

Neo-Humanitarianism: The Role of International Humanitarian Norms and Organizations in Contemporary Conflict



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The circumstances and nature of humanitarianism have changed in recent years. The traditional ideals of neutrality, impartiality, and independence have become myth. Rather than being at the margins of conflict, humanitarianism is now embedded within contemporary conflict. States use humanitarian norms and actors for their own ends, frequently as a response to international pressure to intervene in conflicts. Such actions, as well as those on the part of international humanitarian organizations and other nonstate actors, have altered the terrain of humanitarian action. **KEYWORDS:** armed conflict, humanitarianism, international humanitarian organizations, NGOs, norms.

On 7 October 2001, about two hours after the United States started bombing Afghanistan, Secretary of Defense Donald Rumsfeld stated that one of the six goals of the military operations was “to provide humanitarian relief to Afghans suffering truly oppressive living conditions under the Taliban regime.”¹ Given the fact that the Bush administration had portrayed the conflict with the Taliban and Al-Qaida as a fight for national, and indeed civilizational, survival, why would Rumsfeld feel it necessary, or even desirable, to include the seemingly unrelated issue of humanitarian relief as one of the major goals of the war?

What I would like to suggest is that global humanitarian action, and discourse over such action, has become such an increasingly visible feature of international relations that it has insinuated itself into a variety of political and operational situations. In fact, humanitarian norms have become so important that they force their way into the general discourse of war and peace. Furthermore, humanitarianism has become an extremely

valuable public relations tool. Thus, a U.S. secretary of defense finds it useful to use humanitarianism to justify waging war in a remote corner of the world (from the perspective of the United States) and, in fact, may have felt normative pressure to do so.

In this article, I argue that because of the changing nature of conflict, and other broad changes in international relations, we are entering an era of what I call neo-humanitarianism, which is characterized by the embeddedness of humanitarianism within, rather than at the margins of, contemporary conflict. It is distinguished by the explicit manipulation of humanitarianism for political or military gain on the ground in a conflict or as a substitute for political and military action. As a result, international humanitarian organizations (IHOs)² have found themselves being manipulated by a wide range of actors in the middle of conflict. At the same time, they have participated in this transformation of humanitarianism.

The main questions to be addressed in this article are: Why is neutral humanitarianism increasingly becoming a fiction? Why do states turn to humanitarian actors? What are the implications of state reliance on humanitarian actors? What are the effects on these organizations and on humanitarian action more broadly? How do IHOs affect the conflict environment? What role do humanitarian norms play in conflict today?

One of the main humanitarian actors is the UN High Commissioner for Refugees (UNHCR). Traditional theory would suggest that such an organization, being part of an intergovernmental body, would simply carry out the wishes of the larger state-based body and, further, that it could have no independent effects itself. However, Michael Barnett and Martha Finnemore, who look at the creation and role of international governmental organizations (IGOs) from sociological bureaucratic and constructivist perspectives point out that bureaucracies frequently do not do exactly what their originators intended them to do. We accept this when discussing, for example, domestic foreign policy bureaucracies but still seem to have a blind spot when it comes to international bureaucratic actors. We assume that these international agencies and organizations are part of the international structure without agency themselves. We also assume that these organizations will carry out only those functions they were intended to carry out. It is increasingly clear that neither of these assumptions is entirely accurate.³ Further, as will be illustrated, such organizations can have effects beyond, and even in direct opposition to, the principles on which they were created.

Regarding nongovernmental organizations (NGOs), whereas traditional theories of international relations essentially disregard the place of NGOs in world politics, a growing number of authors have demonstrated

that NGOs do play a significant role.⁴ And, although some claims are overblown, there is evidence to suggest that organizations may make decisions to act in certain ways that may either contribute to conflict or change their relationship to the conflict and combatants. And, to the extent that some NGOs make a conscious decision to choose sides and not remain neutral, they may affect not only their relationship to combatants, but also how all IHOs are perceived in a particular conflict. At this point it should be noted that certainly not all NGOs make such choices and that many do try to work within the traditional neutrality paradigm. However, partly because of the actions of other actors, they find this to be increasingly difficult.

With respect to international humanitarian norms, traditional theories of international relations argue that state interests are more or less fixed, and to the extent that states' perceptions of interests change, they change as a result of internal factors rather than through a change in some external international norm. However, Finnemore argues that norms can be constitutive of state interests and behavior: "States are socialized to accept new norms, values, and perceptions of interest by international organizations."⁵ Part of the argument of this article is that international humanitarian norms have an effect on how states act. Regardless of whether or not state leaders actually want to engage in humanitarian efforts, they may feel certain pressures to do so, or to at least be seen as showing concern, because international norms require this attention. States learn new norms and modes of acting partly as a result of being "taught" these norms by international actors, including nonstate actors such as the International Committee of the Red Cross (ICRC).⁶ However, the existence of these norms also allows states to use and manipulate them for their own ends. Thus, states may be pushed by international norms and institutions, but they can also push back and appropriate them for their own ends in the guise of humanitarianism. Even though these norms may be used for cynical manipulation, this indicates, in contradiction of traditional theories, that these norms exist and have real effect on the international scene.

Classical Humanitarianism

Large amounts of money are poured into NGOs and UN agencies each year to alleviate suffering in conflict situations. Yet since the first modern humanitarian principles⁷ were put forth, the context of humanitarian action has changed dramatically. When Henri Dunant witnessed the slaughter and the suffering on the battlefield of Solferino in 1859, war

was generally fought between two state armies along fixed lines of battle. War was perceived, whether rightly or wrongly, as being within the conduct of civilized, gentlemanly behavior. Thus, when Dunant began to propagate the Red Cross principles, which eventually became enshrined in the Geneva Conventions, they were embraced by the European statesman as being a way to ensure the gentlemanly conduct of war. Thus, humanitarian action, including assisting wounded soldiers and others affected by the war, was seen as an act of compassion rather than an act of politics.⁸ This is the classical model of humanitarianism—neutral, impartial, and independent. There was always an element of myth to this, but it worked well enough—at least to the extent that organizations like the ICRC were able to convince a wide variety of actors not to fear them.

Neo-Humanitarianism

The reality of war today belies this view. Most war today is not between states but between a variety of state and nonstate actors. It frequently takes place in poor, out-of-the-way countries (from the perspective of the great powers) that hold no strategic interest for those powers. It is not necessarily about power and territory but rather about gaining access to resources. It is frequently meaningless to talk about the front lines—war today is a much more fluid affair. Most casualties are civilian. Many of the combatants in today's asymmetrical conflicts (particularly, although not exclusively, those labeled "terrorists") reject the logic of the principles of the Geneva Conventions, since it is only by violating some of the norms—such as noncombatant immunity, which they perceive as favoring traditional state actors—that they can level the playing field and compete with states. Although in many instances humanitarian norms may be given lip service, almost all parties to most armed conflicts today seek to manipulate humanitarian action for a wide variety of reasons. Rebel groups want the food and medical supplies for themselves. States fighting rebel groups want to deny those resources to the enemy. The most powerful states in the world, which frequently feel pressure to "do something" and intervene in instances of genocide and other humanitarian crises, attempt to use humanitarian actors to show that they are responding to a crisis while not actually doing much at all, and certainly not putting their soldiers in harm's way. Thus, humanitarian aid becomes a strategy for political containment rather than problem solving.⁹ By turning to the "do-gooders" to do their work for them, they have helped usher in neo-humanitarianism. When these actors become

politicized, they become targets for parties to a conflict.

The post–Cold War and post-September 11 international environments have altered the conflict environment. With the end of the Cold War, the UN started intervening in more conflicts.¹⁰ The implications have been far-reaching. Since the UN is now more involved in continuing conflicts, there is greater likelihood that the UN and its various agencies will be perceived as having a bias in a conflict. This may taint the efforts of aid agencies like UNHCR. Given that UNHCR or another UN agency generally acts as the main coordinator for humanitarian operations amid conflict, all agencies may be tainted by a perception of bias on the part of one or more combatants, thereby undermining their claims to neutrality and impartiality, even if they are indeed acting in a neutral and impartial manner. And, as UNHCR has become more deeply involved in operating amid ongoing fighting, the possibility increases that it, and other IHOs operating in concert with it, will be caught in the fighting.

In addition, the distinction between combatant and noncombatant, which the principle of neutral and impartial provision of humanitarian aid is based on, has increasingly lost its salience.¹¹ This loss of distinction has been exacerbated by the changed international environment since September 11, 2001. Terrorism, by its very nature, obscures such a distinction. The response by the United States in the “war on terror” has also served to erase this distinction as enemies become “evil” and hence do not warrant (in the eyes of the United States) the protection of the Geneva Conventions, or even fundamental human rights norms, such as prohibitions on torture. If parties to conflicts ignore the combatant/noncombatant distinction, it becomes much harder for IHOs to trade on their reputation of neutrality and impartiality. In fact, IHOs are being targeted by nonstate combatants because they are “soft” targets, easier to successfully attack.¹² But since humanitarian activities are increasingly integrated into the military plans of Western governments, such attacks can have the result of interrupting “hearts and minds” activities intended to show the local populations that the military forces and their civilian counterparts are there to help them. And, as Western IHOs become more closely associated with one or more parties to a conflict through funding relationships, the perception of neutrality is harder to maintain, especially vis-à-vis entities such as the Taliban or other self-styled resistance forces who see themselves as fighting against the West. The combatant/noncombatant distinction is also lost when state military forces participate in humanitarian activities. This was taken a step further in Afghanistan, where U.S. forces engaged in nonmilitary civic programs in civilian clothes.¹³ In this type of situation, it becomes even harder to distinguish between humanitarians and

military forces, and the humanitarians will almost inevitably suffer as a result.

Humanitarianism has, to a significant degree, lost its core principles of neutrality, impartiality, and independence.¹⁴ Humanitarianism, which is now as much about public relations as it is about helping people, is often used in the service—either directly or indirectly—of foreign policy goals and wartime objectives. To see this point, one need only look at the airdrops in Afghanistan and the way they were touted by the U.S. government and the media, even though they had a negligible impact on the people in Afghanistan and were done in a way that violated all sorts of humanitarian principles.¹⁵ And humanitarians find themselves in the thick of the most brutal conflicts in the world, with no political or military backup, having to negotiate access to affected populations and frequently finding themselves targets or pawns in the conflict. This is partly because the nature of conflict is changing; partly because major powers, by the way in which they are using humanitarians, are slowly stripping away the mantle of neutrality those workers could trade on in the past; partly because more IHOs are operating in the middle of ongoing conflict; and partly because some IHOs themselves are not acting impartially. Even when IHOs do act in a neutral and impartial manner, they risk being tainted by perceptions or misperceptions of combatants who put all IHOs into the same category or who equate Western IHOs with the actions of Western governments.¹⁶

Along with the change in the circumstances and practice of humanitarianism has come a broadening of the concept of what encompasses the humanitarian realm. From the beginnings of the humanitarian movement in the nineteenth century through perhaps the 1970s, humanitarianism basically meant delivering medical and relief aid in conflict situations, and the relevant international law was defined by the Geneva Conventions and related international instruments. All of that has changed, however, with the move to what has been identified as rights-based humanitarianism. That is, IHOs now frequently work from a position that looks at human rights in the context of conflict, the broader rights of those affected by war, and the human rights situations that may be leading to conflict and the need for assistance in the first place. There is significant interaction between operational IHOs and advocacy human rights organizations (although these two types of organizations can also have differing perspectives on a particular issue), but the former are also doing advocacy (including asking for military intervention) as well as taking a more long-term, development perspective. Organizations have become more confrontational vis-à-vis states—or at least

the developing countries in which they are operating. And, there has been a blurring of the line between the traditional categories of human rights, refugee, and humanitarian law. These three bodies of law and the norms associated with them are viewed in a holistic, overlapping, complementary way in both operational and ideational contexts. The conceptual merging of these sets of norms allows IHOs to look at the big picture and to go beyond merely delivering assistance to helpless victims. When they do so, however, they also set up situations where norms from the various regimes may conflict, especially neutrality conflicting with human rights advocacy.¹⁷

Politicization, Manipulation, and Resort to International Humanitarian Actors

Sometimes organizations choose to be political, but frequently they have it thrust upon them. States turn to them to show to the world and their domestic constituents that they are responding to a conflict in a forgotten, far-flung corner of the world. Take Rwanda, for example. The big powers knew the genocide was coming and they knew when it was happening, but it was not perceived to be in their strategic interest to prevent the slaughter. Because of international norms, however, it *was* important that they be perceived as caring. Thus, once the slaughter was done and many of those from the losing group left the country, the United States and others called on the humanitarians to respond. Donor countries funded the work of UNHCR in eastern Zaire, even while criticizing it for contributing to the growing insecurity emanating from the refugee camps—security problems that they were reluctant to address. Humanitarian action was thus a convenient way to shore up their global image while at the same time providing a convenient diversion from global responsibility.¹⁸

That states exhibited callous indifference to human life and manipulative, hypocritical behavior is not surprising. What is interesting, however, is the extent to which they now depend on nonstate actors to implement elements of their foreign policy. UNHCR and NGOs are funded overtly in an explicitly political way. Money is given to support operations in places deemed important to the donors—for example, in Bosnia where European states were afraid of mass influxes of refugees.¹⁹ Pressure is put on UNHCR to aid people in their country of residence rather than in a country of asylum, thus shielding countries from the effects of refugees. UNHCR frequently has little choice but to agree

to participate in forced repatriation, a direct violation of its mandate and general principles of refugee protection. Only 2 percent of UNHCR's budget is hardwired into the general UN budget. The other 98 percent comes essentially from begging—going hat in hand to donor countries.²⁰ Many NGOs are dependent on either the major donor states for funding or on UNHCR, which gets its money from these same states. With money comes power. These few examples would lead one to the conclusion that such IHOs are no more than the proxies of powerful states, dependent on them for funding and thus selling themselves so that they can at least do some good amid conflict.

But is this the end of the story? I would argue not. Two important questions are missing from the equation. First, what are the implications of such state reliance on nonstate actors? Do states turn to them just because of mere expediency, or is something more going on? CNN and the Internet bring pictures of starving, brutalized people²¹ into our homes on a daily basis, tugging at that core of humanity inside of us. NGOs use global telecommunications to great effect to publicize human rights and humanitarian norms, to put pressure on states to follow them, and to put a spotlight on situations where these norms are violated. The quest of IHOs for funds through media publicity may not only raise money, but may also raise the salience of an issue. As a result, the so-called CNN effect can, in certain circumstances, push states—particularly Western, democratic states—to respond.²² Yet political elites and populations have little stomach for casualties. So a check is written to UNHCR for a few hundred million dollars to act as a proxy. Thus, instead of the cry “send in the Marines,” one now hears “send in the humanitarians.”²³ At the same time, such states can use CNN and the rhetoric of humanitarianism to their own advantage.

Further, conflicts have increasingly widespread consequences—from refugee flows to regional destabilization. States cannot respond to all of them. Yet these conflicts do threaten core interests. Thus, the creation of “safe” areas in Bosnia helped contain conflict and reduce Western exposure to casualties, as well as keep potential refugees bottled up in their own countries, at a relatively low cost. That these areas were not in fact safe, and that holding refugees there actually made it easier for slaughter to be carried out, misses the point—the West had to do something, or at least be perceived as doing something, but with little risk. The humanitarians made this possible. Yet reliance on IHOs may indicate a loss of policy autonomy on the part of states. If states are forced to intervene or otherwise react even when they do not want to, they lose some part of their policy initiative, even if IHOs allow them to partly recapture this initiative.

Actors

A second question has to do with how the interaction of IHOs with the conflict environment has changed and who or what is responsible for this change. In addressing this question, I refer to three different types of international humanitarian actors—those affiliated with intergovernmental organizations (specifically UNHCR), those affiliated with the ICRC, and those affiliated with NGOs.

UNHCR

UNHCR, an arm of the UN and thus enmeshed in the politics of the UN and great powers, has been criticized for acquiescing to global power politics. But it has also been able to gain power and resources, expand its mandate, and influence states throughout its fifty-year history. From the very beginning, it gained the ability to raise funds beyond those initially allotted to it, thus loosening the grip of states. In the years after its creation, it gained the ability, on its own initiative, to provide material assistance to refugees, thus going beyond its original mandate of legal protection. In fact, UNHCR has, through the initiative of activist high commissioners, expanded its mandate so far beyond legal refugee protection that it now has the preeminent humanitarian assistance capability in the world, and its involvement in humanitarian disasters runs the full gamut from preventive activities, to traditional refugee protection, to in-country protection of internally displaced persons, to postrepatriation assistance, to a wide variety of development activities.²⁴ It now identifies almost 20.6 million people as being “of concern” to UNHCR, almost double the 10.4 million refugees around the world. This includes internally displaced persons, returnees, and other war-affected victims.²⁵ It also has the power to define who a refugee is and to determine how it and affiliated IHOs act in the field and who they give protection and material assistance to. UNHCR thus has power over the lives of millions of people.²⁶

In some ways, however, UNHCR has been too successful. From a budget of U.S.\$300,000 in 1950, it peaked in 1993 with a budget of \$1.5 billion. Recent years have seen it spending somewhat less than \$1 billion. As noted, 98 percent of its operating budget comes from direct donations from states rather than from the basic UN budget. This, of course, gives states leverage over UNHCR and also lets states dictate which humanitarian crises are funded and at what level. Because UNHCR is so well recognized as a prominent do-gooder, it gains the attention of a variety of international actors who would like to use this do-gooder ethos for their own ends.

UNHCR is frequently criticized for focusing too much energy on delivering humanitarian assistance, often at the expense of its core protection mandate. Others argue, however, that it would not be involved in so many different situations if it had not taken the initiative to develop its premier assistance capability. They argue that with assistance comes access, and without access you cannot protect. UNHCR has exhibited a certain entrepreneurial spirit in recent years especially, which has given it the ability to grow, gain resources, and become a player on the international scene.

Yet it has in many instances also done the bidding, or at least is perceived to have done the bidding, of states. As noted previously, it has acted as a substitute for state action. And, at the same time—literally—those same state actors have criticized it. Even as UNHCR was being used as a facade by the great powers after the genocide in Rwanda, those same countries were criticizing it for helping foster a dire security situation along the Rwanda/Zaire border. UNHCR was being blamed for contributing to a situation that was quite threatening to Rwanda—and other states—by setting up refugee camps in eastern Zaire, thus providing a base from which Hutu militants could conduct raids against the new government in Rwanda. The fact that all the states involved left it with no choice does not undermine the fact that UNHCR, by following its humanitarian mandate, helped change the facts on the ground. If those camps had not existed, the Hutu rebels would not have been able to hide in the camps, and—if one follows the logic of the unfolding events there over the past ten years—Mobutu Sese Seko might not have been overthrown and Africa might not today be experiencing its first continental war. Yet if those camps had not existed, thousands, probably tens of thousands if not hundreds of thousands, more people might have died.²⁷ Humanitarian actors are thus caught in a vicious circle embedded within the logic of modern war and the precepts of humanitarianism. Their humanitarian mandates force them to act, but by acting they are caught in the middle of circumstances they cannot control, even as they affect them in sometimes profound ways.

ICRC

The ICRC, which occupies an ambiguous middle ground between being an NGO and an organization with an intergovernmental mandate, is specifically given agency in the Geneva Conventions. It is recognized as the protector of humanitarian norms, and it is explicitly given the right of initiative to offer humanitarian assistance. And even if a state declines it access to affected populations, it may provide such assistance, at least

in cases where nonstate actors, such as rebel groups, control the affected territory.²⁸ It does not do state bidding. In fact, it tries to stay away from state pressure as much as possible. Instead, it tries to cajole states into respecting international humanitarian law through the deployment of international norms. Further, Nicholas Berry²⁹ has recently argued that not only does the ICRC intervene in wars in ways that states might not like, but it actually works to undermine the very institution of war itself. By working through private communications, it helps coax the international community into intervening in conflicts. By having a presence on the ground and monitoring situations, it constrains the level of violence. By providing assistance to all sides, it helps stalemate wars. By pushing states and other parties to comply with international humanitarian law, it restricts the use of force and undermines its effectiveness as a way to decisively resolve conflict (although given recent uses of decisive force by the United States in Afghanistan and Iraq, we can see the limits of its activities). It supports UN peacekeeping, war crimes tribunals, and other antiwar activities. It supports mediation rather than armed conflict. Because conflicts today are internal and thus smaller, the role of outside parties, such as the ICRC, is magnified.

And sometimes this role can be disastrous for the organization. The very fact that it is on the ground makes some parties perceive the ICRC as dangerous and a target of manipulation. In the spring of 2001, the ICRC moved into northeastern Democratic Republic of Congo (DRC). There was a conflict going on between two groups—the dominant Hema and the Lendu—exacerbated by Ugandan influence in the region. For logistical reasons, the ICRC prepositioned humanitarian aid in the Hema areas. After doing a more in-depth survey, the ICRC determined that the need for the resources was actually much greater in the Lendu parts of the region. Soon after the ICRC moved much of its resources out of the Hema areas, six of its personnel—two expatriates and four local Congolese—were murdered, and the ICRC left the region. To the ICRC, moving the resources seemed like a reasonable action—take the resources to where they are most needed. To the Hema, it appeared that the ICRC was taking sides. The ICRC was being impartial, but was being impartial the politically savvy thing to do? In the end, six aid workers were killed and the ICRC lost access to affected populations. Was impartiality relevant in this situation? Should it have left more resources in the Hema areas to “buy off” the dominant group? The fact that the ICRC has to deal with these questions demonstrates its political relevance in conflict.

Furthermore, because of the expansion of IHOs, which sometimes are working at cross-purposes, or at least have different ways of acting,

the ICRC must consider not only its own actions but also those of other actors, and it is frequently affected by them. Such was the case in eastern Zaire. Even while attempting to protect the neutrality, impartiality, and independence that the Red Cross stands for, its efforts were undermined by others. In particular, because UNHCR was the dominant player in the crisis, because it gave out much of the money that was spent by IHOs, and because it provided local officials with resources such as vehicles, it was equated with the entire aid community. Even when the ICRC tried to act separately, it was hard to have a distinct personality. For example, in Masisi, the ICRC tried to keep operational distance and was not under the UNHCR umbrella, because being associated with UNHCR was perceived as being a risk factor. UNHCR, as a UN agency, was frequently associated with one side of the conflict, and virtually all aid organizations were painted with the same brush. Even as an organization committed to neutrality, it is difficult for the ICRC to maintain such a perception. And yet, such impartiality did prove itself during the earlier parts of the Rwandan genocide. Within a month of the start of the genocide, all the major IHOs had withdrawn their international staff. Only the ICRC, assisted by some doctors from another organization, stayed and was able to carry out the most basic, fundamental, and non-political humanitarian activities—alleviating suffering.³⁰

NGOs

Finally, nongovernmental organizations, although not created by states, frequently depend on states for funding. Humanitarian NGOs frequently insinuate themselves into conflicts where states or other actors, such as rebel groups, would prefer they not operate. Other times, they seem tied into state agendas. Yet they have participated in formulating and spreading human rights and humanitarian norms and have helped set international agendas—for example, on the landmine treaty.³¹ NGOs also do many of the things that the ICRC does to undermine war as a useful institution.

Of course, humanitarian NGOs can have very different views and perspectives about their roles. Some subscribe to the neutrality ethos.³² Others, such as Médecins Sans Frontières (MSF), may take a particular stance in a conflict and see it as their job to engage in *témoignage*, or bearing witness: “Silence has long been confused with neutrality, and had been presented as a necessary condition for humanitarian action. From its beginning, MSF was created in opposition to this assumption. We are not sure that words can always save lives, but we know that silence can kill. Over our 28 years we have been—and are today—firmly

and irrevocably committed to this ethic of refusal.”³³ As Melissa Labonte argues, MSF tries to portray itself as both a politicized advocacy organization and a traditional IHO based on neutrality and impartiality, depending on its audience, and that neutrality and advocacy represent a “false paradox.”³⁴ Perhaps because of this, it is no wonder that there might be disagreements within the MSF movement itself. One such disagreement erupted in eastern Zaire after the Rwandan genocide. As noted previously, there was concern that the refugee camps were providing a convenient base for Rwandan Hutu militants and thus contributing to regional insecurity. MSF France pulled its operations out of that area because it thought its activities undermined its broader humanitarian and ideological mission. MSF Holland and MSF United Kingdom stayed because their humanitarian ethos dictated this.

Disagreements can exist within an organization or between organizations that are looking through a situation through different lenses. In 1996, UNHCR signed a memorandum of understanding with the government of Tanzania that essentially called for the forced repatriation of Rwandan refugees. Such an action would violate UNHCR’s mandate and the core international norms of *nonrefoulement*. Once the repatriation started, albeit not necessarily under the orderly circumstances UNHCR had envisioned, UNHCR participated to the extent it could by providing food to the returning refugees. It was immediately criticized by human rights organizations, who saw the violation of the norm as the most important issue. But *humanitarian* NGOs who were on the ground had a much different perspective. Quite a number sympathized with the impossible situation UNHCR was in and were not so quick to condemn its actions. Thus, even as we see a melding of humanitarian, refugee, and human rights norms, significant divisions can still remain among the different types of organizations.

By taking a position on a conflict, by choosing sides, or by working in only one area, an NGO can alter the dynamics of a conflict and may also make itself a target. Sometimes an NGO does this unwittingly. By providing food aid and other assistance to the refugee camps in eastern Zaire, the IHOs inadvertantly gave assistance to the *génocidaires*. Sometimes IHOs will attempt to alter a conflict environment through advocacy. For example, numerous NGOs advocated for an international military intervention in eastern Zaire to deal with the camp insecurity, which they assumed would in turn help facilitate the provision of humanitarian assistance. The U.S. Committee for Refugees called for military intervention in 1995 to respond to the fighting in Masisi.³⁵ Some NGOs advocated for the proposed Canadian-led Multi-National Force (MNF) in 1996. And MSF wanted to expand the MNF mandate

beyond protection of humanitarian assistance, as did Human Rights Watch.³⁶

The relationship between NGOs, those they are supposed to be helping, and other actors can be very complicated and morally ambiguous. NGOs depend on outside donors—both institutional ones like UNHCR or states and individuals—for their resources. Large, highly publicized, humanitarian crises can be the perfect opportunity to raise enough funds not only to provide for their operational expenses in a particular crisis, but also to generate funds that help ensure the long-term survival of the organization. Thus, the high-publicity area of Goma was turned into a situation where NGOs had to have a presence, even at the expense of analyzing the context in which an NGO might be operating. NGOs leaned toward high-profile operations and engaged in other activities designed to increase publicity for the organization. Once there, NGOs could become addicted to the money and the prospect for more and thus find it very hard to leave. NGOs can therefore use the CNN effect for their own institutional purposes, although showing too many graphic pictures on TV can have the opposite effect of desensitizing the public, thus undermining support for humanitarian activities.³⁷ Certainly not all NGOs acted this way, but enough did to prompt more than one observer to call Goma a circus. And such a circus atmosphere is the kind of situation where other IHOs that try to scrupulously adhere to traditional humanitarian principles, like the ICRC, have a hard time distinguishing themselves from the sometimes hundreds of IHOs that might be present in a crisis.

Militants, or so-called refugee warriors, can also come to depend on the resources IHOs provide—either through the resources they may confiscate or through the taxes they may put on the salaries of refugees working for the IHOs. In fact, they can become dependent to such an extent that it is in their interest to ensure that the IHOs stay, even at the expense of curtailing their own activities. Such was the case when a number of NGOs threatened to leave Goma in late 1994 because of the security situation. Because the militants needed international recognition and the resources the IHOs provided to the camps, the militants were able to quell the violence, if only temporarily.³⁸ Then a dependency can develop between IHOs, those they serve, and those who may prevent them from carrying out their mission.

The sometimes perverse and contradictory logic of humanitarianism affects how these organizations perceive their role, conceptualize their mission, and then act. Take, for example, the phenomenon of groupthink, where group dynamics can mean that certain alternatives are not discussed and decisionmakers overestimate their capabilities. Humanitarian

organizations are vulnerable to the same dynamics. In particular, one type of groupthink relates to a situation where the group perceives itself as having a particular inherent morality. This prevents the members of the group from considering the consequences of their actions.³⁹ This type of thinking is inherent in humanitarian organizations. They are the good guys, the do-gooders, and thus whatever they do must be good. All too often organizations take this for granted and do not consider the consequences of their actions or alternatives, some of which might violate their code of doing good—such as fueling the war effort by freeing up resources of combatants, attracting raiders, and giving certain warlords legitimacy.⁴⁰ This is beginning to change as organizations become more reflective about their role in conflict, but it is still a significant issue. The very fact that nongovernmental actors need to worry about this underlines the effects they can have on the ground, for both good and bad.

Humanitarian Norms

As already noted, many different actors either violate or attempt to manipulate humanitarian norms. Some would call into question whether these norms even exist. Certainly, the main architects of the Bush administration's foreign policy have a rather ambivalent relationship with such norms, or international norms in general—witness Condoleezza Rice's discussion of "illusory 'norms'" and her condemnation of the Clinton administration's "epidemic" of pursuing international norms.⁴¹ However, the very fact that the Bush administration has attempted to manipulate "illusory 'norms'" would suggest that they do have meaning and effect in global politics. Further, consider the uproar over the Bush administration's policies regarding Taliban and Al-Qaida prisoners being held in Guantánamo Bay. The administration's initial inclination was just to say that although it does not consider them to be prisoners of war and not covered by the Geneva Conventions, it was still treating them humanely and more or less in accordance with the Geneva Conventions. This statement, in and of itself, would seem to indicate a recognition of the standing of certain norms.

Yet, through widespread international condemnation, and probably an internal reassessment of its interests, the administration was forced to backpedal from its initial statements somewhat and say that the Geneva Conventions—international humanitarian norms—did apply to the Taliban prisoners (at least to a certain extent, given that they were still not accorded prisoner of war status), although not to Al-Qaida prisoners.

Thus, even an extremely realist administration feels the oppression of international norms. This in turn further problematizes traditional conceptions of the way the international system works, at least insofar as they are reluctant to recognize that such insubstantial things as international norms could constrain state behavior. Further, in the uproar over Iraqi treatment of prisoners of war, the United States, rightly, claimed that Iraq was violating international norms when it paraded them in front of TV cameras. Yet its own failures in Guantánamo led many observers to point out a double standard.⁴² Denying that norms exist, or otherwise undermining them, makes it harder to use them when it is in one's own interest. By the same token, pointing to a violation on the part of another actor makes it more difficult to deny the norm when it suits you. And, as Thomas Risse and Kathryn Sikkink argue, "To endorse a norm not only expresses a belief, but also creates impetus for behavior consistent with the belief."⁴³

The United States has attempted to use humanitarian discourse in a number of other ways in Iraq, both to justify the war and to demonize the enemy. In his 2003 State of the Union address, President Bush made reference, in quite graphic detail, to atrocities committed by the Hussein regime. And, as with Afghanistan, Secretary Rumsfeld identified humanitarian reasons as one of a number of reasons for the war. Again, looking at the history of the conflict, it is fairly clear that humanitarianism is not what impelled the administration to war with Iraq—particularly given the fact that President Bush said during the 2000 presidential campaign that he would not have intervened in the Rwandan genocide, one of the clearest cases one could point to for humanitarian intervention since the Holocaust. But because humanitarianism and human rights are such important factors in the world today, using such language is both useful and necessary. And by articulating a norm, a state confirms the existence of the norm.⁴⁴ And, as Finnemore points out, even if that state violates the norm, "the very fact that one can talk about a violation indicates the existence of a norm."⁴⁵

However, revelations of abuse of prisoners by the United States in Iraq and elsewhere raise serious questions about challenges to humanitarian and human rights norms. Legal documents drafted by members of the Bush administration attempting to justify torture of prisoners indicate not only a potential intent to violate such norms, but also an unprecedented wholesale assault on the norm itself.⁴⁶ In such an instance, one must ask whether Finnemore's argument still holds. But one must also ask whether one, albeit powerful, state can change a norm by itself. The outcry against the abuse and the arguments for the legality of torture have been great, perhaps indicating that the world will not allow

one country to change such a fundamental norm. Might we be in a situation where the norm still exists but compliance is decreasing? Is this possible? At what point does decreasing compliance indicate a change in a norm? Or, might the outcry over the abuse and the Bush administration's increasing defensiveness be part of a process of socialization, whereby the United States is taught or retaught some basic norms?

Yet the prisoner abuse scandal also raises questions about those IHOs—and specifically the ICRC—whose job it is to ensure compliance with international humanitarian law. The ICRC made representations to the United States regarding abuse of prisoners of war in Iraq long before the release of pictures forced the government to address the situation seriously. It was ignored. Further, the ICRC was prevented from gaining access to prisoners it was entitled to visit. If the ICRC cannot convince a country whose core ideals supposedly coincide with the liberal, rights-protecting ideas under which the ICRC operates, can it continue to have effect with other, less liberal, states? Moreover, a core part of its norm of neutrality is that it does not publicize the findings of its visits to prisons. If it cannot persuade a state like the United States to change its practices in private, would publicizing its findings, as human rights organizations do, make a difference? Or, would it undermine the ICRC's credibility? The situation in the former Yugoslavia highlights this issue dramatically. The ICRC knew atrocities were going on in Bosnia long before they were publicized and the world took notice. Would violating its principle of secrecy have saved lives? If so, at what cost to the institution—and its ability to save lives in the future? As IHOs become more embedded in continuing conflicts, they have access to large amounts of information, the release of which could help highlight human rights abuses and mobilize world opinion to act. However, by releasing such information, they might undermine their ability to provide humanitarian assistance and to conduct other activities in the conflict, as well as in others in the future. Neutrality and impartiality can thus both help and hinder humanitarianism.

Conclusion

Two seemingly contradictory observations are in order. First, it is obvious that IHOs and norms have increasingly become embedded within the very fabric of modern armed conflict. States turn to these norms to justify conduct, indicating that they have real force within international society. And states turn to humanitarian actors to carry out particular agendas. At times, they do so. At other times, they do the exact opposite

of what states want. To a large degree, neutrality, impartiality, and independence have become myth—partly because of actions by the organizations themselves, and partly because combatants and other interested parties see them as ripe targets for manipulation. Some IHOs still attempt to play by the traditional rules but find it difficult to do so when the entire aid community is frequently viewed as an undifferentiated mass, or when combatants do not see value in supporting humanitarian norms.

Finnemore argues that “norms, rules and routines . . . will serve the interests of powerful actors; they will not survive long if they do not.”⁴⁷ The very idea of humanitarianism is useful for states. States will continue to use humanitarianism and humanitarian actors to serve their needs. It may be, however, that this continued use of humanitarianism will reify these norms and actors, thus solidifying the effect of these norms and forcing states to deal with them, further enmeshing them in the humanitarian regime.

A second, less optimistic, observation is also possible. Kenneth Adelman, a prominent conservative defense intellectual, argued in the run-up to the invasion of Iraq that the United States should turn to the UN in dealing with Iraq, but only after the invasion. That is, the United States should not have looked to the UN for approval to invade Iraq. Rather, it should use the UN essentially as a subcontractor to do the things that it is good at and that the United States is not interested in doing—delivering humanitarian assistance and perhaps nation building⁴⁸—basically to clean up the United States’ mess. If this line of thinking becomes entrenched, there is a significant danger that rather than enmeshing and constraining the United States and other actors, humanitarianism might lose all meaning and become just one more foreign policy tool that has nothing at all to do with the people who are supposedly being helped. We are not there yet; nor have humanitarian norms become irrelevant. They continue to hold force. Although countries besides the United States also attempt to use humanitarian norms and actors in “unhumanitarian” ways, other countries see humanitarianism as a core part of their international identity. If the United States continues to go one way and a significant part of the world goes another way, what exactly does this indicate about the normative force of humanitarianism? How much crass manipulation can humanitarian norms take before they become meaningless? Or might the United States be resocialized into accepting the normative force of humanitarianism?

These are important, if not easily answered, questions that demand further investigation. Part of the answer may lie in the ultimate course of, and reaction to, the U.S. global war on terror. Whereas the political identification of “evil” can have the effect of rallying the international

community to take action to defend human rights—although it has rarely been used in this way—the current use of the “evil” discourse has had the opposite effect, leading to the undermining of the Geneva Conventions, violations of the neutral provision of humanitarian assistance, and a wide-ranging assault on fundamental human rights norms. The “evil” combatants have also done their part to undermine these norms.

One question for further research is how IHOs will respond to the post-September 11 world. Given that humanitarian aid workers are increasingly targeted by combatants, will their areas of operation become more circumscribed? And given that many are so dependent on the United States (and European governments) for funding, will they be able to stand up for the neutral provision of humanitarian assistance? Or will the ability of Western IHOs to act on their core principles, including sometimes going against the logic of the global war on terror, depend on where they are located, because European governments and (especially) citizenries seem less inclined to buy into the rhetoric of evil. Furthermore, the logic under which the “evildoers” and those who are combating them are operating does not bode well for constraining many nonstate combatants.

There appears to be, paradoxically, an increase in humanitarianism and a decrease in respect for humanitarian norms in the post–Cold War and (especially) post-September 11 world. IHOs have become much more prominent, partly because they are useful for states and partly because IHOs themselves have worked to increase their profile. Yet the principles that they and other actors are supposedly upholding are falling away. From a theoretical perspective, state reliance on IHOs might indicate a decrease in the power of states as they turn to nonstate actors to carry out elements of their foreign policy, with perhaps a concomitant increase in the power of IHOs. Conversely, one might also argue that IHOs and the norms they embody have actually decreased in power and salience as they become co-opted—both willingly and unwillingly—into state agendas. Regardless, these questions are ripe for further research. 🌐

Notes

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interviews and other discussions with more than 100 humanitarian aid practitioners, government officials, and others in the Great Lakes region of Africa; in Geneva, New York, and Washington; and at the workshop "International Humanitarian Law and Conflicts," sponsored by the International Committee of the Red Cross and the Harvard Program on Humanitarian Policy and Conflict Research.

1. "Rumsfeld and Myers Briefing on Enduring Freedom," news transcript, U.S. Department of Defense (7 October 2001), available online at www.defenselink.mil/news/Oct2001/t1007sd.html.

2. I define IHOs as organizations, either nongovernmental or intergovernmental, involved in the delivery of emergency relief assistance, usually in the midst or aftermath of an armed conflict.

3. Michael Barnett and Martha Finnemore, "The Politics, Power, and Pathologies of International Organizations," *International Organization* 53 (autumn 1999): 699–732.

4. James N. Rosenau, *Turbulence in World Politics: A Theory of Change and Continuity* (Princeton: Princeton University Press, 1990); Thomas G. Weiss and Leon Gordenker, eds., *NGOs, the UN, and Global Governance* (Boulder: Lynne Rienner, 1996); Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca: Cornell University Press, 1998); Ann Marie Clark, *Diplomacy of Conscience: Amnesty International and Changing Human Rights Norms* (Princeton: Princeton University Press, 2001); Paul Wapner, *Environmental Activism and World Civic Politics* (Albany: State University of New York Press, 1996); Katarina West, *Agents of Altruism: The Expansion of Humanitarian NGOs in Rwanda and Afghanistan* (Aldershot, England: Ashgate, 2001); William E. DeMars, *NGOs and Transnational Networks: Wild Cards in World Politics* (London: Pluto Press, forthcoming 2005).

5. Martha Finnemore, *National Interests in International Society* (Ithaca: Cornell University Press, 1996), p. 5. For example, she points out that European states were not particularly interested in how war wounded were treated until Dunant put it on their agenda (p. 12). Others have also argued recently that international norms, and particularly human rights norms, can play a significant role in defining state interest and state practice. See Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999); Judith Goldstein and Robert O. Keohane, eds., *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change* (Ithaca: Cornell University Press, 1993); Martha Finnemore and Kathryn Sikkink, "International Norms Dynamics and Political Change," *International Organization* 52 (autumn 1998): 887–917; Audie Klotz, *Norms in International Relations: The Struggle Against Apartheid* (Ithaca: Cornell University Press, 1995); Peter J. Katzenstein, ed., *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996).

6. Finnemore, *National Interests in International Society*, pp. 12–13.

7. For purposes of this article, *humanitarianism* refers to both a set of activities and a set of norms. The activities involve providing food, medical, and other assistance amid conflict. The norms, as identified particularly in the Geneva Conventions and associated documents, refer to conduct during war and are paradoxically referred to as both international humanitarian law and the laws of war. In the former incarnation, they involve various rights to provide

and receive assistance and also convey the ideas of neutrality, impartiality, and independence. In the latter formulation, they put limits on the conduct of parties to a conflict, describing, for example, how prisoners of war are to be treated and proscribing various activities such as torture (thus illustrating the overlap between humanitarian and human rights norms).

8. See Michael Ignatieff, *The Warriors Honor: Ethnic War and the Modern Conscience* (New York: Henry Holt, 1998), especially pp. 109–118.

9. Also known as the “fig leaf theory.” Hugo Slim, “International Humanitarianism’s Engagement with Civil War in the 1990s,” *Journal of Humanitarian Assistance* (June 2002), available online at www.jha.ac/articles/a033.htm. See also Thomas G. Weiss, “The Politics of Humanitarian Ideas,” *Security Dialogue* 31 (March 2000): 14; Adam Roberts, “The Role of Humanitarian Issues in International Politics in the 1990s,” *International Review of the Red Cross*, no. 833 (March 1999); Mark Duffield, “NGO Relief in War Zones: Towards an Analysis of the New Aid Paradigm,” *Third World Quarterly* 18, no. 3 (1997): 529, 541.

10. Mark Duffield, *Global Governance and the New Wars* (New York: Zed Books, 2001), p. 79.

11. *Ibid.*, pp. 79–80.

12. In fact, more humanitarian aid workers were killed in attacks in 2003 than in any other year. Dennis King, “The Year of Living Dangerously: Attacks on Humanitarian Aid Workers in 2003” (Washington, D.C.: U.S. Department of State, 2004).

13. Larry Minear, “Humanitarian Action in an Age of Terrorism,” UNHCR New Issues in Refugee Research, Working Paper No. 63, August 2002, available online at www.unhcr.ch.

14. David Chandler, “The Road to Military Humanitarianism: How the Human Rights NGOs Shaped a New Humanitarian Agenda,” *Human Rights Quarterly* 23 (August 2001): 678–700; Matthew S. Parry, “Phyrric Victories and the Collapse of Humanitarian Principles,” *Journal of Humanitarian Assistance* (October 2002), available online at www.jha.ac/articles/a094.htm.

15. For a critique of the U.S. (and UN) efforts in Afghanistan, see Nicholas J. Stockton, “The Failure of Humanitarian Action in Afghanistan,” *Global Governance* 8, no. 3 (2002): 270.

16. Certainly the rhetoric from the United States putting the post-September 11 situation in stark “you are either with us or against us” terms may leave little room for maneuver on the part of IHOs.

17. For an overview of the humanitarian system, see West, *Agents of Altruism*, especially pp. 13–37. On the evolution of humanitarianism and rights-based humanitarianism, see Slim, “International Humanitarianism’s Engagement with Civil War in the 1990s”; Chandler, “The Road to Military Humanitarianism.”

18. See Kurt Mills, “Refugee Return from Zaire to Rwanda: The Role of UNHCR,” in Howard Adelman and Govind Rao, eds., *War and Peace in Zaire/Congo: Analyzing and Evaluating Intervention, 1996–97* (Trenton, N.J.: Africa World Press/Red Sea Press, 2004).

19. Raimo Väyrynen, “Funding Dilemmas in Refugee Assistance: Political Interests and Institutional Reforms in UNHCR,” *International Migration Review* 35 (spring 2001): 143–167.

20. *Ibid.*, p. 150.

21. The question remains as to what effect widely distributed pictures of brutality on the part of U.S. soldiers in Iraq will have.

22. However, the so-called CNN effect is by no means equal in its ultimate outcomes. Robert I. Rotberg and Thomas G. Weiss, eds., *From Massacres to Genocide: The Media, Public Policy, and Humanitarian Crises* (Washington, D.C.: Brookings Institution Press, 1996); West, *Agents of Altruism*, pp. 50–53; Gorm Rye Olsen, Nils Carstensen, and Kristian Høyen, “Humanitarian Crises: Testing the ‘CNN Effect,’” *Forced Migration Review* 16 (January 2003): 39–41, available online at www.fmreview.org/FMRpdfs/FMR16/fmr16.13.pdf.

23. One senior UNHCR official has observed that “humanitarians have become the special paratroopers of this world.”

24. For an overview of these developments, see UNHCR, *The State of the World's Refugees: Fifty Years of Humanitarian Action* (Oxford: Oxford University Press, 2000); Gil Loescher, *The UNHCR and World Politics*; “UNHCR at 50: Past, Present and Future of Refugee Assistance,” special issue of *International Migration Review* 35 (spring 2001).

25. UNHCR, *Refugees by Numbers*, 2003 edition, available online at www.unhcr.ch.

26. Barnett and Finnemore, “The Politics, Power, and Pathologies of International Organizations,” p. 71.

27. Kurt Mills and Richard J. Norton, “Refugees and Security in the Great Lakes Region of Africa,” *Civil Wars* 5 (spring 2002): 1–26.

28. Kurt Mills, *Human Rights in the Emerging Global Order: A New Sovereignty?* (London: Macmillan, 1998), pp. 149–150.

29. Nicholas O. Berry, *War and the Red Cross: The Unspoken Mission* (New York: St. Martin's Press, 1997).

30. David Reiff, *A Bed for the Night* (New York: Simon & Schuster, 2002), pp. 178–179.

31. Clark, *Diplomacy of Conscience*; Keck and Sikkink, *Activists Beyond Borders*; Peter Haas, “Introduction: Epistemic Communities and International Policy Coordination,” *International Organization* 46, no.1 (1992): 1–35; Richard Price, “Reversing the Gun Sights: Transnational Civil Society Targets Land Mines,” *International Organization* 52 (summer 1998): 613–644.

32. In fact, most do, although advocacy activities will often undermine this.

33. James Orbinski, Nobel lecture given by the Nobel Peace Prize laureate 1999, Médecins Sans Frontières (Oslo, 10 December 1999), available online at www.nobel.no/eng_lect_99m.html.

34. Melissa Labonte, “Norm Entrepreneurship, Management, and Humanitarian Politics: The False Paradox of Balancing Between Neutrality and Advocacy,” paper presented at the annual meeting of the International Studies Association, Portland, Oregon, February 2003.

35. Howard Adelman and Laurence J. Baxter, “The Multi-National Force for Eastern Zaire: The Conception Planning and Termination of Op Assurance,” in Adelman and Rao, *War and Peace in Zaire/Congo*, p. 256.

36. *Ibid.*, pp. 270–272.

37. Fiona Terry, *Condemned to Repeat? The Paradox of Humanitarian Action* (Ithaca: Cornell University Press, 2002), pp. 203–204, 230–231.

38. *Ibid.*, pp. 177, 186–190.

39. Irving Janis, *Groupthink: Psychological Studies of Policy Decisions and Fiascos*, 2d ed. (Boston: Houghton Mifflin, 1982), p. 174.

40. Slim, “International Humanitarianism's Engagement with Civil War in the 1990s.”

41. Condoleezza Rice, "Promoting the National Interest," *Foreign Affairs* 79, no. 1 (2000): 48.

42. Such use of accusations of violations of humanitarian norms as a tool of propaganda is not new. Indeed, during the Franco-Prussian War in 1870, the first war in which both states were parties to the new Geneva Conventions of 1864, both sides used accusations of violations or claims of compliance for propaganda purposes. Finnemore, *National Interests in International Society*, p. 83.

43. Thomas Risse and Kathryn Sikkink, "The Socialization of International Human Rights Norms into Domestic Practices: Introduction," in Risse, Ropp, and Sikkink, *The Power of Human Rights*.

44. Finnemore, *National Interests in International Society*, pp. 23–24.

45. *Ibid.*, p. 23.

46. Neil A. Lewis and Eric Schmitt, "Lawyers Decided Bans on Torture Didn't Bind Bush," *New York Times*, 8 June 2004.

47. Finnemore, *National Interests in International Society*, p. 30.

48. Ken Adelman, "Commentary: U.N. Inspections," *All Things Considered*, 13 February 2003, available online at www.npr.org/programs/atc/transcripts/2003/feb/030213.adelman.html.