

1   This section draws extensively on a report by J Marcie and N Leader 'Shifting sands: the theory and practice of 'coherence' between political and humanitarian action', HPG report 8, Humanitarian Policy Group, Overseas Development Institute, London.

2   Errisksen *et al*, 1997

3   The UK government has consistently rejected the charge that it applied political conditionality, and argues that its decisions were based solely on considerations of security and concerns that agencies lacked the capacity to protect leakage of relief supplies. The UK government continued to fund the ICRC throughout.

4   This section is adapted and expanded from Brusset E and C Tiberghien 'Trends and risks in EU humanitarian action' in Macrae J (2002) 'The new humanitarianisms: key trends in global humanitarian action', *HPG report* 11, Humanitarian Policy Group, Overseas Development Institute, London.