

Humanitarian space: trends and issues

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Key messages

- The widely held belief that humanitarian space is 'shrinking' is misleading. Many of the problems agencies face today are not only familiar when compared with the past, but are also in many respects a consequence of expanding humanitarian engagement in conflict-affected crises.
- There is a need for greater scrutiny of the international humanitarian system itself and how its nature and evolution affect humanitarian space. Most discussions of humanitarian space are overly preoccupied with the policies and actions of external players, such as militaries, donor governments and UN peacekeeping missions.
- The protection of civilians is absent from most discussions of humanitarian space, which are primarily concerned with the ability of international aid agencies to operate and provide material assistance. The sole focus on *agency space* must give way to an emphasis on how to protect civilians, including the roles played by other actors such as states and armed groups.

There is an overwhelming consensus among humanitarian actors that 'humanitarian space' is shrinking. This is largely attributed to developments since the attacks on the United States on 11 September 2001, particularly the use of humanitarian assistance by Western governments to further their political and security objectives. The corollary of this apparent decline in humanitarian space is that things were better in the past. In reality, the history of humanitarian action over the past half century or so reveals a far more complex and ambiguous picture. There is no 'golden age' of humanitarian space, but rather periods in which humanitarian action was frequently and deeply politicised; when humanitarian access to conflict zones was heavily constrained by concerns for sovereignty; when access depended entirely on compromising principles and autonomy; and when neutrality was all but abandoned in favour of militarised humanitarianism. Many of the problems agencies face today in delivering relief and providing protection are all too familiar when compared with the past, and are in many respects a consequence of expanding humanitarian engagement in

conflict-related crises and the changing nature of the humanitarian system.

The changing nature of the humanitarian system

Most discussions of humanitarian space focus on the policies and actions of external players, such as militaries, donor governments and UN peacekeeping missions. Whilst external factors are clearly of significance, there is also a need for greater scrutiny of the international humanitarian system itself, and how the nature of this system affects the ability of aid agencies to provide relief and protection and promote humanitarian space.

The humanitarian system is not a homogenous or closely governed entity, and many of the problems associated with the perceived decline in humanitarian space are at least partly attributable to the nature of the system. As currently constituted, the humanitarian 'system' can appear a predominantly Western construct, representing Western interests, values and behaviours that may be distrusted, challenged or rejected by local

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populations.¹ The bulk of the largest NGOs are from North America and Western Europe, and 16 of the largest donors (providing over 90% of official humanitarian assistance) are all Western, with the exception of Japan.² Within individual countries aid agencies often command considerable power and resources; in weak states such as Afghanistan, Haiti, Somalia and South Sudan, they can often be seen as forging a separate and exclusive non-state or 'petty' sovereignty that operates to a large extent separately from and sometimes in opposition to the state and other national organisations and power-holders.³ Some agencies have annual budgets that compare with those of some of the states in which they are intervening.

A disproportionate share of international humanitarian funding and other resources are concentrated in the hands of a core group of UN agencies and international NGOs. In 2008, the six largest organisations and federations had a combined humanitarian spend of \$1.7 billion, compared to \$193 million for the next 11 largest organisations/federations.⁴ At the international level, career paths often span these few dominant organisations, effectively creating a 'humanitarian establishment'.⁵ This in turn creates a dominant international humanitarian discourse, defines and legitimises the role of key agencies and ultimately determines the terms of reference and 'rules of the game' that define the system. The boundaries of the humanitarian system are reinforced by institutional structures, initiatives and reforms, such as the Inter-Agency Standing Committee (IASC) and its various networks, the Sphere Humanitarian Charter and Minimum Standards in Disaster Response and the Clusters and Humanitarian Country Teams. While helping to improve performance and professionalism, these institutional developments also risk marginalising, excluding or obscuring the numerous other actors and networks that are involved in humanitarian action, but which are not explicitly recognised as established, legitimate or equal humanitarian actors by the international humanitarian establishment. These include local and national government and civil society organisations, small Western-based and national NGOs acting independently of the mainstream system, religious and diaspora networks and organisations,

¹ Antonio Donini, 'The Far Side: The Meta Functions of Humanitarianism in a Globalised World', *Disasters*, vol. 34, no. 2, pp. 220–37.

² Abby Stoddard, 'Dommage Collateral: contre-insurrection internationalisée et ses conséquences néfastes sur l'action humanitaire', in Caroline Abu-Sada (ed.), *Dans L'oeil des Autres: perception de l'action humanitaire et de MSF* (Lausanne: Editions Antipodes, 2011).

³ Mark Duffield, *Development, Security and Unending War: Governing the World of Peoples* (Cambridge: Polity Press, 2007).

⁴ Paul Harvey et al., *The State of the Humanitarian System: Assessing Performance and Progress. A Pilot Study* (London: ALNAP, 2010).

⁵ Hugo Slim, 'The Continuing Metamorphosis of the Humanitarian Practitioner: Some New Colours for an Endangered Chameleon', *Disasters*, vol. 19, no. 2, 1995.

international for-profit contractors, local private sector actors and peacekeeping and other international military actors. This helps explain why most discussions of humanitarian space focus on the access concerns of international aid agencies, rather than the plethora of actors and institutions that play a role in ensuring people's relief and protection in times of crisis.

While the concentration of official humanitarian aid and the shared discourse and relationships among a small number of dominant organisations might make the humanitarian system appear relatively centralised, in practice agencies jostle with one another for leverage, funds, public profile and market share, and often ignore or distance themselves from norms or joint operational frameworks when these are not deemed in their interest.⁶ Given how the humanitarian system functions, it is perhaps not surprising that many of the joint standards, principles and codes of conduct that have been developed to address the problem of 'shrinking' humanitarian space have been ineffective because they have not been able to ensure a consistent response across the sector. These networks and standards do not constitute a distinct or coherent normative framework for the sector as a whole; they typically lack monitoring or enforcement mechanisms, and compliance is almost always weak and uneven in practice. This was the case in Somalia with the NGO Operating Principles and Red Lines and the UN's Policy on Humanitarian Engagement, which were developed to improve agency access in South Central Somalia. It was also the case in Pakistan with the Basic Operating Rules, which were developed to ensure principled humanitarian action during the 2009 IDP crisis.

The implications of these tendencies are signally absent from discussions of humanitarian space. The focus is usually confined to the role of multi-mandate organisations in extending the boundaries of humanitarian action. Deeper failures in international humanitarian action – such as the failure of agencies to act collectively and strategically in the face of violence against civilians in Sri Lanka, or the failure to prevent the political manipulation of aid in Pakistan – are not fully recognised or addressed. Where they are, these failures are attributed to technical operational problems, such as weak leadership or poor coordination.

Principles and the new security paradigm

To arrest the perceived decline in humanitarian space, there is a tendency to appeal to the principles of humanitarian action. Yet, principles do

⁶ Alexander Cooley and James Ron, 'The NGO Scramble: Organizational Insecurity and the Political Economy of Transnational Action', *International Security*, vol. 27, no. 1, 2002.

not in themselves automatically guarantee access; rather, access is a product of the dynamic interplay between competing interests, institutions and processes in a particular context, and the ability of humanitarian actors to exert positive influence over humanitarian conditions and the operating environment.⁷ External political and military actors will seek to oppose principled humanitarian action if it is deemed to hinder the pursuit of their objectives, and if they feel that they can benefit from a more politicised humanitarian response. Attacks against humanitarian agencies often result from the benefits of demonstrating ‘the might of the attacker, the weakness of the victim, and the inability of the opposing force to prevent such attacks’.⁸ They can have little to do with a lack of respect for humanitarian principles.

This is not to say that the principles of humanitarian action do not have an important role to play in negotiating access and gaining acceptance, or that association with certain actors in a given context does not increase risks for humanitarian aid workers. It does, however, imply that, by solely focusing on the actions of external actors and on the need to adhere to principles in order to separate humanitarian action from other political and security objectives, humanitarian actors propagate a technical approach to humanitarian space that can serve as an alibi for not grappling with the wider challenges of engagement in difficult environments. The assumption seems to be that, as long as relief is properly coordinated and delivered to adequate technical standards, ipso facto agencies are likely to be achieving their primary life-saving objectives. This is evident in current approaches to operational security management, which increasingly emphasise the institutional imperative to be *present*, particularly in high-profile conflict-affected countries.⁹ Yet there is little reflection on what it really means to be ‘present’, and what the ultimate objectives of this presence are.

In order to be present, aid agencies frequently rely on national staff, subcontracting to national and local organisations of various kinds and – in the most extreme cases, such as in Somalia and Darfur – ‘remote management’. Indeed, the biggest NGOs and the UN’s specialised agencies are barely operational at all in many places, subcontracting their operations

⁷ Marie-Pierre Allie, ‘Introduction: Acting at any Price?’, in Claire Magone, Michael Nueman and Fabrice Weissman (eds), *Humanitarian Negotiations Revealed: The MSF Experience* (London: Hurst & Co, 2011).

⁸ Laura Hammond, ‘The Power of Holding Humanitarianism Hostage and the Myth of Protective Principles’, in Michael Barnett and Thomas G. Weiss (eds), *Humanitarianism in Question: Politics, Power, Ethics* (London: Cornell University Press, 2008).

⁹ Jan Egeland, Adele Harmer and Abby Stoddard, *To Stay and Deliver: Good Practice for Humanitarians in Complex Security Environments*. Independent study commissioned by the Office for the Coordination of Humanitarian Affairs (OCHA) (New York: OCHA, 2011).

to local and national organisations; what operations they do have are increasingly implemented by national staff, albeit still often ‘led’ from a distance by internationals. While there are doubtless various factors behind this trend, some primarily financial or managerial, one principal reason is that these organisations have sought to expand their reach into violent contexts without being fully willing or able to take on all the associated risks directly. Instead, these practices effectively transfer risk away from the centre of these organisations to individuals and organisations at the margins. Delegated or sub-contracted implementation – often combined with the bunkerisation of international staff – is frequently pursued with little oversight or knowledge of what national or local staff, partners or contractors are actually experiencing or doing on the ground.

To the extent that current mainstream guidance on operational security management focuses on managing the risks for humanitarian agencies themselves, it is almost entirely concerned with maintaining or expanding *agency* space, rather than *humanitarian* space. Yet strategies and mechanisms that might be effective in protecting aid agencies do not necessarily protect civilians in the same context. For instance, during the final phases of the Sri Lankan government’s military offensive against the Liberation Tigers of Tamil Eelam (LTTE), the majority of humanitarian agencies all but jettisoned minimum standards, including for civilian protection, and chose to prioritise their ability to deliver material assistance over advocacy on behalf of Tamil civilians suffering massive human rights abuse.

Moving beyond agency space: re-affirming the principle of humanity

The current discussion, with its emphasis on agency access, must be refocused to recognise the broader meaning of humanitarian space, which includes the protection and assistance needs and priorities of affected populations and the roles and duties of other key actors, including political authorities and armed groups. A reading of the principle of humanity suggests that humanitarian action cannot simply be equated with material service provision by international humanitarian agencies. This is clear from the definition of humanity in the Code of Conduct of the International Red Cross/Red Crescent Movement and NGOs, which includes efforts ‘to prevent and alleviate human suffering wherever it may be found ... to protect life and health and to ensure respect for the human being’.¹⁰

Confining legitimate humanitarian action to a defined set of actors, principles and deliverables

¹⁰ Hugo Slim, ‘Relief Agencies and Moral Standing in War: Principles of Humanity, Neutrality, Impartiality and Solidarity’, *Development in Practice*, vol. 7, no. 4, 1997.

reinforces the exclusive nature of the system, and determines who can and cannot be part of the 'establishment'. Despite the fact that many aid agencies define humanitarian space in a way that recognises the importance of both relief and protection, the role of other actors in delivering these assets is rarely mentioned. To address this, humanitarian space must be understood as a complex political, military and legal arena of civilian protection and assistance, determined by the interplay of a range of actors' interests and actions.

Humanitarian actors need to focus on their strategic engagement with these actors with the aim of promoting civilian protection and critically reflect on and mitigate the negative impacts of their actions. The debates of the 1990s, with their emphasis on the importance of scrutinising the impact of humanitarian aid, have somehow been lost in current discussions of humanitarian space; a return to these concerns would go a long way to support humanitarian objectives in conflict situations. This would include, alongside efforts to maintain operational presence, discussion of minimum conditions in specific contexts that would prompt the withdrawal or suspension of activities if the costs of maintaining a humanitarian presence were too high, for instance by transferring undue risks to national staff or partners, by being co-opted into controversial counter-insurgency campaigns or by prioritising the material delivery of assistance over the protection of civilians. Any such decision needs to be made within a clear ethical framework, with the costs and benefits of the course of action taken articulated in a transparent manner.

The ultimate responsibility for ensuring respect for people's relief and protection does not lie with humanitarian organisations, but rather with political authorities and military forces. However, humanitarian organisations can encourage these actors to meet their commitments. They are most likely to succeed in this if they capitalise upon existing political processes that are already reducing incentives for abuse.¹¹ This will require strategic thinking and analysis that identifies the key actors, their goals and objectives and their incentives for respecting the rights of affected populations to receive assistance and protection. This in turn will require humanitarian actors to come to agreed positions and actions that can more effectively influence these actors.

¹¹ Nicholas Leader, *The Politics of Principle: The Principles of Humanitarian Action in Practice*, HPG Report 2 (London: ODI, 2000).

A central obstacle to implementing such an approach is the nature of the humanitarian system itself. The growth in the number of humanitarian agencies and networks has led to a more complex and dispersed humanitarian sector. Despite efforts to develop common approaches across the sector, different organisations working with different priorities and different mandates and missions continue to operate with a great deal of autonomy; on the ground, their actions are often *ad hoc* and based on ideology, personalities or institutional interests, rather than any shared strategies of engagement. When they come together in formal fora such as the Clusters, cooperation and information-sharing usually focuses on immediate operational priorities, rather than strategic and principled reflection or action.

Organisations cherish their autonomy as it allows them the freedom to negotiate their own presence, pursue their own programmes and make their own compromises according to their specific mission or mandate.¹² It may also allow greater scope to adapt to complex political and security environments, both at the individual agency level and for the wider sector. If enough aid agencies can maintain some level of financial independence, this may well protect the sector from wholesale political capture by donor governments, and may counteract the tendency of donors to channel funding to crises of higher strategic importance, but lower humanitarian need. Collectively, however, agency autonomy risks encouraging an anarchic free-for-all that will favour limited and fragmented tactical engagement with armed and other state and non-state actors to secure individual agency space, rather than any joint principled and strategic engagement to influence humanitarian space more broadly.

To overcome these obstacles, humanitarian actors need to negotiate more strategically among themselves to come to agreed positions and actions. Achieving this will mean finding a compromise between anarchic autonomy and top-down authority within the system, recognising the value of different approaches among different actors. This will not be easy, but such an endeavour is central to promoting genuine humanitarian space for affected populations.

¹² David Rieff, 'Afterword', in Magone, Nueman and Weissman (eds), *Humanitarian Negotiations Revealed*.