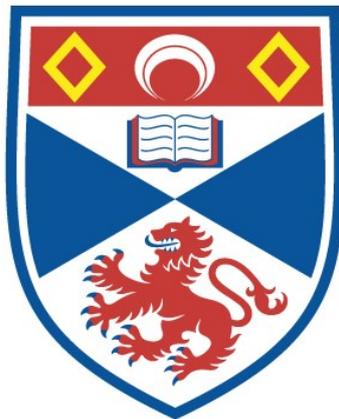


**HUMANITARIAN SPACE - THE QUEST FOR A PROTECTED NICHE  
IN THE GLOBAL ARENA  
WITH PARTICULAR REFERENCE TO THE WORK OF THE INTERNATIONAL RED  
CROSS AND RED CRESCENT MOVEMENT**

**Alasdair N.S. Gordon-Gibson**

**A Thesis Submitted for the Degree of MPhil  
at the  
University of St Andrews**



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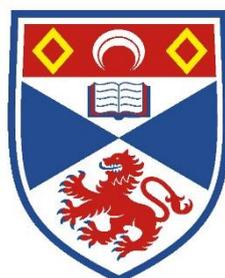
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# **Humanitarian Space – the quest for a protected niche in the global arena.**

With particular reference to the work of the International Red Cross and Red  
Crescent Movement.

Alasdair N.S Gordon-Gibson



University of  
St Andrews

This thesis is submitted in partial fulfilment for the degree of MPhil  
at the  
University of St Andrews

13<sup>th</sup> March, 2015

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***Abstract:***

There has been much searching in scholarship as to why the contemporary pattern of humanitarian assistance seems so often to fail gaining popular support in its aim of bringing relief of suffering to peoples affected by crisis. This study searches to open new avenues for explanation by looking afresh at the agency of affected peoples and the creative power which humanity in distress can manifest. By examining some of the arguments in social constructivist theory presented by scholars sympathetic to this theoretical approach, my thesis explores ways to revitalise a publicly legitimated space to address this diminished gap. It considers why the paths are so distant and divergent, and seeks a least-contested place to locate its authority which is as close as possible to the populations it seeks to serve.

It begins by examining the historical and ideological background to the foundation of the contemporary humanitarian landscape. It frames the current challenges by considering four case-studies which encompass the principal environments of modern complex emergencies, combining challenges of human conflict in situations of natural disaster. Changes in interpretation, action, construction, values and attitudes are considered to ascertain how perceptions of core humanitarian principles have altered, leading to growing public disillusionment with its aims. By considering stakeholder reactions against the emerging dominant patterns in humanitarianism, and identifying some of the challenges a 'democratisation of aid' presents, it concludes with suggestions as to how humanity can regain control of its own recovery from crisis, protected as far as possible from national and international political manipulation. This urges re-acknowledgement of the normative power of humanitarianism, and a re-consideration of what it means to be 'humanitarian'. It summons a revival of the spirit of un-coerced – and non-coercive – *voluntary service*, and calls for endorsement of a fresh locus of authority to guard its values.

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## *Introduction*

Since 1999, the members of the International Federation of Red Cross and Red Crescent Societies (IFRC) have been guided by its mission statement *to improve the lives of vulnerable people by mobilizing the power of humanity* (Davey, 2000). In December 2003, the 28th International Conference in Geneva adopted the conference motto *Protecting Human Dignity* as the new slogan for the entire Movement. Using these two key messages as the guide for research in my own studies, my thesis concentrates on analysing how the differences in interpretation of the environments in which humanitarian action takes place have affected the ability of the providers of aid to engage popular support and enable local agency to steer a humanitarian response towards these goals.

In the opening chapter to the book *Humanitarianism in Question: Politics, Power, Ethics* (Barnett and Weiss, 2008), the editors observe two defining trends in analyses of humanitarian action in the post-Cold War period: a growing willingness and ability to help outsiders at risk, and the mounting dangers that complex emergencies of the period under study pose for humanitarianism. The latter includes not only the increasing physical dangers to which aid workers are exposed, but also the existential risks facing the core principles of humanitarianism, framed by neutrality, impartiality and independence. The paradox of “a golden era” of humanitarianism “descending into a new dark age” (ibid: 3) has raised searching questions as to the modern identity of humanitarianism, and what it aspires to accomplish. Whilst considering these trends, and examining some of these questions, my thesis urges the need for legitimation of a protected space which guards against the pitfalls of being perceived as another expression of ‘neo-humanitarian imperialism’ that sustains a new form of paternalism. My analysis of contemporary humanitarianism is examined through the social-constructivist lens, using arguments guided by works on constructivist theory such as those by Martha Finnemore and Alexander Wendt, and in particular the influences of social-constructivism evident in the studies by Michael Barnett. Focusing on the core humanitarian principles of humanity, neutrality, impartiality and independence my study considers whether there are still opportunities for identification of a confident and least-contested space to protect the fundamental principles of traditional emergency response amidst the broader arena of contemporary rights-based humanitarian action. Using the arguments presented by Barnett in his book *Empire of Humanity* (2011), and the tensions he observes arising from evolutions in humanitarianism since the 19<sup>th</sup> Century until the present, it will study the variations in how its nuances are understood within the complex of organisations supporting humanitarian aid.

Using four case studies, my thesis considers how the power of its concept in popular and institutional imagination has influenced the behaviour of its stakeholders, and reflects on how the normative power of humanitarian action, set amidst the evolving dynamics of power and authority in the present day, might already be creating a new age in contemporary humanitarianism.

Whilst Barnett has been associated with constructivist International Relations theory, his influences have been drawn from a much broader pool of thought, including the work of social scientists, such as Max Weber, examining the intersection of culture and action, and political theorists such as Hannah Arendt in her discussions around the uncomfortable interface between history and ethics (Barnett, 2010: 5). His study on the history of humanitarianism (2011) points critically towards the way in which contemporary international humanitarian action has retained much of the ‘imperialist’ legacies of its earlier incarnation, formed from the background of the 18<sup>th</sup> century philosophy of the European Enlightenment, and the processes of Western colonisation in the 19<sup>th</sup> century. He refers to this in his study as the ‘first age’ of humanitarianism, marked by a sense of superiority and paternalism which drove the mission to educate and ‘civilise’ the populations of the territories they occupied. He identifies a ‘second age’ of liberal humanitarianism arriving in the wake of decolonisation and the end of the Second World War. Barnett sees this as marking a more democratic, inclusive phase of international aid and development, but whose benefits were tempered by a growing culture of institutionalisation that gave rise to rules for professional practice and accountability which reinforced a continued distancing of the agency of affected populations. His study considers that we have now entered a ‘third age’, which he calls ‘new humanitarianism’, marked by the intra-state conflicts following the end of the Cold War, the struggle to redefine boundaries, and the clash of ideas which has drawn the civilian populations into being an unwilling but crucial part in the struggle for power. My thesis focuses on how this changed environment has affected the planning and practice of humanitarian assistance to affected populations in the period following the end of the Cold War, and suggests that we have now entered a ‘fourth age’ marked by a growing dissatisfaction with the statist formations that have framed power and authority in the previous periods. For humanitarian actors, this means a redefinition of the arena in which they are able to work, and new consideration of who will be best placed to assist. It supports conclusions by scholars such as Barnett that there is still a place for the fundamental core principles of humanity, neutrality, impartiality and independence, and it examines

considerations of what nature of space can be created to protect the most vulnerable groups who form the basis for traditional humanitarian assistance.

The central enquiry of my thesis re-examines the place of humanitarian assistance within the contemporary global arena. It searches for explanations as to how far, and why, humanitarianism has become to be perceived as an instrument of political power in the context of traditional realist notions of inter-state rivalry, and also – with particular poignancy in the context of the current conflicts in the Middle East and parts of Africa – its normative power and significance in contemporary intra-state and trans-national struggles for power and ideational authority. The quest is to locate an opportunity for classical humanitarian assistance, framed by the core principles of humanity, neutrality, impartiality and independence, to regain a protected niche able to act inside and across borders; a place which is legitimated and sustained by popular authority to enable access for the protection of the most vulnerable populations in times of emergency.

My thesis seeks to explore Barnett's argument that humanitarianism is not to be treated as a coherent whole but "as a concept in motion that has several enduring tensions", consisting of multiple humanitarianisms which combine ethics that are simultaneously universal and circumstantial (2011: 21). It considers the tensions framed by the forces of destruction, production and compassion which he identifies as having combined to generate the three discernible ages of humanitarianism described above, and attempts to analyse how accurately these arguments continue to be reflected in the contemporary humanitarian environment. Of particular interest in my study is the appearance of a shift in the notion of traditional state authority amongst modern struggles for power, most notably as evidenced in the ongoing conflict in Iraq, Syria, and parts of Africa, and how this will position humanitarian work in support of affected peoples. My analysis considers arguments connected with globalisation framed around "growing world inter-connectedness and its social and political implications" (Hayden and el-Ojeili, 2009: 2), and it suggests we are entering a 'fourth age' of humanitarianism that requires some radical re-organisation in the way it inter-acts. The crises in capitalism and statism, and the impact of cultural social movements which Hayden and el-Ojeili see as characterising the emerging new world endorse arguments of the messy complexity of human order which, as their study suggests, requires consideration of justice and order across state borders, as well as within (ibid: 5). Amongst the solutions I offer is the need for a positive recognition of this 'messiness of humanity' in our globalised world. I suggest

that revised framing of the humanitarian arena, incorporating an authoritative niche to provide an essential clarity of least-politicised actors in this (presently) disordered new structure, might be a critical step in this direction.

The primary analysis examines two key issues: first, the tensions which are inherent in (or are a construct of) misreadings of humanitarian space, where the multiplicity of aims along the humanitarian spectrum give rise to competing discourse around its values and principles. Second, it considers the particular characteristics and values which could frame and define a place within the broader humanitarian arena that best address the immediate needs of communities affected by conflict and natural disasters. It will consider the differences and tensions arising from questions of ‘value’ and ‘symbolism’ as well as some of the context-specific tensions that influence perceptions, such as attitude, trust and the personal behaviour of actors on the ground, which in some studies cited in my thesis have been identified as amongst the ‘deep causes’ altering perceptions of neutral and impartial action at a local and broader national level. My concluding sections will use this analysis to identify a process which enables a revision of the aid environment to provide stronger agency to affected peoples through their legitimated engagement inside a least-contested space, distanced as far as possible from the politicised environments of action in other places of the humanitarian arena. My study identifies the notion of ‘voluntary service’ as the least-divisive driver of impartial relief of human suffering. It considers the historical and contemporary understandings of non-coercive and non-partisan acts of good-will and philanthropy, framed within the ideas of compensated works of ‘charity’, with an aim to highlight its salience for positive force for change beyond the often negative connotations of amateurism associated with the unpaid ‘volunteer’. It will urge a review of the role and profile of its ‘volunteers’ and other members in its service as the catalysts to address and legitimate popular needs, and endorse the broadest public support. It suggests ideas how identification of a fresh and least-contested locus of global authority might support this. The arguments in my thesis focus on the work of the International Red Cross and Red Crescent Movement,<sup>1</sup> though its conclusions are aimed at reflecting concerns and suggesting remedies which can be transferable across the broader humanitarian sector. In broad terms, the study is of neutrality, access, acceptance and accountability within a political and cultural world, formed within a dynamic constellation of mixed societal values and judgements.

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<sup>1</sup> In my thesis I will use the acronym RCRC when discussion involves all three components of the Movement: ICRC, IFRC and the national Red Cross and Red Crescent societies. In references to any one component, their individual acronyms will be used.

This dynamism challenges the notion of any common understanding of neutrality, and the definition of a universal norm to guide its practitioners. The conclusion offers no clear pathway to resolve the myriad of complex issues which are raised, but suggests a restructuring of the way humanitarian vision is expressed, which shares a common goal: the universal desire for dignity in human life.

### *Methodology*

My study is informed by a broadly constructivist approach, and its arguments build on this theoretical position that identifies humanitarian space as a socially constructed reality, where an environment of historical associations, evolving ideas, shifting cultural and political allegiances shape and give meaning to norms inhabiting that space. It considers arguments that actions in this space are simultaneously universal and circumstantial (Barnett and Finnemore, 1999), and how these are affected by the processes of globalisation.

In the case studies which follow, my analysis looks at the differing expressions and varying achievements and successes of the normative power of humanitarianism, beginning with the opportunities originally foreseen following Operation Provide Comfort, in Iraq 1991, considering studies made in the wake of this by Weiss (1999), and a concurrent critique of the action written by Keen (1995). The optimism for humanitarian action declared at that time by many scholars and practitioners was overtaken and co-opted by the instrumentalisation and manipulation of ideas by following the war in Iraq, in 2003, and some of the reasons for this are examined in Chapter 2. The case studies of the international humanitarian responses in Sri Lanka following the Indian Ocean tsunamis in 2004, and following cyclone Nargis in Burma, 2008, in Chapter 3 frame a useful counterpoint to the actions after the wars in Iraq. Both of these were emergency humanitarian responses to situations of natural disaster, set amidst a background of protracted internal conflict – the classical environments of complex emergencies. In the case of Sri Lanka, my analysis focuses on issues related to access and misplaced assumptions of familiarity with the political environment. I see this as having led to critical misreadings of humanitarian space, resulting in perceptions of weakness of the international system by the state, and eventual failure by the UN and the humanitarian agencies to protect civilians during the final battle against the Liberation Tigers of Tamil Eelam (LTTE), in 2009. Reflecting on analyses of this failure presented by scholars such as Hilhorst, Walker and Kleinfeld, and anthropologists well-acquainted with the complex local dynamics, such as Gaasbeek, my thesis indicates the need for a serious consideration of the cultural, historical

and ideational factors within affected societies, and urges a broad casting of the analytical net to consider the agency of diaspora communities, the resident populations affected by the crisis and the contending dynamics of the actors in the broad arena of international and national response to the emergencies. My second case study in Chapter 3 presents a very different interpretation and comprehension of the environment when Cyclone Nargis struck the shores of Burma in 2008. The initial response by political powers in the West displayed similar misreadings of the political space, urging some of these states to call for an enforced humanitarian intervention. However, in this case, I argue that the unfamiliarity of the political environment presented an opportunity for regional dialogue that allowed a particular humanitarian space to open, enabling a more engaged and national-driven humanitarian response than was characteristic in the actions in Iraq. This created opportunities to adjust the interpretations of the environment, which allowed for a focused and successful response.

In its search for these opportunities, the concluding chapter my study urges attention to alternative pathways. It considers arguments presented by Risse et al (1999) about the salience of socialisation processes in constructivist theory, concentrating on moral discourses which challenge the validity of ‘universal’ normative claims, but which might also endorse and legitimate such claims which were formerly alien (ibid: 13). As Barnett observes, “although history is path-dependent, there are contingencies, historical accidents, the conjunction of material and ideational forces and humanitarian intervention that can force history to change course.” (2014: 159). My thesis looks at the possibility of how far the messiness of the cultural divisions extant in contemporary conflicts can be constructed as being creative, rather than destructive, and considers how these might define an environment that positively influences future notions of development, human rights and security – and so define the space in which humanitarianism operates. Alexander Wendt writes that “(w)hether a system is conflictual or peaceful is a function not of anarchy and power but of the shared culture created through discursive social practices” (1999). By introducing a re-examination of the notion of ‘voluntary service’ in Chapter 4, and the ability for communities non-coercively engaging in popularly supported processes of socialisation and dissemination to legitimise or reject norms, guidelines and templates (such those issued by the Code of Conduct, Sphere and the Humanity Accountability Project), my conclusions strive to identify a least-contested place for these processes to take place.

The case studies were selected in order to reflect the broad dynamics necessary for a comprehensive approach to the research. The responses in the four case studies include situations that cover the breadth of perceptions of core humanitarian values and the influences of its operating environments across situations of war, armed conflict, natural and man-made disasters. The selection of the topic of my study, as well as the choice of case studies, derive from twenty years of personal experience working in the humanitarian sector, and issues of special interest emanating from them. In particular, the awareness of a responsible and creative willingness to contribute to helping others amongst persons affected by severe calamity, which displayed itself most often at the level of the individual, but, with the right supporting structures, was transferable to broad and dynamic cooperation within communities. Very often this was an energy which went unrecognised by many acting within the international humanitarian framework, for diverse reasons to do with the contemporary architecture of aid which are examined in my thesis. I sensed that the failure to recognize the extent and to identify the essential driving forces behind this local capacity to cope and recover led to increasing popular disengagement with the structures set up to help them. There was a perception that alternative, less neutral and impartial forces, were the real drivers of the humanitarian environment. The research is the culmination of a journey seeking to understand why this dynamic source of energy and ability has remained so apart from the architecture of international humanitarian response in times of crisis. The research combined a review of existing literature on the topic, with the use of primary sources in personal notes, professional evaluations and official meetings during twenty years of working in complex humanitarian emergencies, mainly within the Red Cross and Red Crescent Movement.

### *Background*

Since the end of the Cold War, the struggles for identity and the re-structuring of a new political order have given rise to a brutal pattern of intra-state wars which challenge the notions of humanitarianism and international law constructed in the framework of superpower sovereignty established since the end of the Second World War. The unprecedented growth in the resources and activities of inter-governmental organisations (principally, those agencies within the UN family) and non-governmental organisations (NGOs) can be gleaned from the five-fold increase in humanitarian aid in the first decade after the Cold War, from around USD 800 million in 1989 to around USD 4.4 billion in 1999 (DAC report, 2000: 180-81).

Together with the growth in number and resources, there has been a rise in the number of incidents affecting the security of aid personnel. In their update of 2009, the Aid Worker Security Report concluded that the violence aid workers had seen during the three years since their previous report in 2006 is at least partially politically motivated, with their figures showing that incidents of violence rose from 29% of the known total of victims in 2003 to 49% in 2008 (Stoddard, Harmer and Di Domenico, 2009). In their latest report covering the period to the end of 2013, figures showed an increase of 66% in the number of victims of violent incidents since the year 2012 (Aid Worker Security Report, 2014).<sup>2</sup> The apparent political motivations behind such incidents have been associated with the changing face of international humanitarian assistance, which is seen to be growing ever closer to being an arm of the state, and has led to anguished debate over the contemporary understandings of the principles of neutrality, impartiality and independence, which have been generally acknowledged as the defining features of the contemporary humanitarian identity.

Whilst most scholarship and policy-oriented evaluations have focused their conclusions on arguments that associate attacks on aid-workers with factors related to the political and strategic instrumentalisation of aid, together with assumptions of an associated decline in neutral or impartial humanitarian assistance, some studies have urged an examination of factors other than these global, contextual dynamics, such as individual behaviour and organisational actions that can lead to resentment and anger (Fast, 2002), and the context-specific attraction of targeting humanitarianism to ‘spoil’ and discredit its moral high-ground, seeking to open-up vulnerabilities in the moral discourse of the occupying forces (Hammond, 2004).

Whilst such ‘deep causes’, and the blurring of boundaries located within global political dynamics that underpin humanitarian action may indeed contribute to violence against aid-workers (Fast, 2002; Stoddard, Harmer and DiDomenico, 2004), there is a lack of empirical evidence showing direct links between the decline of impartiality among humanitarian actors, and related incidents of increasing violence are hard to uncover (Fast, *ibid*: 379-380;

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<sup>2</sup> A total of 460 aid workers were victims of deliberate violence in 2013, an increase of 66 per cent over the previous year’s total of 277. The 2013 victims include 155 who lost their lives, more than double the number killed in 2012. In addition, 171 were seriously wounded and 134 were kidnapped (Aid Worker Security Report, 2014: 3). The 2009 report acknowledges that whilst its analysis of data accounts for an increased ‘humanitarian footprint’ reflecting the increasing numbers of aid workers and activities, available data does not account for the number of personnel employed by national Red Cross/Red Crescent societies worldwide, and so the casualty rates for locally employed staff in member societies of IFRC are not attempted (Stoddard et al: 3, footnote 3) For example, work-related deaths involving Syrian Red Crescent staff and volunteers in the ongoing Syria conflict have been significant (37 to date).

Hammond: 175).<sup>3</sup> However, situation-reports and evaluations from the field provide anecdotal evidence of incidents of violence and resentment towards foreign aid agencies (Stoddard et al., 2004; 2009. OCHA, 2011: viii), and support the observation that “(t)hese more micro-level factors.. fall within the influence of an individual or collectivity of humanitarian actors and therefore endow them with agency in a way that global, macro-level factors do not” (Fast, *ibid*: 380).<sup>4</sup> My examination looks at how differences in the way the two wars in Iraq were framed influenced the perceived value of the humanitarian action, across international political and institutional levels, as well as at national and local levels amongst the recipients. In so doing, it seeks to identify how far the differing environments support the arguments of ‘deep causes’ for the tensions caused by attitude, behavior and value presented by Hammond et al.

### *Historical Discourse*

Before the birth of the humanitarian ‘system’,<sup>5</sup> large-scale systematic operations to improve the welfare of war victims were essentially the sole domain of the military, who were seen as the providers of resources and experience. Hoffman and Weiss (2006) write that:

Although the military are not humanitarians in the sense of prioritizing human welfare in war above other interests, to a large extent the organization of armed forces laid the groundwork for organizations dedicated to exclusively focusing on humanitarian efforts. The military’s preferred focus on producing violence and supporting separate organizations to provide relief for war victims was instrumental in creating humanitarian norms that led to laws and agencies (*ibid*: 35-36).

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<sup>3</sup> Fast observes that a primary deep cause explanation for increased security incidents relates to the loss of impartiality and neutrality, whether a result of the politicisation, militarisation, securitisation, or instrumentalisation of aid. She remarks that what is not clear is how they are connected. Impartiality is something that many aid workers and organizations believe provides implicit protection from harm, but it is unclear to what extent belligerents evaluate or even take into account the perceived neutrality or impartiality of an agency (2002: 380-381). See also Hammond, 2009; Harvey, 2009.

<sup>4</sup> This is an important point. Empirical data may lead to assumptions which are not supported by narratives from the field. In the author’s own experience, there are frequently ‘domestic’ reasons for violence against agency staff, for example the shooting of an Italian aid manager over disputes related to salaries (personal diaries, Somalia, 1996), or personal conduct (see Harvey, 2010).

<sup>5</sup> Claudia McKoldrick (2011) notes the observation made by John Borton (2009) that a striking feature of the ‘humanitarian system’ is the lack of clarity about what precisely it consists of and where the boundaries lie: “There is no universal definition: some writers preface the term with ‘international’ to distinguish it from national and local elements within affected countries, while some reject the use of the word ‘system’ altogether, on the grounds that it implies actors oriented towards common goals” (968)

In the West, the values of the 18<sup>th</sup> Century Enlightenment in Europe produced several legal philosophers whose works laid the foundation of the international humanitarian order. During the Thirty Years War, the Dutch lawyer, Hugo Grotius (1583-1645) formulated the basic tenets for the disciplines of the legal philosophies emanating from the period of the Enlightenment, whose normative groundwork was consolidated in the late 19<sup>th</sup> century and early 20<sup>th</sup> century into international humanitarian law (IHL) (Hoffman and Weiss, 2006: 36). As norms and laws of war began to be institutionalised, the seeds of humanitarianism were planted, rationalising and legitimating war and its institutional components, and recognizing the rights of neutral parties and civilians (ibid: 36).

Following the beginnings of institutionalised humanitarian aid agencies in the late 19<sup>th</sup> century, and the codification of the Laws of The Hague in the early 20<sup>th</sup> century, marked by the horrors of the two World Wars, states created bureaucracies exclusively dedicated to humanitarian goals that signalled a conscious and overt marriage of politics and humanitarianism. This partnership led to the growth in development of the modern humanitarian structure, with the establishment of international organisations, notably within the UN family together with new international legal instruments (such as the 1948 Convention on Prevention and Punishment of the Crime of Genocide; 1948 Universal Declaration of Human Rights and the expansion of the Geneva Conventions of 1949).

#### *The foundations of an international humanitarian community and adoption of its principles*

The growth and institutionalisation of the humanitarian order following the two World Wars, and its continued expansion in the decades thereafter, requires consideration of who constitutes as a member of this humanitarian community, and on which basis their legitimacy is drawn. The rapid expansion in numbers and origin of its practitioners, as well as an enormous diversification in ideological and operational focus following the end of the Cold War in 1989,<sup>6</sup> gave rise to increasing debate as to which basic principles of action need to be adopted to allow inclusion, and how rigorously applied these required to be. A full panoply of services to humanity would include philanthropic societies (such as the modern Bill and Melinda Gates foundation, the Wellcome trust and the Aga Khan foundation) as well as formally constituted inter-governmental agencies such as those of the UN, national and international non-

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<sup>6</sup> An end to the Cold War was declared by US President George H Bush and Soviet Leader Mikhail Gorbachev at the conclusion of the Malta Summit, in December that year.

governmental organisations (NGOs), informal local NGOs, and the Red Cross and Red Crescent Movement (RCRC). Broader understandings might include international organisations, such as the World Bank and the International Monetary Fund (Barnett and Weiss, 2008: 14).

The first chapter will consider how public discussion and popular perceptions of the humanitarian community have been influenced, wittingly or accidentally, by discourse affecting the interpretations and understandings of impartial, neutral and independent humanitarian action.

## Chapter 1. ‘Humanitarianism’: a contemplation of its core values.

### *‘Humanity’ and the concept of ‘Humanitarian Space’*

In his examination of the shifting meanings of humanitarianism, Craig Calhoun (2008: 75) observes that the idea of mitigating human suffering occasioned by war and disaster is an ancient one, as are norms for the honourable conduct of war, and the distinct, yet related tradition of ‘Just War’. The notion of effecting general improvements in the human condition had antecedents in the ancient Greek and Roman civilisations.<sup>7</sup> For example, the Cynics and Stoics encouraged the cosmopolitan vision of world citizenship, and the notion of a universal human community based upon the equal worth of each human being (Calhoun, *ibid*; Hayden, 2009: 17). Hayden observes that “(C)lassical ideas about belonging to a universal human order were taken up later by a number of Enlightenment philosophers, most notably Kant. He was convinced of the necessity of establishing a cosmopolitan order of federated republican states because war undermines the rights to freedom and equality of republican citizens. A cosmopolitan association would be, for Kant, a ‘universal community’ ... where a violation of rights in one part of the world is felt everywhere” (Hayden, *ibid*, citing Kant 1991: 107-8).

The English word ‘humanitarian’ dates from the early 19<sup>th</sup> century references to ‘humanism,’<sup>8</sup> whose adherents emphasized Christ’s humanity, but denied his divinity (Calhoun, 2008: 77). Rooted in ideas arising from the Enlightenment, and closely related to the growing urge to promote a Western ideal of civilization and modernity, humanitarianism had unapologetic links between Christianity and the ‘humanitarian’ benefits of colonialism. Christian missionaries and the moral reformers of the period pursued ‘humanitarian’ missions, and were closely established within the context of colonialism. France’s *mission civilisatrice* was understood to be humanitarian, “bringing civilization to those suffering from the lack of being French or even European” (*ibid*: 78).<sup>9</sup>

There is a common understanding that modern humanitarianism, especially in times of war, dates from the founding of the International Committee of the Red Cross (ICRC),<sup>10</sup> in 1863,

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<sup>7</sup> Examples of state-supported assistance have been recorded in Egypt as early as the 23<sup>rd</sup> century BC (Harvey, 2010: S154, citing Maxwell and Walker, 2008). For a comprehensive overview of the historical development of humanitarian action see Barnett, 2011.

<sup>8</sup> The earliest citation in the Oxford English Dictionary is from 1819.

<sup>9</sup> Framed against this background, the call from philosophers of the Enlightenment such as Kant cited above sets a challenge to the idea of absolute neutrality in the charitable work of the ‘universal community’.

<sup>10</sup> The ICRC, founded on the initiative of a Swiss businessman, Henry Dunant and other citizens in Geneva, originated from a sub-committee of the Geneva Society of Public Utility: ‘The International Committee for the

symbolized by the provision of ‘neutral’ care to those injured in war, whose rights and protection as non-combatants were legally codified in the first Geneva Convention of 1864. Rules for soldiers still active in warfare were codified at two meetings in The Hague, in 1899 and 1907, and these ‘Hague Conventions’ are seen as pivotal in the definition of order and ‘civilising the conduct of war’ (Hoffman and Weiss, 2006: 37). The horrific consequences of the all-out warfare of World War One and World War Two led to a redefinition and expansion of the original Convention, with the signing of the four Geneva Conventions of 1949, which, together with the Additional Protocols of 1977,<sup>11</sup> have become the basis for international humanitarian law.

Whilst the 19<sup>th</sup> century notions of charity and humanitarian work were linked to a religious emphasis on the private virtues of ordinary life, expanding overseas interests provided an increasing awareness of the world, and a growing ethics of sympathy gave rise to the growth of charitable organisations. These demanded increased state action to mitigate the conditions that caused suffering. This increasingly institutionalised form of humanitarianism ran parallel with a transformation within religious life that showed a substantial increase in the extent to which religious vocations called people to medical, educational and other services to improve welfare and conditions in the world. The increasing emphasis on the secular world, and growing notions of a universal ethic to reduce suffering, gave rise to philosophical discussion on a notion of ‘bare life’, or simple humanity, dissociable from specific cultures and economic, political linkages: that human beings have ethical obligations to one another, which necessitates a transcending of kinship and nationality (Agamben, 1998).

These developments in the 19<sup>th</sup>-20<sup>th</sup> century functions and understandings of humanitarianism reflected not only a transformation of scale, but also significant alterations in the way the process is reasoned. Max Weber expresses this as a shift from ‘an ethic of ultimate ends’ towards ‘an ethic of responsibility’ which relies on defining institutional mechanisms to ensure predictable behaviour in place of emotional appeals, personal feelings and charismatic leadership (Weber, 1968). It used examination of the question of how to relate the notion of doing good to the pursuit of an instrumental goal, such as promoting peace. “Simple kindness

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Relief of Wounded in Situations of War’ (Forsythe, 2005: 17). Forsythe’s study provides a comprehensive account of the origins and function of the ICRC.

<sup>11</sup> A third protocol was approved at a diplomatic conference in Geneva 2005, authorising the use of a third distinctive emblem. For a commentary on this, see Queguiner, 2007.

to strangers would henceforth seem too arbitrary and unsystematic – especially when faced with the growing rationalization (and destructiveness) of modern war” (Calhoun, 2008: 82).

### *Fundamental Principles and the Code of Conduct*

Taking the foundation of the ICRC and the genesis of the Red Cross and Red Crescent Movement as the starting-point of modern humanitarianism, we can consider their Fundamental Principles of *Humanity; Impartiality; Neutrality; Independence; Voluntary Service; Unity and Universality*,<sup>12</sup> as proclaimed at the 20<sup>th</sup> Red Cross conference in Vienna in 1965,<sup>13</sup> to essentialise contemporary humanitarianism’s values, with *Independence, Impartiality* and *Neutrality* framing the closest to a universal ethic. It is generally accepted that the Fundamental Principles of the Movement spread quickly as a result of the continued frequency of wars. The choice of emblem (a red cross on a white brassard) undoubtedly helped in the global expansion of the Movement, but also became an irritant.<sup>14</sup> On 16<sup>th</sup> November 1876, the Ottoman Sublime Porte in Istanbul wrote to the President of Switzerland that the cross 'wounded the feelings' of the Muslim soldier, and that the Porte had authorized the introduction of ambulances with white flags and brassards, in conformity with the Geneva Convention, but use of a red crescent instead of a red cross (Benthall, 1999: 160).<sup>15</sup>

Following the two World Wars, and the growing incorporation of humanitarian work into the institutional affairs of state, there was increasing debate around the core content of

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<sup>12</sup> In my thesis I use upper case letters when referring specifically to the Fundamental Principles of the RCRC Movement (e.g. Voluntary Service). In reference to humanitarian principles I use lower case letters (e.g. voluntary service).

<sup>13</sup> The 20<sup>th</sup> International Conference of the Red Cross proclaimed the following fundamental principles on which Red Cross action is based: *Humanity*: The Red Cross, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours to prevent and alleviate human suffering wherever it may be found. *Impartiality*: It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. *Neutrality*: In order to continue to enjoy the confidence of all, the Red Cross may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature. *Independence*: The Red Cross is independent. The National Societies, while auxiliaries in the humanitarian services of their Governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with Red Cross principles. *Voluntary Service*: The Red Cross is a voluntary relief organization not prompted in any manner by desire for gain. *Unity*: There can be only one Red Cross Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory. *Universality*: The Red Cross is a world-wide institution in which all Societies have equal status and share equal responsibilities and duties in helping each other (ICRC 1996). For a commentary on the Fundamental Principles, see Pictet (1979).

<sup>14</sup> As early as 1876, during the Serbian war, a local Red Cross committee secretary, Luka Popovitch, was killed after capture by Turkish soldiers, and his arm carrying the white brassard of the committee was cut off and chopped up, and the red cross shredded (Benthall, 1999: 160).

<sup>15</sup> The request for approval was supported by England and Montenegro. But Russia soon objected that there could be confusion between the Turkish national emblem and the new emblem of neutrality (Benthall, 1999).

humanitarianism, its coherence within the established system and the need for accountability. The call for a universally accepted code to conduct humanitarian affairs became increasingly urgent following the end of the Cold War, and the onset of the violent struggles to carve out a new world order. In his study on the origins and development of the *Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief* (hereafter referred as Code of Conduct), Peter Walker identifies two defining moments which led to the genesis of such a code. The first was in the winter of 1991, when the UN Secretary-General Perez de Cuellar in his last annual report to the organization called on the UN to ‘reinterpret (the) charter principles of sovereignty and noninterference in domestic affairs to allow for intervention on humanitarian grounds’ (Walker, 2005: 323, citing Chopra and Weiss, 1991). Then in January 1992, the Security Council met at the heads of state level, and the president of the Security Council issued a concluding note calling for the report on how the United Nations should respond to conflict in the post-Cold War world, that later became the *Agenda for Peace* (Boutros-Ghali, 1992). The concluding note stated that: ‘(T)he non-military sources of instability in the economic, social, humanitarian and ecological fields have become threats to peace and security. The United Nations membership as a whole, working through the appropriate bodies, needs to give the highest priority to the solution of these matters’ (UNSC, 1992). Walker remarks that, “(H)enceforth, issues of humanitarian concern could and should be brought to the Security Council’s attention, and humanitarian initiatives would, for better or for worse, become more prominent in international relations” (2005: 324).

#### *Modern dynamics of the 20<sup>th</sup> century and the institutionalisation of humanitarianism*

This section looks at how the modern dynamic of the twenty years which is the focus of this thesis has altered the opportunities offered by the earlier conception of humanitarianism, and how this has influenced interpretations of neutrality. Whilst the atrocities of World War Two, state manipulation during the Nigerian civil war in the 1960s, the abuses of dictatorships in Central and South America in the 1970-80s were all examples which manifested the informal incorporation of politics and humanitarian aid, it was the feeling of impotence and guilt which followed the civilian massacres in the African Great Lakes region and the Balkans in the 1990s which combined to consolidate the partnership. In addition, the conflicts which followed the end of the Cold War seemed to indicate a pattern of war fought by belligerents who did not show the slightest respect for IHL. Many combatants were not regular armies of states, but informal militia groups. The solution which the international community found to deal with

this dynamic has been an exponential growth in the number of UN Agencies and the NGOs which work with the prevailing authorities as implementing partners. This has been accompanied by a consolidation of institutional edifices which support them, managed by ‘experts’ in distant head offices that called for increased efficiency and accountability. For many in the humanitarian world, notably those working directly with the communities affected, this had the unwelcome effect of institutionalising a distancing of the field from policy. Institutionalisation is generally celebrated if it increases the organisation’s ability to pursue its goals, but studies have shown that none are immune to the pernicious effects of bureaucratization, and Barnett remarks that there is a “possibility that organisations dedicated to the welfare and emancipation of others will manifest their own forms of indifference, and become complicit in forms of control” (2008: 255), a condition which risks being made more acute by the impersonality and distance rendered normal by the drive for bureaucratic controls and virtual accountability. The unwelcome effects of this drive for professionalisation and increased accountability to (mainly Western ) donors is identified in my thesis as being one of the significant issues influencing the negative perceptions in the humanitarian environment, and is examined in greater depth below.

Dominant amongst Barnett’s arguments about the evolution of the increasingly diverse nature of ‘humanitarianisms’ in the period under study are discussions around how these three ages mentioned in my introduction have been defined by the tensions of destruction, production and compassion, interacting in different ways, and each with its own dominance at different times, giving changing shapes to the environment and its humanitarian space (2011: 21). From within this crucible arose a challenger to the classical humanitarians; new players in the growing arena of rights-based action whom Barnett describes – through association with their ideas of social transformation – as the ‘alchemical agencies’. Their humanitarian philosophies extended beyond the traditional confines of urgent care and survival; beyond the elemental frame of protecting human dignity of the ‘emergency agencies’ – towards human rights, framed by the growing arena of rights-based entitlements within the political democracies of the liberal peace.

My thesis has examined some of the historical background to humanitarianism, considering the cultural, religious and political influences since its contemporary formalisation in the middle of the 19<sup>th</sup> century amidst the changing environment to the present. It proceeds to consider some of the factors behind the violence toward humanitarian workers, and whether this can be attributed to active rejections of its core principles, or are an inevitable circumstance

following the growing institutionalisation of the sector and co-option of its normative forces by political agents. The case studies in chapters 2 and 3 examine how these factors have shaped the humanitarian environment in the two decades since the end of the Cold War. The studies by Fast (2002) and Stoddard et al. (2004) mentioned above have indicated research showing the increasing trends of violence towards aid workers over the last decade. In her analysis of why attacks on humanitarian agencies are carried out, Laura Hammond (2008) rejects the argument that such attacks are over ‘confusion’ of the role, function and mandate of humanitarian workers through co-option of humanitarianism by the military and politics. Rather, she sees this an explicit political and military tactic, rooted not in weakness or confusion of humanitarianism, but in its very strength (ibid: 173). This argument reinforces an urge for the need to acknowledge the significance of the symbolic value of humanitarian action as one of the important drivers of the contested perceptions being examined in my thesis.

Hammond’s study of what she refers to as ‘deep causes’ of violence against aid-workers acknowledges that its attackers perceive humanitarian action as being weakened through co-optation and politicisation by Western interests, an association leading to an erosion of the core principles of neutrality, impartiality and independence, but sees a simplistic conflation between neutrality and the militarisation of aid. She suggests one should question more deeply the motivations of the attackers, and determine what is to be gained from bombing a UN or Red Cross office, or kidnapping and murdering an NGO worker. Her view is that the attacks are a symbolically potent act, as a purposeful rejection of the principles and the self-righteous assertions that aid and its donors claim to lay by these. Most analyses conclude that the best way to reduce the risk of attack is to strengthen the basic humanitarian principles – neutrality, impartiality and independence – that appear to have become confused. However, Hammond argues that these should not be referred to as a “protective armor in violent settings” (2008: 173). In her opinion, there needs to be a shift towards greater popular accountability from recipients of aid, deriving from greater participation and sense of ownership.

The symbolic significance of humanitarianism is evidenced in the importance that states, and individuals or groups wanting to influence society and the mechanisms of state, place on co-opting or controlling the charitable and non-governmental sectors within civil society. Since his first term in office, the Russian president, Vladimir Putin, has sought to integrate NGOs into his system of comprehensive support to his authority, in what some scholars see as part of

a ‘hegemonic centralization of power’ (Evans, Henry and Sundstrom, 2005: 149). Important symbols of civil society, such as the Russian Red Cross, were amongst the first to be embraced by this centralisation of authority,<sup>16</sup> and mechanisms were convened, such as the first Civic Forum, in 2001, which sought to integrate civil society organisations working throughout Russia into a single cooperative body (ibid). Similarly, through the role and profile of its volunteers, the Myanmar Red Cross Society was able to play a highly significant role in response to the effects of Cyclone Nargis, in 2008, with its symbolic importance recognized by both the state and the public, allowing it greater access than inter-governmental structures, such as the UN Agencies (related issues will be discussed in the case study on Myanmar, in Chapter 3).

In the above sections, I have illustrated some of the historical, ideological and organisational background to the development of humanitarianism and the founding of principles which guide its contemporary incarnation, seeking to highlight several of the tensions that have thereby become inherent in its modern structure. To conclude this first chapter, my final section turns towards an examination of how the Fundamental Principles of the RCRC might fit best inside the new humanitarian architecture that is being constructed.

### *Notions of neutrality in Humanitarian Space*

Related to the potential agency of broader levels of a population (as opposed to the actual agency of an empowered elite), which forms a focus of study in this thesis, it is significant that Pictet defined each principle as “a rule, based upon judgement and experience, which is adopted by a *community* to guide its conduct” (Pictet, 1979: 135; emphasis added). For humanitarianism to regain and retain its independence, it is necessary that it possesses a particular niche within civil society and within the imagination of the popular community, inside which it performs a particular role. Using the ICRC and its Fundamental Principles as the baseline of modern humanitarianism, and its foundation born from a desire to bring assistance without discrimination to the wounded on the battlefield, then this concept of no discrimination is inseparable from the very principle of humanity itself. “If, in a spirit of equity, the Red Cross extends its action to everyone, it will, in a spirit of humanity, exclude no one, even those one might be tempted to hate” (Pictet, *ibid*: 143).

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<sup>16</sup> Author’s observation: unpublished diaries. National Red Cross/Red Crescent societies hold a formally recognised role as auxiliary to governments, but by internal statute have an independent authority. In reality, the (perceived and actual) level of independence can vary from country to country. See also Pictet, 1979: 137.

My study has already suggested that the fundamental essence of life which most closely rationalises a universal human need is the desire for dignity, and its understanding is a prominent feature directing the humanitarian pathway. Rieff argues that in its utopian focus on a better world, humanitarianism has lost its way along this path. It is no longer independent but has become a tool of the state – and the militarized state in particular (what he calls ‘state humanitarianism’). What has been lost, he claims, is what humanitarianism can contribute that nothing else can: a concern for human dignity and direct acts of solidarity and sympathy with those suffering oppression (Rieff 2002: 333).

If we accept Rieff’s diagnosis, then the safe-guarding of human dignity must be the basis to form that exclusive niche inside which humanitarianism has the space to function impartially, and where its supporting actions can be seen to be undertaken in a least-contested, neutral frame which will garner the greatest universal support. The pathway to dignity is not, itself, exclusive, and – as Rieff suggests – it can accommodate direct acts of solidarity with the victims of war and oppression, as well as accommodate the principles of those within the classical or minimalist spectrum of humanitarian support whose focus is on the emergency relief of suffering. Furthermore, as my thesis asserts, there is no universal cultural, political or ideological pattern of how ‘dignity’ in human society is framed, or who it identifies as responsible for its preservation. In this context, it is significant to note that, as regards IHL specifically, Claudia McGoldrick states that while the Geneva Conventions and the Additional Protocols provide solid ground for humanitarian space that is impartial in character, IHL does not stipulate that assistance is exclusively in the remit of civilian actors. Since the authorities or occupying powers are responsible for providing for the survival of the population, it is hard to exclude the military – although it must not disguise itself as a civilian humanitarian actor, and a clear distinction between the two must be maintained at all times (McGoldrick, 2011: 984).

This clearly accepts that there is a place within the humanitarian space that will allow not only the minimalists and maximalists in the aid spectrum to work together, and to be mutually supportive, but a recognized and clearly defined place for other actors outside of the humanitarian community, such as the military, and even some unofficial non-state actors. Experience of the recent blurring of identities, however, urges that an unquestioned and broadly legitimated principle of neutrality be given its own place within this humanitarian space that

will allow its practitioners unfettered access to the most vulnerable victims of conflict and natural disaster.

As mentioned above, there was a place, before the 1990s, where ICRC's position of neutrality towards belligerents was almost universally accepted. No scholars, not even those from within the ICRC, are asking for a return to 'the good old days', but scholarship has indicated the importance for a protected space to be carved out of humanitarianism which will allow neutral actors, like ICRC, to operate, but from within an adapted paradigm (Ingram, 1993). This accepts that there is no monopoly on humanitarian action, and no orthodoxy. However, there is a particular place for traditional *Dunantist* approaches at the minimalist end of the humanitarian spectrum, especially in conflict and fraught political situations where neutrality, and independence are the best or only way to provide life-saving help to the most vulnerable groups. This demands a protected niche for such activities, where political neutrality needs to be guaranteed (Donini, 2012: 261).

The locus of formation of this neutral space must be framed within a place that prioritises responsibility towards local people, a perspective offered by Rebecca Walker in her study on spatial politics and humanitarianism which offers a move from a paternalistic approach, which (as the studies of Barnett observe) is often the predominant frame of humanitarian response, towards a mutual relationship of respect and supporting opportunities for meaningful local participation (Walker, 2013). This is a sentiment echoed by McGoldrick, in a search for an inclusive new path that will endorse the protective principles of IHL, where she sees a need for better dialogue with local authorities and affected communities, and for the promotion of principled but not standardized solutions (McGoldrick, 2011: 990). Edkins supports this call for a less restrictive and more dynamic approach to engaging stakeholders in the space for humanitarian action. Confirming the need for an inclusive structure, he argues that humanitarianism "is not a timeless truth, but has had particular functions, and taken different forms at different times in the contemporary world" (2003: 254). It is crucial to locate any discussion of the concept and its political impact historically. Edkins considers that Rieff's insistence on locating humanitarianism historically, not as an unchanging abstract notion but as a narrative that has had different expressions at different times, and his focus on 'actually existing humanitarianism' and its ambiguities are important in gaining an appreciation of the divergent view-points, pointing to some crucial aspects of humanitarian discourse (ibid).

To summarise, there is an acknowledged need amongst practitioners, stakeholders and scholars that the existing paradigm influencing the targeting and implementation of humanitarian aid is not fit for purpose in the contemporary geopolitical environment, and that there is urgent need to design a new form of humanitarian architecture which supports an inclusive and universally-accepted goal: to enhance public good, to preserve human dignity and ensure that those who are the object of international public good become – and remain – their own agents. This will require a balance between theory and institutional norms, and between spontaneity and practice. These are issues which will be re-examined in the concluding chapter of my thesis, after it has presented and considered some of the initiatives of locally-situated humanitarianism that were to the fore in elements of the case studies that follow.

## **Chapter 2. Case Studies: divergences in the humanitarian environments.**

### *Introduction*

In his report prepared for the 26<sup>th</sup> International Conference of the Red Cross and Red Crescent,<sup>17</sup> ICRC President, Cornelio Sommaruga voiced his unease emerging from the Gulf War in Iraq which had been launched eleven months earlier, stating that “it encapsulated in an unprecedented way all the humanitarian issues with which we are concerned. It also compels us to take a rather different view of the future.” (1992: 88).

Whilst Sommaruga was referring to grave threats to international humanitarian law, and the danger that chemical, bacteriological or other weapons of mass destruction might be used following the outbreak of war, “giving new reality to fears with which we had unconsciously learned to live during the period of the arms race” (ibid: 89), in the report he poignantly referred to the manner in which the military operations were conducted. Similar concerns have been raised by practitioners and scholars over the manner in which the humanitarian response to many conflicts in the post-Cold War period have been conducted, with the consensus pointing towards the ‘blurring of lines’ and confusion between military, political and humanitarian objectives. Unease over the confusing identities and profiles is nothing new. Oliver Ramsbotham (1997: 458) remarks that:

By the 1970s, David Forsythe was already distinguishing between ‘impartial humanitarianism’ based on consent from public authorities with little or no overt criticism of their behaviour (International Committee of the Red Cross (ICRC), UNHCR approach), ‘international humanitarianism’ which mixed cooperative and conflictual styles (the approach of most NGOs and UN humanitarian actors) and ‘revolutionary humanitarianism’ which disregarded the wishes and legal claims of public authorities (the approach of some NGOs, such as MSF).

This section of my thesis explores whether any differences in conduct, concept and motive of the conflicts, and addressing their aftermath, has led to significant changes in perceptions of the humanitarian action that accompanied them. If so, then my examination of the four case

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<sup>17</sup> This conference, which was scheduled to be held in Budapest between 28<sup>th</sup> November - 6<sup>th</sup> December, 1991, was postponed indefinitely because of political differences over the legal status of Palestine (Bugnion, 2009: 684).

studies in the following two chapters consider how far social forces such as ideas, knowledge, norms and rules influence identities and interests of the broad range of stakeholders in international humanitarian action which is seen as core to social-constructivist theory (Barnett: 2014: 156), and how far these become factors in the expression and distribution of power. It begins in this chapter with an examination of differences in the profiles of humanitarian response to the conflicts in Iraq of 1991 and 2003.

### *Background*

The Gulf Wars in Iraq do not mark the first incidences of attacks against humanitarian workers, nor the first time that the lines between humanitarian and political action have been blurred. From the earliest days of the origins of the Red Cross and Red Crescent Movement in the 19<sup>th</sup> century, there has been a need to provide identification and protocols that would protect them from deliberate or accidental attack (Forsythe, 2005: 27-29), with the symbols themselves sometimes proving divisive (see above, Chapter 1, Benthall, 1999 :160). Red Cross facilities were bombed in Ethiopia in 1935–36 and an ICRC plane was shot down in Biafra in June 1968 (Forsythe, *ibid*: 39; 67). Prior to the conflict in Iraq that began in 2003, the wars in Bosnia and Kosovo provided a foretaste of the ethical pressures of the sort experienced in Iraq in the first decade of the 21<sup>st</sup> century.

However, the Iraq war in 1991 is regarded by some as the first time that humanitarian objectives were instrumentalised to reinforce a political and military strategy: “Although Resolution 688<sup>18</sup> did not authorize military enforcement action, it was the first time – other than the case of South Africa – that the Security Council had collectively demanded an improvement in the human rights situation of a member state as a contribution to the promotion of international security” (Wheeler, 2000: 146). The Resolution demanded that Iraq immediately end the repression of its civilian population, and allow access by international humanitarian organisations, appealing to all member states and humanitarian organisations to contribute to these relief efforts. In his analysis, Thomas Weiss observes that the Security Council was reluctant to authorise the use of military force to prevent state repression of its own people, but was willing to approach such a crisis as a humanitarian problem, and so sidestep the contentious issue of sovereignty and questions of self-determination (1999: 52-53, referring to Stromseth, 1993).

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<sup>18</sup> Adopted 5<sup>th</sup> April 1991 (UNSCR, 1991: Online Resources).

Operation Provide Comfort (OPC), which was the military-led response decided by those in the political alliance against the President of Iraq, Saddam Hussein, to alleviate growing humanitarian concerns in the wake of the war of 1991, has been heralded by many commentators as a success, and it was foreseen to provide a template for future neutral, universally approved humanitarian intervention. However, by the time of the second war in Iraq in 2003, which followed the political and humanitarian failures to protect civilians in other post-Cold War conflicts which scarred the first decade of the 1990s, such as in Rwanda and the Balkans, confidence in an unpolluted, independent space for neutral and impartial humanitarian response was severely shaken.

In their analysis following consultations on the future of humanitarian action framed by the experiences of the Iraq war of 2003, Donini, Minear and Walker identified a number of critical challenges to the humanitarian community. As was the case in Afghanistan at the same time, humanitarian agencies were confronted with a contested environment, a security crisis and major policy quandaries (2004a: 191). The core problem for the humanitarian communities arose from the need to interact with Coalition forces whose intervention was seen as illegitimate by significant segments of global public opinion. This was a situation that was complicated by the lack of a clear UN mandate that would provide a platform for approving a legitimate and more consensual direction in the post-war reconstruction of the country. Without this, the UN and the other humanitarian agencies were seen as taking sides; that lines between Coalition military-political objectives and international civilian action became blurred and humanitarian principles devalued, leading to serious consequences for staff security and a threat to humanitarian operations:

Many in the humanitarian community view the present quandaries regarding humanitarian action in Iraq as indicative of a serious, and deeper, illness within the humanitarian enterprise. They feel that humanitarian action has been politicised to an extent rarely seen and has been tainted by its association with the Coalition intervention: in short, that it has become a partisan action. (Donini et al., 2004a: 191-192).

My case studies on the wars in Iraq examine the depth of this feeling, looking primarily at analyses of humanitarian assistance activities provided in policy evaluations and academic scholarship. It examines how the conduct of these activities framed perceptions in the field, and considers how stakeholders reacted to them. It looks at whether evidence of any shifting

support to the providers of aid points towards structural problems within the humanitarian system. It begins with consideration of whether shifts in attitude are the product of less tangible elements, influenced by cultural and value-based interpretations of the environment, and how far these reflect Barnett's critique of the contemporary pattern of humanitarian imperialism.

*A review of perceptions and pre-conceptions*

Neutral, impartial, independent humanitarianism is ultimately dependent on perceptions (Forsythe, 2009: 276).

In his extensive studies on the history and work of the International Committee of the Red Cross, David Forsythe observes that this most self-consciously neutral of all international humanitarian organisations has always been aware of the political impact which its position of moral-authority entails. From the anguished debates over its transparency about Nazi atrocities during the Second World War, to contemporary conflicts of the 21<sup>st</sup> Century, the ICRC is conscious that its stance of absolute neutrality and its logo "is caught up in the various strategies of various actors contending for power, whether to preserve the status quo power structure or to change it" (Forsythe, 2009: 276).

This self-consciousness of perception and preconception is a powerful dynamic, and is reflected to varying degrees of acknowledgement amongst the broad range of humanitarian actors, whether international organisations such as the UN or the NGO community, as well as amongst the public and other stakeholders of humanitarian work in relief and development. As Laura Hammond observes, the moral authority and public perceptions related to this symbolic identity may be a more determining factor towards the incidence of performative violence, than confusion over the blurring of lines (Hammond, 2008: 177). Forsythe supports this observation, remarking that Hammond is right to stress the role of performative, or demonstrative, violence: "(J)ust as terrorists use violence for the general purpose of making a political point, so violence against humanitarian workers is most probably, as she says, not from confusion or ignorance but to show that humanitarian work is too dangerous, the situation too insecure, the existing authorities too weak" (2009: 277).<sup>19</sup> In order to probe the evidence towards how far such 'deep causes' and symbolic, performative violence are linked to an understanding of neutrality when comparing the two wars in Iraq, my examination turns towards analysis of the historical and

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<sup>19</sup> In addition to this, he notes to include incidents arising from pure banditry and the seizing of aid workers for ransom (ibid).

institutional background to the two conflicts, presented in the following section. It seeks to highlight the differences in the way public perceptions changed following the period during and after the relief operation in 1991, leading to the mistrust and lack of popular support to humanitarian relief and reconstruction activities following the war of 2003.

### 2.1 The Iraq war, 1991. Operation Provide Comfort, April-July

The extent, strength and speed of the Allied Coalition's response to the suffering of the displaced Kurdish population of northern Iraq through its Operation Provide Comfort (OPC) from April to July, 1991 has been widely heralded as one of the primary success stories of post-Cold war humanitarian intervention (Weiss, 1999: 44-45). Following the failed uprising at the end of the war, and the brutal retaliation by Saddam Hussein's forces, an estimated 2 million Kurds (approximately 50% of the Iraqi Kurdish population) either fled as refugees to Turkey and Iran, or were internally displaced along both borders. The humanitarian crisis was complicated by an estimated 10 million landmines and anti-personnel mines planted in border areas since 1975, and during the Iraq-Iran war from 1980-88, as well as considerations of populations unable, or unwilling, to return to lowland areas during the harsh winter climate from November-March.

#### *Structural humanitarian dilemmas*

Relief provided through OPC from the outset was of a military character: coordination meetings were arranged through military-run humanitarian relief centres in Turkey (Silopi and Diyarbakir) to 'facilitate the humanitarian expertise of the NGOs with the logistics and infrastructure of the military' (Seiple, 1996: 43). There was considerable debate about the timing and appropriateness of resettlement of Kurdish refugees from camps to villages, ranging from psychological readiness for another move, to issues related to the expanded 'mission creep'. Several material and cultural factors inter-acted to favour repatriation and resettlement: amongst these was the necessity to relocate vulnerable populations to places of safety and easier access for logistical support, pressure from Kurds to return, and motivations to avoid aid-dependency and enable the rebuilding of independent lives and livelihoods. Once the decision was taken, there was a need to ensure continued protection, and the Allied solution was the expansion of safe-havens in northern Iraq, which in April, 1991 became the no-fly zone that prohibited flights by the Iraqi air-force above the 36<sup>th</sup> parallel (mirrored later in August 1992 by Operation Southern Watch (OSW), a no-fly zone in southern Iraq that prohibited flights below the 32<sup>nd</sup> parallel). Within this highly-militarised environment, on 7<sup>th</sup> June UNHCR

assumed responsibility for the distribution of international humanitarian relief channelled through the UN system (ICRC continued to operate independently in all areas, according to its mandate and its long-term presence in Iraq since the 1970s).<sup>20</sup> Following a gradual reduction in the multi-national ground forces, on 15<sup>th</sup> July there was the final withdrawal of all allied military, apart from small coordination teams in Zakho.

According to analyses such as those of Weiss, OPC was marked as one of the success stories of post-Cold War humanitarian intervention. David Keen, however, forms a less favourable conclusion about what he regards as an over-hasty abandonment of support to the Kurdish population in northern Iraq. In his study written during the crisis (1995), he identified the ‘safe-haven’ simply as a military solution to a refugee problem (ibid: 167) and considered that “the most important weakness in the current system of protection is that existing systems of military cover for the Iraqi Kurds provide only precarious and ambiguous protection” (ibid: 172). The later lessons learnt from Srebrenica, during the conflict in Bosnia-Herzegovina in 1995, might have gone some way to proving his concern. As in many studies related to the conflict in the Balkans, Keen urged considerations of the historical, cultural, economic dimensions of the Kurdish problem, and saw resolution of their plight through a political solution, not a humanitarian one, and regarded that international aid directed at the Kurds to have been seriously inadequate (Keen, 1995: 173).

#### *UN Structures and the Civilian Response*

As Thomas Weiss remarks: “In OPC the military and NGOs were thrown together on a large scale for the first time outside of a natural disaster”, which relied on the establishment of an NGO Coordination Committee for Northern Iraq for gathering assessments, information-sharing and recruitment, and which was an important tool for the military, who were not used to dealing with a wide range of independent institutions (Weiss, 1999: 57). The humanitarian aspects of the operation were supported by a variety of UN agencies and NGOs, in addition to the independent activities of the Red Cross and Red Crescent Movement, led by ICRC in Iraq, and the IFRC together with the respective national Red Crescent societies in Iran and Turkey.

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<sup>20</sup> Its long history of activity and cooperation since the Iran-Iraq war meant that ICRC was granted exceptional freedom of access by the government of Iraq to support its activities country-wide: a facility which was not initially granted to the UN Agencies, who had to follow strict and often lengthy procedures to obtain travel authorisations (author’s observations on the field. See also Sommaruga, 1992: 90).

On 18<sup>th</sup> April, 1991, the Special Representative of the Secretary-General, Prince Sadruddin Aga Khan, negotiated a Memorandum of Understanding with the government of Iraq, permitting UN agencies to operate throughout the country (ICRC already held independent consent: see footnote 10), and allowing establishment of the UN Guards Contingent in Iraq. “This agreement made it possible for the UN to point to ‘consent’ (however grudgingly given) and claim that Charter Article 2(7) was once again respected”. (Weiss: 58). The engagement of humanitarian services in support of the political and military objectives of the Allies had been secured.

### *Summary*

Returning to focus on the key messages presented in the introduction to guide the research in my thesis – how to engage the power of humanity to respond to and engage with the legitimate needs of the people – the studies of the two conflicts in Iraq will show that the contested contexts led to misreadings of the humanitarian space in the respective environments of each. This had a significant effect on the way the humanitarian response to the conflict in 2003 became de-legitimised in the eyes of many of its stakeholders. Operation Provide Comfort from April to July may have been considered a success from a tactical and operational standpoint. It manifested a successful use of military logistics, especially of US resources, and undoubtedly played a critical role in the protection and repatriation of thousands of Kurdish families. In his defence of military force in humanitarian intervention in similar circumstances, Seybolt indicates that compellance from the military played a crucial role in saving lives (2007: 94-194). However, it could only work effectively with the co-operation of non-military actors, and as Weiss observes, it is important to acknowledge the role of individual agencies in support of the sustained humanitarian response to the situation (1999: 64-67). Furthermore, compellance means coercion, which in its very essence will be contested as a non-neutral act by many in the humanitarian environment, and be considered illegitimate by them.

### 2.2 The Iraq war, 2003

In turning to examination of the war in Iraq over a decade later, and the humanitarian responses during the conflict and in its aftermath, studies reveal a pattern of similarities as well as some critical differences. They are similar in the way that overwhelming power and speed of the Allied (mainly Western) forces was used to conclude its military objectives. Once a decision

was taken to go to war and combat began on 20<sup>th</sup> March, 2003, 173,000 troops<sup>21</sup> fought a joint ground and air battle that forced an unconditional surrender from the government of Iraq in forty-one days. However, there were marked differences in policy, strategy and conduct after the surrender. Most significantly, at a political level, was the departure of the Iraqi President, Saddam Hussein, into hiding immediately after the defeat of his forces, and the collapse of the Sunni-led Ba'athist government. The policy of the US Administration was to extend the change of regime towards a fundamental restructuring of the internal political power-base of the country, starting with the removal of all elements of the Iraqi Ba'ath party from the institutions of state, both civilian and military (Diamond, 2004: 43). This process of de-Ba'athification was conducted by the interim administration under the Coalition Provisional Authority (CPA), led by its chief administrator, Paul Bremer, and supported by selected figures from the opposition Iraqi diaspora who had taken positions in the new Iraqi Governing Council. This was led under a rotating Presidency, which at that time was held by Ahmed Chalabi, but senior positions in political and security structures remained unfilled during a protracted appointment process, aimed at approving a multi-party Iraqi governing assembly (ibid).

The vacuum arising from the hasty attempts to redesign the political space for a new, inclusive power-base in Iraq left certain key functions in the urgent rehabilitation and administration of public services unmanaged. Humanitarian concerns grew in the face of the consequent deterioration in civil infrastructures, such as electricity, health and sanitation. Nicolas De Torrente, in his scathing critique of the process and conduct of the 2003 war in Iraq, observes that: "the U.S. government failed to preserve space for the politically independent and principled role of humanitarian organizations. Instead, the United States sought to bring humanitarian aid efforts under its control and claimed that all assistance supports its cause" (2014: 3). In his analysis, the manner in which the US-led coalition made the minimisation of harm and the provision of relief for Iraqis an integral part of its political and military agenda contributed significantly to the hostility towards humanitarian action and those who deliver it (ibid). Another difference in the dynamics of the two wars is that in 2003 the three-week-long war did not generate a humanitarian catastrophe. Unlike the war of 1991, there were no significant population displacements or refugee flows. According to De Torrente, the most critical humanitarian issue during the war was the provision of emergency medical and surgical

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<sup>21</sup> At the outbreak of war, US troops numbered 150,000 with 23,000 from other countries, mainly Britain and Australia (Carney, 2011)

care to thousands of war-wounded patients, which is a view supported by urgent appeals from the ICRC during that period (ICRC, 2003/Rex: Online Documents). Paradoxically, after the conflict ended, the fall of Saddam Hussein's government and the failure of the occupying forces to prevent widespread looting in Baghdad contributed to the collapse of public health services (De Torrente, *ibid*: 15-16) and compounded the urgent need to restore the proper functioning of public services, such as electricity and sanitation, to avoid increased risk of disease and epidemics amongst vulnerable populations.

This is in marked contrast to the first Gulf War, of 1991, where there was no change of regime, and state institutions together with their supporting civil structures were left intact after the Allied victory. Following the ceasefire on 1<sup>st</sup> May, 2003, self-organization was easier in smaller cities outside of the capital, and in Shi'a areas religious community leadership stepped in to fill the void and services managed to restart, though there was continued friction and lack of agreement over decisions regarding the continued eligibility of Ba'ath party members for public service positions (De Torrente: 17). Disaffected ex-state authorities were to play a significant role in spoiling the CPA attempts to restore order and security countrywide in the months that followed. The question is whether a more acute awareness of the historical and cultural factors, and a humbler process of engagement and 'socialisation' which engaged the pre-existing structures of the Ba'athist regime would have led to a more propitious place for humanitarian and supportive political action to occur. These are considerations I look to address in the following section, and examines missed opportunities which arose amidst the tensions between the forces of destruction, production and compassion.

### *The Integration of Politics and Humanitarian Action*

The policy of integrating and co-opting<sup>22</sup> humanitarian action in Iraq started well before the allied coalition launched its military attack in March 2003. In public debates before the conflict began, the impact of the war on the civilian population was used by both opponents and supporters of military action in Iraq to support their respective points of view in the battle for public opinion about the war's legitimacy. According to De Torrente, as a result of this focus on the potential human impact of the war, humanitarian emergency preparedness efforts were greatly affected by the political agenda, and the credibility and identity of humanitarian actors

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<sup>22</sup> The policy of integration, or 'coherence' is an attempt to improve the coordination and coherence of humanitarian aid, within civil-military partnerships, or between UN and NGO partners. The term 'co-option' or 'co-optation' is used to describe the process engaging services of the UN, NGOs and others within the civil-military partnerships.

were weakened and compromised before the conflict began (2004: 6). This marks another significant difference with the run-up to the 1991 Gulf War, where no significant humanitarian war-planning was evident. In this latter case, Weiss remarks that US President George H. Bush and UK Prime Minister John Major were reacting to public opinion and influence of images in media when they took the decision to launch the humanitarian response through OPC (1999: 52). Indeed, the success of OPC might have provided the hubris that enabled the US Administration to make integration of humanitarian aims part of its political strategy. De Torrente's study emphasises the idea that humanitarian concerns were evoked to justify the war:<sup>23</sup>

President Bush painted a picture of the war that included precision bombs that would minimize the number of civilian casualties, and American soldiers who would liberate and bring "food and medicine" to a population living in grim conditions under Saddam Hussein's rule (ibid: 7).

The political association of this integration of humanitarian aid, and co-option of the services of its UN and NGO providers, provoked another significant difference between the two wars in Iraq under study in this section, which is the negative perception of the UN amongst the Iraqi population by the start of the war in 2003, provoked by the hardships of economic sanctions imposed by the UN on the Iraqi population over the previous 12 years. The independent panel investigating the attack on UN headquarters on 19<sup>th</sup> August, 2003, while underscoring serious lapses in security procedures, also emphasized that the history of the UN engagement in Iraq was an important additional risk factor. The panel noted:

The U.N. system is viewed by many to be at the origins of the imposition of the longest and most stringent sanctions regime ever, the deployment of the most invasive weapons inspection programmes and the conduct of the oil-for-food programme, where for over a decade the U.N. system controlled much of the oil production of Iraq.<sup>24</sup>

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<sup>23</sup> Addressing NGOs during "Operation Enduring Freedom" in Afghanistan, US Secretary of State Colin Powell stated: "As I speak, just as surely as our diplomats and military, American NGOs are out there serving and sacrificing on the front lines of freedom . . . I am serious about making sure we have the best relationship with the NGOs who are such a force multiplier for us, such an important part of our combat team" (Online Documents: State.gov., 2001).

<sup>24</sup> United Nations, Report of the Independent Panel on the Safety and Security of U.N. Personnel in Iraq, RELIEFWEB, at <http://www.reliefweb.int/w/rwb.nsf/0/A63412043388FFC785256DC700652680?OpenDocument>.

Donini, Minear and Walker (2004a) echo De Torrente's remarks about negative perceptions of the UN, linking them not only to its history in Iraq, but to the weak posture of the UN and the confusion of roles. There was no consensus (either within or outside the UN) on what its role should be. "This confusion was based to a large extent on the perceived conflation between pre-war roles (Oil-for-Food (OFF), sanctions, arms inspections) and post-war roles" (ibid: 194). According to outcomes in their consultation, the UN mandate in Iraq was vague and subject to different interpretations from the outset. There was lack of clarity at headquarters beyond the assumptions that the UN would be there and that humanitarian activities were the only UN activities allowed in the absence of a Security Council mandate.<sup>25</sup> The inclusion of humanitarian aid funding within the US war budget marked an expectation within US policy that UN agencies, particularly those with a long history in Iraq, such as the World Food Programme and UNICEF, would quickly resume their activities under an Allied occupation,<sup>26</sup> and so would form part of the 'force multipliers' referred by the US Secretary of State in his speech in relation to the war in Afghanistan (above, footnote 40).

As far as the pre-planning of humanitarian assistance amongst NGOs in the United States was concerned, under the stewardship of InterAction<sup>27</sup> extensive consultations with the US government development agency (USAID) and military officials were carried out on a weekly basis for more than six months before the conflict (De Torrente, 2004: 10). De Torrente observes that, whilst the rationale offered by NGOs for participating in these planning efforts was their need to explain their operating principles to the US military and their desire to provide expertise in mitigating the effects of war, "(A)ll of the civilian agencies would work closely with the advancing army and deploy quickly in its shadow" (ibid: 9). This illustrates that the experiences taken from OPC in 1991 led to a crucial adjustment in policy and strategy, in that humanitarian agencies were foreseen to be integrated within active conflict, and not a follow-on, as had been the case twelve years earlier.

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<sup>25</sup> Initially, the US as the occupying power was not disposed to see the UN back in the country, and only later applied pressure for them to return because public opinion considered the UN was not seen as doing enough (Donini et al, 2004: 194).

<sup>26</sup> Press Briefing, Office of the Press Secretary: <http://www.whitehouse.gov/news/releases/2003/02/20030224-11.html>.

<sup>27</sup> InterAction, the largest alliance of U.S.-based humanitarian and development organizations, has often emphasized the role of overseas assistance in promoting U.S. foreign policy goals, including national security (see De Torrente, ibid: 10).

### *Policy of integration: its relevance to neutral humanitarian space*

Humanitarian actors regularly face the dilemma that the immediate objectives of warring parties clash with their stated commitment to international humanitarian law. De Torrente remarks that this contradiction arises most acutely when wars are fought over, rather than around, civilians: “While IHL seeks to remove non-combatants from the equation, warring parties are increasingly placing them at its center” (2004: 3. See also Sommaruga, 1992).

As mentioned earlier, a significant difference to the conflict in 1991 was that the immediate aftermath of the three-week-long war under Operation Desert Storm did not generate a humanitarian catastrophe. Contrary to expectations in contingency-planning by the Red Cross and Red Crescent Movement, NGOs and UN Agencies, there were no significant population displacements or refugee flows. The most critical humanitarian issue during the war was the provision of emergency medical and surgical care to thousands of war-wounded patients (see above). Indeed, in their analysis of the consultation on the 2003 war in Iraq, Donini, Minear and Walker are of the opinion that this was a significant factor in encouraging the integration of the work of NGOs into the rehabilitation strategies of the occupying forces, since when it became clear that there was no major food or displacement crisis and only pockets of vulnerability among civilians, aid agencies whose services were not essential at the time chose to remain in Iraq ‘for reasons of institutional survival’: “(g)iven the choice between cooptation and irrelevance, many humanitarian actors were willing to risk cooptation in order to ensure relevance” (Donini et al, 2004: 196).<sup>28</sup> As we shall see in the following case studies of the humanitarian responses in Sri Lanka and Burma, mistaken interpretations of the environment before and after the crises were critical factors that influenced the issues of access, acceptability and accountability which form the study of my thesis. The challenges encountered by a broadening scope of activities, and the corresponding increases in expectations in the wars in Iraq examined in this chapter, are considered in the following section.

### *‘New Humanitarianism’: Assimilation, Integration and Coherence*

As remarked above, and echoing the position taken by David Keen regarding the perceived inadequacies of the humanitarian response in 1991, a number of NGOs have embraced the idea

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<sup>28</sup> Paradoxically, the toppling of Saddam Hussein's government at the end of the war in 2003 did in the event lead to an increase in humanitarian needs in Iraq. The failure of the occupying forces to prevent widespread looting in Baghdad contributed to the collapse of public health services, compounding the serious vacuums in administration and management of state institutions, described earlier.

of enhancing the relevance of their relief work by placing it within a broader framework of resolving conflict and promoting human rights. The availability of donor funding for coherence-based activities has also played a key role in bringing about this change.<sup>29</sup> In De Torrente's opinion, the 'coherence agenda' challenges the essence of humanitarian action as a neutral and impartial endeavour, since, at its core, it implies that aid may be selectively allocated to certain groups of victims, or withheld from others, depending on their political usefulness, instead of being allocated according to, and proportionate to, needs alone (De Torrente, 2004: 26).

It is certainly the case that the pressures and processes of integration and co-option contributed to the confusion of roles and identities in Iraq in 2003. As Oxfam spokesman Brendan Cox stated, "The boundaries between the occupying force and the U.N. and the humanitarian community in Iraq is the most blurred it's ever been, anywhere we've worked" (cited in De Torrente, 2004: 22). However, the impact of this on an examination of the core humanitarian principles should not be over-emphasised. As already observed, there is inadequate empirical evidence available to quantify the extent to which activities linked to integration and co-option influence perceptions on neutral humanitarian space, at least as concerns security of aid personnel. Indeed, Hammond argues it is the very nature of the moral authority which neutrality brings that might put practitioners at risk in certain contexts. Even Paul O'Brien, who argues favourably for integration and coherence, acknowledges that the 'political independence' of NGOs and others in the humanitarian community is a critical facet of their identity, and one that can be misused or misappropriated by supporters and spoilers alike (2004: 32).

The studies presented here echo the sentiments that ICRC President Sommaruga provided in the opening to this chapter in his reflections on the war over a decade earlier, in that the Iraq crisis of 2003 represents a new level of intrusiveness and instrumentalisation of the humanitarian enterprise, that differ not only in degree but also in kind from its predecessors. Of particular relevance to my study is the distance these factors place between the assistance being provided and the human needs of the populations affected. These increased risks and perceptions of instrumentalisation are not limited to parts of the Middle East, nor to Afghanistan and the Balkans. They are extending across religions and cultures, into South and South-East Asia, incidence of which will be examined in the case-studies on Sri Lanka and

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<sup>29</sup> CARE's Paul O'Brien lists aid effectiveness and "our business interests" as the two reasons that NGOs should adopt the "political agenda of new humanitarianism" (O'Brien, 2004).

Burma, in Chapter 3. What the studies examined in my research indicate is that there is no universal template of neutral, un-politicised space that can fit the broad range of legitimate humanitarian concerns, and protect all profiles along the spectrum, from the classical position held by the minimalists, to the positions of solidarity and advocacy of the maximalists. Rather, there is a need to revise and strengthen the idea of a multi-tiered humanitarian profile, each with an acknowledged role, legitimised as universally as possible through accepted global authorities and religious institutions. These will all share – to varying degrees and within differing contexts – the notion of consent, and share the common goal of access to vulnerable populations. Some conclusions as to how to arrive at this less-contested, more accessible structure of the post new humanitarianism will be presented in the final chapter.

### **Chapter 3. Case Studies: unexpected outcomes from misread social-political space.**

#### *Introduction*

In Chapter 2, my case studies examined the variation in effects of situations where an international humanitarian response that assumes responsibilities of the state led to contested interpretations of the role of the providers of aid, and of the environment in which they operated. Whilst much of the analysis of Operation Provide Comfort in Iraq, in 1991, was considered to show positive outcomes from an intervention to protect communities at risk and prevent further humanitarian disaster, the study of humanitarian response following the war in Iraq of 2003 shows the dangers of a backlash when the state is devolved from responsibility to protect its population. Critics of this latter approach regard the fundamental principles of humanitarian action as being used as shorthand for ignoring governments, and urge a turning of the lens whereby “(T)he fundamental principles of humanitarian action should offer a framework for principled engagement with governments in situations of conflict” (Harvey, 2013: S151). This urges a recognition of national authority and state responsibility, and a reframing of the space in which all those responding to humanitarian emergencies use legitimised practice and principles to inform their engagement with national and international actors in times of crisis.<sup>30</sup> The arguments presented in my thesis to address this point towards a robust and culturally-aware process of ‘socialisation’ of humanitarian norms which engages the sources of authority and power through a least-contested, non-coercive (and non-coerced) platform: a social-constructivist approach engaging with unified and legitimated notions of voluntary service.

The case studies in Chapter 3 examine differing notions of humanitarian space, and how interpretations of this influence the perceptions of neutral, voluntary action, and can be used to manipulate them. My studies look at the organisational culture of international humanitarian assistance, and examine divisions that arise at an institutional level between perceived foreign and national interests, as well as at the level of humanitarian agencies in countries where they

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<sup>30</sup> The state’s primary responsibility in responding to disasters is clearly recognised in law and in statements of principle. For example, UN General Assembly Resolution 46/182, article 4 (19<sup>th</sup> December, 1991) stipulates: “Each State has the responsibility first and foremost to take care of the victims of natural disasters and other emergencies occurring on its territory. Hence, the affected State has the primary role in the initiation, organization, coordination, and implementation of humanitarian assistance within its territory”. <http://www.un.org/documents/ga/res/46/a46r182.htm>.

are working, and divisions that arise between international and national staff. It considers whether international staff working for humanitarian organisations have the right attitude and skills to work as effectively as they should with national authorities, and whether any ensuing disconnect (or over-connect) influences perceptions of neutrality and independence.

Specific examples of the above are considered following the response to the Indian Ocean tsunami in Sri Lanka, where the government made a series of negative public comments about international humanitarian agencies, echoed by headline attacks in the national media about the intrusion of foreign agencies into the social and political space of the country. This created a public discourse of hostility and distrust of humanitarian organisations, notably amongst the Sinhalese population, and increased restrictions were placed by the government on visa applications and the approval of programmes (Harvey, 2010: 5). A comparative example is provided in examination of the response to Cyclone Nargis that struck Burma in 2008, where the critical role played by the Association of South-East Asian Nations (ASEAN) and the formation of the Tripartite Core Group demonstrates the importance of engaging with regional entities with shared affinities and approaches, thereby reinforcing an environment of trust and shared responsibility (Belanger and Horsey, 2008; Creac'h and Fan, 2008). In conclusion, the Chapter will suggest alternative frameworks in which to consider humanitarian space wherein its core principles might be offered a more robust and less contested place, inside which perceptions are less easily instrumentalised and confused.

### *3.1 Indian Ocean Tsunami, Sri Lanka, 2004: "A disaster without a crisis"<sup>31</sup>*

On 26 December 2004, an under-sea earthquake 150 kilometres west of Sumatra triggered a series of tsunamis that directly affected people in fourteen countries around the Indian Ocean. In terms of lives lost and people missing, Indonesia, Sri Lanka, India and Thailand were the hardest hit. Among the estimated 227,000 people who lost their lives in the disaster, nearly ninety per cent lived in Aceh or Sri Lanka (Cosgrave, 2007: 7). In Sri Lanka, the official death toll was recorded at 35,322 with the number of injured at 21,411. Over 550,000 people were displaced, and many more affected through loss of homes, businesses, and community structure (Walker, 2013: 70).

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<sup>31</sup> Gaasbeek, 2005: 7. Quoted with permission from the author.

The tsunamis struck shore the day after Christmas, and affected locations popular with Western tourists. Germany and Sweden were the worst affected counties outside the region and lost more citizens (over 500 each) than all but the four most affected countries (Telford and Cosgrave, 2006: 33). Initially, it was their stories that attracted the most attention in the international press, and the intense media-coverage promoted an unprecedented response from overseas, resulting in more than \$13 billion of humanitarian aid pledged to assist countries affected, with \$5 billion coming from private individuals and companies (Harris, 2003; *The Economist* 2005; Hyndman, 2008). In Sri Lanka, large sections of the population had been left vulnerable from decades of civil war and military repression. There had been limited success in agreeing short-term pauses in the conflict in the 1990s, and following intense political and diplomatic negotiations from outside, notably with support from the government of Norway, a durable form of ceasefire was brokered between the Sri Lankan government and the rebel fighters of the Liberation Tigers of Tamil Eelam (LTTE) in 2002. This marked an increase in the number of humanitarian agencies working in the country, who for the first time had almost unrestricted access to all parts of the country, and whose unaccustomed oversight of internal affairs led public and political circles to an increasingly anti-NGO discourse (Gaasbeek, 2009: 5-6).

International humanitarian agencies have been present in Sri Lanka since the early 1950s, and together with a number of Sri Lankan NGOs, they were primarily involved in development activities. The first large-scale emergency aid operation by international NGOs was in response to a cyclone that hit Eastern Sri Lanka in 1978. In his ethnographic study of the North and East of Sri Lanka, Gaasbeek notes that:

Probably close to three quarters of the population has been displaced for varying periods over the past 25 years. Most of those displaced were Tamils, but other communities suffered as well. In 1990, the entire Muslim population of the Northern Province was expelled by the LTTE, and tens of thousands of Sinhalese living in the North and East moved to Sinhala-dominated areas (2009: 3-4).

The unprecedented humanitarian response to the tsunami which struck Sri Lanka in December 2004 dramatically increased the international presence in the country, and brought with it a heightened anti-NGO rhetoric which had been present since the early development activities of the UN and its implementing partners turned towards issues of human rights following the

start of the Tamil separatist conflict in the 1970s (Kleinfeld, 2007: 172). Tensions among ethnic groups were exacerbated following the government's establishment of 'buffer-zones' to mitigate the risk of damage and loss of life from future disasters of this nature. In the densely populated south of the country, dominated by a Sinhala majority and one of the centres for international tourism, a 100-metre buffer zone was established. In the Tamil-dominated eastern coastal Districts (Batticaloa, Ampara, Trincomalee), where tsunami-related devastation and damage proved greatest, a 200-metre buffer zone was declared. In all areas, the high density of population and scarcity of land made the setbacks highly contentious (Hyndman, 2008: 364). An important concession meant that land within any buffer zone could still be used for business purposes, which was particularly important for tourist operators in Sinhala-dominated beach areas of southern Sri Lanka (Hyndman, *ibid*).

Contrary to the aspirations and public declarations of many politicians and humanitarian organisations, rather than acting as a catalyst for an enduring solution to the protracted conflict in the country, the overwhelming attention brought by the tsunami at international and local levels exacerbated the hostile dynamics of the situation. In her study, Rebecca Walker observes that when the tsunami struck in 2004, Sri Lanka was politically vulnerable and slowly sliding back to a state of war: "the 2002 ceasefire signed between the Sinhala-majority government and the LTTE was fast unravelling and with a change of government in 2003, a military solution seemed almost inevitable" (2013 : 70-71).<sup>32</sup> Harris concurs that the stimulus for this government attention began with the massive and rapid influx of international assistance following the signing of the ceasefire agreement between the government of Sri Lanka and the Tamil Tigers in 2002, which consisted primarily of agencies interested in post-conflict infrastructure, development, and peacebuilding. This was followed by an even greater influx after the tsunami disaster of December 2004, with a huge international humanitarian response focusing on emergency relief and recovery. Existing government legislation and regulatory provisions covering the work of NGOs were unable to cope with this scale of humanitarian

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<sup>32</sup> Walker notes the complex roots of the conflict in Sri Lanka, with many citing the anti-Tamil riots of 1983 (encouraged by the Sinhala-majority nationalist government) as a defining moment at the start of the conflict. Following the riots in the south, many Tamils fled to the north and east and the large numbers joined the Tamil militant groups, the strongest of which was the LTTE. There were numerous attempts at peace-talks, culminating with the 2002 ceasefire which also created the conditions for an escalation of humanitarian assistance prompted by the prospects of bilateral and multilateral donor aid for post-conflict reconstruction, and the rapid mobilisation of humanitarian aid following the 2004 tsunami. However, despite the talks and international assistance, violence in Sri Lanka continued, leading to the defeat of the LTTE by government troops in 2009 (Walker, R., 2013: 82, footnote 2).

response, which was described in the press as “a second tsunami” (Harris, 2010: 7).<sup>33</sup> The contested space and competing profiles for administration of humanitarian aid aggravated the conflict. The political dynamics were compounded by the structural and organisational weaknesses of the international response, examined in the next section.

*Structural dynamics: over-centralised authority and local disillusionment*

Academic studies and aid agency evaluations have commented on the challenges faced at an organisational level, both by the international implementing structures on the field, and within the constraints in capacity and management of a complex emergency by the government and its civil structures in Sri Lanka (Telford and Cosgrave, 2006; Bennett, 2006; IFRC, 2011; Hyndman, 2007). In the immediate reaction to the emergency, local response and initiative was crucial. However, at an institutional level, the government’s coordination of the tsunami response was highly centralised, and the international community was constrained in dealing with local government because decisions on resource allocation were constantly referred upwards to the authorities in Colombo (Bennett, 2006: 40). Political appointees headed the government’s coordination bodies which were structured ad hoc after the tsunami struck. First, there was the Centre for National Operations (CNO), then three presidential task forces – TAFRER (rescue and relief) TAFREN (rebuilding the nation) and TAFLOL (logistics, law and order). Following the November 2005 presidential election, these three task forces were disbanded, and replaced by the Authority for Reconstruction and Development (RADA), chaired by a presidential appointee. These frequent changes in coordinating authority over the immediate period of emergency response made continuity difficult (Bennett, *ibid*: 40. See also Hyndman, 2007: 366).

This facet of the response was in contrast to the quick and effective mobilisation of assistance at a local level in the immediate hours after the tsunami struck the shores. A community-based response to rescue survivors and assist the injured and displaced was mobilised at community and municipal level, through mosques, temples, churches, village recovery committees, local Red Cross volunteers and NGOs. This was possible, since the Indian Ocean tsunami was unlike

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<sup>33</sup> Harris considers that many provisions were long overdue, such as more controlled procedures for aid agency registration and visa application, and promotion of pro-Sri Lankan employment policies. Measures currently being promoted through IFRC and the Disaster Law initiatives should lead to improvements in the relationships, as the aid agencies learn to accept and operate within the new regulatory framework and engage with a state confident that it has established the necessary controls to ensure that it no longer needs to regard the aid sector as a threat (see also Foley and Haver, 2011: 7; IFRC <http://www.ifrc.org/what-we-do/idrl/about-idrl/>).

most natural disasters in that it affected a relatively confined ribbon of land. Infrastructures ranging from 100 to 1000 metres from shore were functioning and intact (Stirrat, 2006), and so local municipality structures were capable for the most part to coordinate local efforts and assess needs and respond to them. Within a week, following mobilisation of the international response, and the establishment of centralised coordination structures in Colombo, local government agents were unable to take an effective lead in registering and coordinating the activities of the plethora of agencies on the ground (Bennett, 2006: 42).

In addition to the constraints of a centralised national coordination structure, there were serious challenges at an institutional level within the international response to the disaster. In some respects, these reflected the over-centralised dynamics of Colombo. Despite the large amounts of money available for activities on the field, many international NGOs faced internal regulations from their head-offices and institutional donors that forbade emergency relief expenditures to be re-allocated to medium-term recovery and rehabilitation projects (Bennett, 2006: 48). Nevertheless, public awareness of large amounts of instantly-accessible funding led to considerable pressure to spend money, with the intense media interest adding to demands for quick demonstration of tangible results (ibid). Constraints were reinforced by the incapacities of humanitarian agencies to spend, and inabilities within the local market capacity to absorb unprecedented amounts of emergency funds in the short term, that led to tensions arising from unfulfilled expectations on both sides (Telford and Cosgrave, 2006; Turner et al., 2008; Harris, 2010). Bennett's report for the Tsunami Evaluation Coalition (TEC) critically observes that the over-crowding of humanitarian space, and the consequent competition in spending, led to the absence of medium or long-term action-plans within most international organisations.<sup>34</sup> Compounding the structural challenges within the administration of organisations at national and international level was the impact which the unprecedented surge in the number of expatriot personnel had at an operational level, through an inadequate skill-base as well as at a personal level through lack of experience, knowledge of history and culture, and language skills (Bennett, 2006; Gaasbeek, 2007; Cosgrave, 2007; Turner et al., 2008). Within the politically charged context of Sri Lanka, both the government and the rebel LTTE exploited divisions and unease to suit their own ends.

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<sup>34</sup> This was not universally the case. Bennett's report for the Tsunami Evaluation Committee remarks that the IFRC presented a tentative five-year plan even in the first month (2006: 48).

The issues presented above help highlight the tensions that arise from international misconceptions of capacities and needs, and national expectations of implementation and expenditure of available resources. In the case of Sri Lanka, enforced by a growing negative public opinion of the humanitarian community, perceptions of neutrality and impartiality became increasingly contested, an environment that grew more hostile through manipulation – wittingly and unwittingly – of the notion of ‘humanitarian space.’ Framed in the language of social-constructivism, and borrowing the words of Barnett, these echo the defining tensions of ‘production’ and ‘compassion’. The next section looks at how the misplaced twinning of international forces of production, combined with historical and cultural misreadings of compassion led to the creation of a hostile political environment in which humanitarians had to operate.

*Geopolitics and the political and historical interpretations of ‘humanitarian space’*

Kleinfeld (2007) considers the misreading of the post-tsunami political landscape in Sri Lanka by examining two key assumptions contained in popular humanitarian discourse: that humanitarian space can be identified, represented and maintained separately from political space, and that humanitarian relations are confined to the places where a disaster has occurred, and chiefly serve its victims. She contends that the 2004 tsunami deepens theorisation of ‘disaster geopolitics’ which she describes as “global-scale political activities involving natural disasters and the international humanitarian response to them” (ibid: 169). Her studies examine the political implications of humanitarian assistance in light of natural and man-made disasters, asking what role humanitarian assistance plays in stabilising or destabilising political spaces with the territorial authorities that manage them, which she considers especially salient in situations of ongoing violent territorial contest, and where conflicts may be dependent on external funding, or susceptible to international pressure (ibid: 170).

In the context of some emergencies, this geopolitical dynamic can lead to positive results, whereby humanitarian inter-action encourages dialogue and leads to a confidence-building environment which is conducive to a peaceful settlement of disputes (for example the post-tsunami resolution of the conflict in Banda Aceh).<sup>35</sup> In Sri Lanka, competition over tsunami aid worsened relations between the government and the LTTE, and the political environment

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<sup>35</sup> For a comprehensive study on the differing factors influencing the dynamics in response and disaster management between the two countries, see Beardsely and McQuinn, 2009.

was adversely affected by circumstances of the geographical impact of the disaster. The fact that two-thirds of tsunami fatalities (about 31,000 persons) were located in conflict zones of the north and east of the island gave rise to hostile competition for the equitable distribution of assistance (Kleinfeld, *ibid*: 171). Pressures from the international donor governments – themselves heavily influenced by pressure from the Sri Lankan diaspora<sup>36</sup> - led to ‘imposition’ of the Post-Tsunami Operational Management Structure (PTOMS) as a joint mechanism to distribute aid.<sup>37</sup> Through this mechanism it was assumed that the north and east would be transformed into zones of depoliticised humanitarian assistance, and that the combined effects of the tsunami on military infrastructure as well as the presence of international forces bringing aid to the victims, would help prevent a return to war (Kleinfeld 2007).

However, a critical reading of the conflict and the outcome of previous humanitarian operations in Sri Lanka would have countered this assumption. As Kleinfeld observes, since the mid-1980s there have been continuous opportunities for collaboration between LTTE and the Sinhalese-dominated government, and despite some limited ceasefire in the 1990s, any peaceful resolution of the conflict was distant. In the post-tsunami environment, PTOMS was feared because of its potential to enhance LTTE legitimacy as a territorial authority and its influences as a moral agent in the distribution of humanitarian assistance (*ibid*: 172; 178).<sup>38</sup> Tensions had been apparent since Sri Lanka’s independence in 1948, especially since legislation of the ‘Sinhala Only Act’ in 1956, which replaced English with Sinhala as the official language, with no official recognition of Tamil. The latter phases of the conflict dated from the beginning of the Tamil United Liberation Front’s demand for a separate state – Tamil Eelam – in 1977, and the anti-Tamil pogroms of 1983, which became the catalyst for a broader armed struggle (Kleinfeld, 2007: 172). At that point, ICRC and MSF were both invited by the government of Sri Lanka to respond to the ensuing humanitarian demands (Kleinfeld, 2007:

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<sup>36</sup> The LTTE relied heavily on various funding sources, principal among them were the remittances from Tamils in wealthy foreign countries and international business enterprises. Human Rights Watch estimates that about one-quarter of the entire Sri Lankan Tamil population, some six hundred thousand to eight hundred thousand people, are part of the diaspora (Beardsley and McQuinn, 2009: 633).

<sup>37</sup> PTOMS, signed 24 June 2005, was approved as a funding source through the World Bank for deciding policies in relief, recovery and rehabilitation. In Sri Lanka it was managed by a high-level committee located in Colombo, with a regional committee in LTTE-controlled Kilinochi. Kleinfeld observes that its organisational structure intensified nationalist rhetoric from Sinhalese hardliners, who in principle denied any devolution of power to non-Buddhist or non-Sinhalese entities (2007: 180). Mahinda Rajapakse ran for President under an anti PTOMS platform, winning in November 2005, and invalidated the PTOMS agreement in his first speech to parliament (See also Terry, 2002: 42).

<sup>38</sup> Kleinfeld observes that participating in humanitarian activities contributes to affirming or undermining political legitimacy and cites the UN Secretary General Kofi Annan’s curtailed trip to LTTE areas in January, 2005 as an example (2007: 170).

172). UN agencies, which had been present in the country since the 1950s implementing development programmes<sup>39</sup> restructured responses to the demands of a broadening conflict. However, the attention to issues of human rights was not welcomed by the government, leading to growing anti-NGO sentiment. This became compounded when the Sri Lankan government was charged with violating rights of the Tamil minority, and when the LTTE was charged with violations against Muslims in the north, and condemned for the recruitment of child soldiers. “It was during this time that humanitarian aid became a political concern and a political tool” (Kleinfeld, *ibid*: 172). The hostility and sense of abuse of national sovereignty reached a peak during the rapid growth in global attention and consequent multiplication of badly-coordinated agencies following the tsunami of 2004. Humanitarian space became increasingly contested.

Hilhorst and Jansen describe humanitarian space as denoting “the physical or symbolic space which humanitarian agents need to deliver their services *according to* the principles they uphold” (2010: 1117 – italics added). Despite claims to be non-political, this conditionality (‘according to...’) frames humanitarian activities in a non-universal and contestably subjective interpretation of what is an appropriate space for principled humanitarian action. The question then arises of how to resolve the non-universal nature of humanitarian space? Studies such as those by Hilhorst and Jansen approach the question of humanitarian space in the form of an inclusive ‘arena’ wherein a broad range of principles and influences – political and apolitical – are working together and “negotiate the outcomes of aid”. According to this framework:

The realities and outcomes of aid depend on how actors along and around the aid chain — donor representatives, headquarters, field staff, aid recipients and surrounding actors — interpret the context, the needs, their own role and each other... In an arena approach, the kinds of actions or actors considered to be humanitarian are not predetermined, nor are the principles that qualify as humanitarian established in advance (*ibid*: 1120).

Accepting the premise of this argument, it then becomes impossible for humanitarianism to inhabit or represent a neutral-free place, nor is it universal and uncontested. Humanitarian assistance during crises is in reality not only delivered by humanitarian agencies, but

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<sup>39</sup> The UN began its work in Sri Lanka in 1952 making it one of the first countries in the world to have a UN development programme. Three years later, on 14 December 1955, Sri Lanka was admitted as a member state of the UN <http://un.lk/un-in-sri-lanka>

encompasses many more actors, both civilian and military, and who occupy this humanitarian space. The arena concept regards the ICRC, by virtue of its mandate, as claiming a specific sub-part of this space (Hilhorst and Jansen, citing Grombach and Wagner, 2005: 4).

My own interpretation sees this as being problematic, since differing notions of human rights and advocacy may run counter to a 'neutral' or state-vision of the system and so suggests that the arena approach is what is causing the 'confusion', since it is a mechanism for too many competing discourses, giving rise to unclear and misunderstood motives. The inclusive arena approach must always remain contested, owing to its acknowledgement of a diversity of action, principles and policy. Despite their universal semblance, different actors interpret the humanitarian principles differently (Hilhorst and Jansen, 2010: 1121). They are contextual and imbued with different meanings, even within the ICRC itself (Minear, 1999; Forsythe, 2005). To mitigate this, there is need for a least-contested, protected niche, which in recognition of the diversity of positions and arguments, can remain flexible and dynamic, but must be seen to have authority of its own, and not be regarded as a subsidiary within the arena of other actors. Proposals to enable this are presented in the concluding chapter of my thesis.

### *Summary*

The arguments presented above indicate the impossibility to separate humanitarianism from politics. An alternative, yet parallel, interpretation that humanitarian space is shrinking might be one that understands the contemporary humanitarian environment as leading instead to the melding of space, resulting in a larger, more inclusive whole. Modern responses to disasters, enflamed by the availability of (excessive) funding and fanned by the global media coverage accompanying them, lead to more publicly contested geopolitical realities.

The geopolitical environment clearly influenced the behaviour and strategies of stakeholders at a macro-level, and adjusted perceptions within states and institutions. In his analysis of the humanitarian response to the upsurge of conflict in Sri Lanka in 2009, which led to the defeat of the LTTE, issues identified by Harris within a series of studies for the Feinstein International Center at Tufts University mirror many of those which influenced the environment after the tsunami of 2004. These include recognition that a sovereign state has the right to direct humanitarian efforts in its own territory and that many states affected by conflict or natural disaster have the capacity to do this. Furthermore, in countries affected by conflict involving contested territorial claims, the rapid influx of international humanitarian actors can unsettle

notions of national sovereignty, whilst the multiplicity of differing interests and influences from respective diaspora raises concerns amongst recipient governments about the impartiality of aid. He concludes his summary by asking whether an effective emergency response is best served by a massive influx of multiple humanitarian actors (Harris, 2010: 9).

In this series of studies, one of the recurring questions raised is how effectively to address perceptions of Western abuse of the notion of sovereignty in its humanitarian ‘interventions’ and escape the ‘imperialist’ construct presented by scholars such as Barnett. If within the broad arena of humanitarian actors the mixing of human rights and peacebuilding in the face of national security priorities leads to a restriction of humanitarian access, would a purely ‘Dunantist’ approach have yielded greater access? (Harris, *ibid*: 10). Would a more discreet international response have allowed better chances for reconciliation?<sup>40</sup> Internationally, humanitarianism in Sri Lanka has been subjected to Western foreign policy priorities shaped, in part, by the influence of the Sri Lankan diaspora communities. It has become overly integrated with human rights and peace agendas and, even where agencies have attempted to maintain a response based upon humanitarian principles, political associations have been imagined and implied (Harris, 2010: 10).

What is the best way to address, or redress, these perceptions? In his study, Harris rejects the notion that humanitarianism and its neutrality has been terminally compromised by nationalist forces, or by the geopolitical pressures from powerful Western donors and their neo-humanitarian supporters. Whilst he acknowledges “that nationalism and sovereignty are going to become much more important variables in defining the trajectories of humanitarian assistance than they have been in the past” (*ibid*: 10), viewed from the lens of the recipient nations it might be seen that humanitarianism has been reclaimed from being a tool serving (Western) interests, to one that serves the political interests of states benefiting from international assistance. The challenge – and the opportunity – for humanitarians is to ensure these benefits accrue to the population and not to serving narrow political aims. As Harris puts it: “Humanitarian actors will need to be able to better contend with the dynamics of nationalism in order to ensure that they can maintain a space in which to operate effectively” (*ibid*: 10).

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<sup>40</sup> Experiences to date regarding the current conflict in Syria would indicate this is unlikely, though the theoretical dynamics differ. It is questionable whether the added tragedy of a natural disaster in the country would be a catalyst for peace in the circumstances.

Amongst the recommendations offered is the development of humanitarian communications strategies to enable early engagement with potential non-traditional actors and supporters at all levels, as well as with the state authorities. “The design of such strategies should take into account the contextual dynamics and the way in which humanitarianism is perceived and manipulated by host country interests” (Harris, 2010: 10). The engagement should not be restricted to donors or identified supporters, but must include local stakeholders across a broad spectrum of society, “especially those defined as spoilers, gate-keepers, or non-like-minded” (ibid). The ideas behind this mirror the processes of ‘socialisation’ mentioned earlier and reflect the arguments presented by Risse et al (1999) about the salience of socialisation processes in constructivist theory. These concentrate on moral discourses which challenge the validity of ‘universal’ normative claims, but which can also endorse and legitimate such claims which were formerly alien (ibid: 13). Complementary to this must run a parallel engagement to work constructively with governments in disaster and conflict-affected countries to develop fair humanitarian regulatory and employment systems. Both of these issues – the comprehensive engagement of an inclusive spectrum of interlocutors within state and non-state actors, and steps towards acceptance and approval of a fair legal framework to guide an inclusive system for humanitarian response will be examined more fully in Chapter 4.

### 3. 2 Burma (Myanmar: Cyclone Nargis, 2008)

On 2<sup>nd</sup> May 2008, Cyclone Nargis struck the coast of Burma. Making landfall in the Ayeyarwady Division, approximately 250 km southwest of Rangoon (Yangon), it severely affected more than fifty townships. With wind speeds of up to 200 km/h accompanied by heavy rain, the damage was most severe in the delta region,<sup>41</sup> where the effects of the extreme winds were compounded by a 12-foot storm surge. Of the 7.35 million people living in affected Townships, it is estimated that 2.4 million people were severely affected and foreseen to be at risk in its aftermath from a lack of shelter and basic services, and vulnerable to disease.<sup>42</sup> Over

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<sup>41</sup> The delta region in Ayeyarwady Division is the country’s agricultural centre. Prior to the storm, the delta accounted for 65% of rice, 80% of aquaculture, 50% of poultry, and 40% of pig production in the country (Selth, 2008). The storm surge inundated 738,000 hectares of rice paddies with salt water (South, et al., 2011). As a result, Nargis caused an estimated \$4 billion in total damages – equivalent to 21% of the country’s GDP in 2007 (International Crisis Group, 2008).

<sup>42</sup> Initial assessments reported that more than 50 townships has been affected by the cyclone, with 30 of these marked as severely affected, later increased to 37. The definition of ‘affected’ used to select the Townships was the loss of life and/or property that had an impact on the livelihood of an individual, family or a community. It did not take into consideration the ability to cope with the damage and destruction (PONJA, 2008; PONREPP,

2<sup>nd</sup> and 3<sup>rd</sup> May, the cyclone moved inland across the delta towards Rangoon, the country's most populated city and its commercial hub. It caused a devastating loss of life with an estimated 140,000 people killed or missing. The lives and livelihoods of survivors were also severely disrupted with up to 800,000 people displaced, 450,000 houses destroyed and substantial losses of food stocks, equipment, infrastructure and rice-paddy. (PONREPP, 2008; Featherstone, 2009; Özerdem, 2010).

Cyclone Nargis was the worst natural disaster in the recorded history of Burma. UN agencies and non-governmental organisations (NGOs) feared the worst. The UN's World Food Programme said it had been able to reach only thirty percent of those in desperate need of food, OCHA warned of an outbreak of infectious disease, and Save the Children warned that thousands of children could die within weeks if food did not reach them soon (Barber, 2009: 3-4). Owing to a number of factors, not least the strong resilience of the communities affected and prompt local efforts to rescue survivors, these predictions did not prove to be the case (Turner et al., 2008: 6). Assistance to survivors during the initial weeks was predominantly a national response, involving a combination of religious groups, community based organisations, NGOs, the Myanmar Red Cross Society, the private sector, spontaneously-formed civic groups and the Burmese government. This national effort was reinforced by international support from within the region and international organisations already present in the country, including the United Nations Agencies, the International Red Cross and Red Crescent Movement and some international NGOs. Together their efforts supplemented extremely robust community level coping mechanisms (Turner et al., 2008: 5).

#### *National preparedness and regional response*

Though there were regular warnings issued by the state meteorological agency about the impending storm through radio, television and newspapers, the significance of such warnings seemingly went unheeded by the majority of the residents in the areas under threat, either because they had no means of receiving real-time warnings or they remained unperturbed since storms and rains of lesser intensity were common in the delta region. Given the extreme rarity of such an event the government also had little experience in taking preventive measures to minimize losses (Maung Maung Than, 2008: 196). Whilst the level of devastation the storm

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2008). Funding shortfalls refined this to a target of 13 with critical needs (PONREPP Action Plan, 2009). See also IFRC, 2011.

brought was unexpected,<sup>43</sup> the Indian Meteorological Department provided almost seven days warning of an approaching cyclone and more than forty eight hours warning regarding its projected path and severity. The government-owned newspaper, *New Light of Myanmar*, warned of an approaching cyclone on 30 April, however the warning received no more than a few lines on the penultimate page (McLachlan-Bent and Langmore, 2011: 39-40).

On 5<sup>th</sup> May 2008, the Association of South-East Asian Nations Secretary General called on its member states to urgently provide relief assistance to Burma as part of the ASEAN Agreement on Disaster Management and Emergency Response.<sup>44</sup> By 9<sup>th</sup> May, ASEAN said that it would lead a coordinated response to the crisis and, with the permission of the Burmese government, began sending in medical officers and teams from ASEAN member states (ASEAN, 2010: 98). A special meeting of ASEAN Foreign Ministers on 19<sup>th</sup> May led to an agreement to form the Tripartite Core Group (TCG), comprised of the government of Burma (Chair), ASEAN and the UN, “to act as an ASEAN-led mechanism to facilitate trust, confidence and cooperation between Myanmar and the international community in the urgent humanitarian relief and recovery work after Cyclone Nargis hit Myanmar” (PONJA, 2008: 178). Overseeing the work of the TCG was the ASEAN Humanitarian Task Force (AHTF), consisting of twenty-two members, two from the ASEAN Secretariat, including the ASEAN Secretary General and two officials from each of the ASEAN member states.

Independent evaluations have been consistent in commending these regional structures for its facilitation of the humanitarian response to Cyclone Nargis, and helping to streamline government interactions and decision-making (Telford and Cosgrave, 2006; Bennett, 2006; Turner et al., 2008: 7). A report from the International Crisis Group at the time remarked that “(c)ommunication between the government and international agencies has much improved.

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<sup>43</sup> “The media were reporting in real time, but for those of us living here, there was little information to get a sense of what was happening. Yangon was damaged and trees were down. Not until we were in the choppers going down to the Delta did we realise the horror of what damage had been done” (Singapore Ambassador, Robert Chua, quoted in ASEAN, 2010: 16). A comment echoed by WFP Country Director, who observed that although they had been tracking the cyclone vigilantly online before it struck, it made landfall much further south than had been predicted. “Even then, we didn’t know how totally devastating the next 24 hours would be” (WFP Country Representative, Chris Kaye, quoted *ibid*).

<sup>44</sup> Established in Bangkok on 8 August 1967, ASEAN originally comprised the five countries of Indonesia, Malaysia, Thailand, Singapore and the Philippines. Brunei Darussalam joined on 8 January 1984, Vietnam on 28 July 1995, Laos and Burma on 23 July 1997, and Cambodia on 30 April 1999. Supporting the diversity between member states, ASEAN emphasised principles of non-intervention in internal affairs, mutual respect of sovereignty and territorial integrity, principles which were enshrined at the 1976 Bali Summit in the Treaty of Amity and Cooperation (ASEAN, 2010).

Visas and travel permits today are easier and faster to get than before. Requirements for the launch of new aid projects have been eased. By and large, the authorities are making efforts to facilitate aid, including allowing a substantial role for civil society” (ICG, 2008). The Post Nargis Joint Assessment (PONJA) was launched by the TCG on the 8 June, after the international pledging conference and was seen to be a broadly inclusive ‘multi stakeholder’ assessment which combined the efforts of ASEAN, the UN and the government of Myanmar (Creac’h and Fan, 2008: 6).

### *Structural and organisational constraints*

Despite much media and external commentary to the contrary, evaluations and reports generated from the field acknowledge that the national response following Cyclone Nargis was immediate (Turner et al., 2008; ASEAN, 2010; IFRC 2009a). According to the ASEAN report, “Prime Minister Thein Sein<sup>45</sup> activated the National Disaster Preparedness Central Committee (NDPCC) at 8:30 am on 3 May in the capital of Nay Pyi Taw, assigning rescue, relief and rehabilitation tasks to Ministers and Deputy Ministers. The Prime Minister, along with high-ranking military officers and Cabinet Ministers, relocated to Yangon the same day, where an office was established to carry out rescue measures, coordinate the disaster response and closely supervise the effort” (ASEAN, 2010: 21). The report observes that humanitarian assistance from the international community was made available immediately, but limited supply stocks existing within the country were soon exhausted, and so it was vital that the international humanitarian community be granted access to dispatch urgently needed relief supplies to cyclone-affected communities (ibid: 21). UN Agencies such as the United Nations Development Programme, UNICEF and the World Food Programme, as well as the IFRC, secured an agreement with the Government that international staff could travel to affected areas to conduct assessments and target a response, whilst international aid workers from NGOs such as Save the Children who were already in Burma, together with resources from local NGOs and the Red Cross responded to Nargis within the first days following the cyclone (ibid: 24; IFRC 2011, Featherstone, 2009a, 2009b).<sup>46</sup>

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<sup>45</sup> Following the government’s political transition plan, Thein Sein was elected president in November 2010. Senior General Than Shwe dissolved the military regime and handed over power to his successor in March 2011.

<sup>46</sup> Thailand was the first country to send medical and food supplies via the Thai Red Cross. Whilst not acknowledging the need for unconditional assistance, on May 7, the government stated that they were willing to accept international assistance, preferably bilateral, government to government, and the Royal Thai Air Force was authorised to land in Yangon the same day with drinking water and construction materials together with 20 medical and public health teams to assist in recovery efforts. This was followed by Italian flights containing relief supplies from the United Nations, and 25 tons of emergency equipment such as stretchers, generators, water purifiers, and consumable goods (Sari, 2012).

There are a number of studies and reports which unequivocally apportion blame to the Burmese government for criminal neglect, stating that the government failed in its duty to protect and assist a population in dire need. They remark that the government did not give adequate warning of the impending disaster, and subsequently denied many communities access to humanitarian aid in the month after the disaster which may have cost lives (Ford, 2010; South et al, 2011; Willis, 2012; Kovach, 2013).<sup>47</sup> As a consequence of these perceptions, during an emergency session of the UN Security Council on May 7<sup>th</sup> 2008, the French Minister of Foreign Affairs, Bernard Kouchner, implored the international community to invoke the Responsibility to Protect (R2P) in order to justify a humanitarian intervention into Burma. However, most in the international community reacted against this proposal. UN Under-Secretary General for Humanitarian Affairs, John Holmes, argued that the denial of humanitarian assistance did not meet the threshold for R2P, and claimed that Kouchner's suggestion was needlessly confrontational in a time of crisis (Kovach, 2013: 12). Gareth Evans, former Australian Foreign Minister and one of the architects of R2P warned that applying the R2P doctrine in the Burma case might be counterproductive, since it will antagonise the military regime, and was impractical, since humanitarian relief delivered by air-drops would be ineffective (ibid). Several commentators have observed that this provocative approach resulted in early assistance to the most vulnerable communities being disrupted, as this triggered a military redeployment of Burmese Army units away from rescue and recovery efforts in affected Townships to assume defensive positions on the coast (South et al., 2011: 10; Belanger and Horsey, 2008: 3-4).<sup>48</sup>

*Government restrictions: a reappraisal of events and reframing of perceptions*

“The delay of several weeks was extremely unfortunate but in the end not catastrophic” (Belanger and Horsey, 2008: 4). That is to say, the delay caused considerable suffering to survivors and certainly increased the risks of further fatalities, but the feared ‘second wave’ of

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<sup>47</sup> It should be noted that, while the government did restrict international humanitarian access in the month or so after the cyclone, many of the most badly affected communities would have been difficult to access immediately after the cyclone anyway, due to their remoteness and the destruction of infrastructure (South et al, 2011: 25). Selth observes that the armed forces were not immediately called out and they did not make a real contribution to relief efforts until some days had passed. (2008: 387). Reports from the field did indicate immediate support to search and rescue from army units stationed in the affected townships, even if not officially instructed until 7<sup>th</sup> May (author's notes from the field).

<sup>48</sup> Paradoxically, once access to foreign assistance was granted, South et al. remark that the deployment of Burmese Army units to assist recovery efforts in some cyclone-affected areas in the delta may have served to discourage international aid agencies from assisting people in these militarised zones, because international aid agencies were reluctant to work closely (or, as the authors remark, even in geographic proximity) to the armed forces of the Burmese government out of concern for the latter's poor human rights record (ibid: 10).

deaths did not occur. Some commentators have marked this partly down to luck, and the resilience of the communities affected, but also attribute this to the rapid mobilisation of local staff from across the country by the government, as well as the extraordinary efforts of local civil society and private donors (ibid).<sup>49</sup>

The Inter Agency Real Time Evaluation (IA RTE, see Turner et al., 2008) observes that although early international media reports implied that the government was blocking aid to affected populations, interviews by external evaluation teams and UN Agency reports showed that local groups and some international organizations were able to access affected areas immediately after the cyclone. “There were certainly very real restrictions on access, but even so, those organizations already in the country that were less risk-averse and were less constrained by issues around national sovereignty reached affected populations soon after the cyclone” (Turner et al., 2008: 6). Whilst it is acknowledged that government restrictions were placed on international agencies, several studies conclude that these were not imposed because of Cyclone Nargis, but rather was an attempt by the government to maintain the prevailing status quo.<sup>50</sup> Nevertheless, the effect was to limit the number of international agencies and staff responding. The IA RTE remarks that it was safe to assume that this factor decreased coverage of affected areas and probably prolonged suffering in some communities (ibid).<sup>51</sup>

McLachlan-Bent and Langmore (2011) take a more reflective analysis of the government’s reaction. Their study presents the argument that it was difficult for many observers to comprehend why a government would not accept life-saving humanitarian assistance and so they were too ready to criticise them for not doing so. They point out that Burma had been invaded several times since the 13<sup>th</sup> century and has always been wary of international interference in its internal affairs (ibid: 53). The last royal ruler of the independent Burmese Kingdom had been deposed and sent into exile when the country became a province of British India. Following the Second World War and Burma’s return to independence, there was

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<sup>49</sup> The government assigned resources from the Ministries of Health and Social Welfare to the most severely affected townships, supporting the work of government-run clinics staffed by primary health-care workers which were already established in rural communities (author’s observation on the field. See also IFRC final report, 2011).

<sup>50</sup> Government policy prior to the cyclone required all UN agencies and international NGOs to secure official government authorisation and a signed Memorandum of Understanding (MoU) agreement before they were permitted to carry out work in any part of the country. The government initially insisted that this policy be strictly followed after the cyclone (ASEAN, 2010: 25)

<sup>51</sup> United Nations Secretary-General Ban Ki-moon announced on 24 May that the military government had undertaken to allow all foreign aid workers access to the country and affected delta region, irrespective of their country of origin (ASEAN, 2010: 41).

continued history of local insurrection, supported by various regional neighbours. At war since 1949, the Karen in particular have been much divided by warfare and forcible relocation. This situation was particularly pronounced in the Ayeyarwady delta region throughout the 1960s and 1970s (Bamforth et al, 2000: 230). Therefore, as McLachlan-Bent and Langmore remark, “(t)o call the regime ‘psychotic’ or ‘paranoid’ would not be unreasonable” (2011: 53), but in their opinion, doing so considerably underestimates the regime’s intelligence and political awareness. For more than twenty years the international community made it clear that it despised the regime and its undemocratic ways. The military government had developed highly contentious relations with Western governments and much of the broader international community, particularly after the violent crackdown on the student demonstrations in 1988 (Kovach, 2013: 18). As a consequence, the US government imposed severe economic and political sanctions on the regime, and in addition to further distancing any opportunity for political dialogue, these sanctions ensured that international aid, per capita, to Burma was twenty times below the average for least developed countries.<sup>52</sup> Just eight months before Cyclone Nargis struck came the events of the Saffron Revolution of August-September 2007. This period of political unrest, sparked by a series of demonstrations led by Buddhist monks, had elicited a brutal response by the government and its militant civilian wing, the Union Solidarity and Development Association (Kovach, *ibid*: 4-5). Foreign rhetoric against the regime was at its height, compounded by overt expressions of support and solidarity with the opposition National League for Democracy (NLD), and crowned by the award of the USA’s highest civilian honour, the Congressional Gold Medal, to its leader Aung San Suu Kyi just four days after the cyclone struck (Selth, 2008: 393). The political environment to engage an unsolicited humanitarian response from Western nations could never have been less auspicious.

### *Summary*

Given the contentious relations that existed before and immediately after Nargis, along with the limited political and humanitarian space available for Western actors, the contested environment provided an opportunity for a regional body such as ASEAN to come to the fore and lead the effort. In his study, Özerdem remarks that it is important to note that the nature of the Burmese state made it very difficult to accept overseas aid. He notes, first, there is a mutual alienation of state and society, where the military regime is distanced politically, economically

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<sup>52</sup> Burmese citizens received the lowest amount of aid, per capita, in Asia – just \$3 per person. In comparison, international aid, per capita, in 2005 stood at \$50 for Laos, \$35 for Cambodia, and \$15 for Nepal, respectively (ICG, 2008).

and socially from the majority of its population (and in recent years, even physically, with the establishment of the new capital in Nay Pyi Taw, which is to a large extent closed to the general population). Second, the priority of self-preservation by the regime has meant that there is a huge divide between the military elite and masses living in poverty, and third, the state has a nationalist insistence on self-reliance, preferring to resolve internal issues on its own, rather than accept foreign assistance (Özerdem, 2010: 698; Belanger and Horsey, 2008: 2).<sup>53</sup>

Often the most direct and effective avenue for aid distribution is through the involvement of local regional actors, either bi-laterally or in combination with UN action. Post-Nargis, ASEAN was an obvious contact. Its declared profile as facilitator and coordinator in the humanitarian field and its low-key approach contrasted with the open hostility of the US and various other key international actors which continued to offer public support to the main opposition leader, Aung San Suu Kyi, and tried to have the actions of Burma's military regime condemned by the UN Security Council as recently as January 2007 (Groves, 2008: 3; Allan and O'Donnell, 2012: 370).

### 3.3 Conclusion

The case studies in this chapter challenge several of the assumptions and preconceptions which appear in much of the scholarship and policy analysis of the humanitarian response to the Indian Ocean tsunami and Cyclone Nargis, many formed within a political lens that ignores the history and contemporary geopolitical concerns of the governments in Sri Lanka and Burma at that time. In the former, there was a macro-level misreading of the security environment from the international side, which was exploited by the competing national entities, driven by mistrust, the skillful manipulation of political rhetoric and considerable financial and material resources. In the latter, the dynamic was also driven to a large degree by political rhetoric from Western governments, who had a restrictive focus on the visions of democracy promoted by the opposition NLD and its leader and Nobel Peace Prize Laureate, Aung San Suu Kyi. Misguided assumptions and misreadings of the past and present environment in both of the countries in this case study led to inflexible and stubborn positioning on issues on all sides which were often out of date.<sup>54</sup>

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<sup>53</sup> A similar paternalistic form of state-civil society relationships has played a significant role in responding to natural disasters in a number of other countries, such as Iran, India, Pakistan and Turkey (Özerdem, 2010: 698).

<sup>54</sup> Whilst this was evident in both countries, it was especially marked in Burma, where more covert financial support to the NLD was reinforced by public statements from external supporters, which antagonised the government, and tested the limits of military tolerance. Aung San Suu Kyi and senior advisors in the NLD were

As evidenced in my studies, the governments in both countries displayed a climate of mistrust, and fear of threats to their sovereignty. However, there is a certain irony in that the particular context of Burma, which had been left isolated and its government considered a pariah by most of the Western nations for over twenty years, and where the mystery of its political system ran deepest, the humanitarian response to Cyclone Nargis has been seen by most analyses as being a greater success, more inclusive and less donor-driven than was the case in Sri Lanka. In the case of Burma, this may have arisen from the unintended outcomes of restricted access and its consequence for a strong, more politically acceptable facilitation through the regional agency of ASEAN. In the case of Sri Lanka, suspicion was hardened by extreme nationalism and worsened by the cultural, social and institutional clumsiness of the international response.

There is a tendency in academic scholarship and agency analysis to search for the larger political reasons for discomfort and hostile disengagement. Authors of the studies referenced in this chapter refer to the geopolitics of donor states, the influences of sanctions, the appearance of naval warships, and regime unease. In my analysis, whilst the geopolitics certainly played a part, the way a climate for cooperation – or obstruction – is influenced at a more fundamental, personalised level cannot be underestimated. From a field perspective, the influences driving decisions by the state and non-state actors are far more particular. In Burma, the fact that a national response was quickly and efficiently supported by international humanitarian organisations already in the country and who had acquaintance – if not close familiarity or sympathy – with the political system and the particular nuances of how to engage within it, played a crucial factor in mitigating the devastating effects of the cyclone.

Whilst my study would not wish to recommend restricted access as a default position in international humanitarian response, it has been acknowledged in many of the readings that the restrictions placed on a foreign, non-regional presence played a significant part in the success of the Nargis response. The UN and some INGOs were also present in Sri Lanka before the tsunami, but where powerful diaspora influences and nationalism influenced an obstructive environment even before. However, it was the arrival of the ‘second tsunami’ that drove the

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often out of touch with contemporary feeling and miscalculated. For example, by objecting to tourism and foreign investment, and even to humanitarian aid at the outset, the NLD has been seen by some critics to promote poverty, and limits exposing the regime to external moderating influences (Steinberg, 2013 :43. Supported also by the author’s field notes).

change to overt hostility, and a desire to control and expel international NGOs – leading in some cases to tragic consequences, for example when seventeen national staff-members working with Action Contre le Faim France were murdered in the town of Muthur,<sup>55</sup> in Trincomalee District, on 17<sup>th</sup> August, 2006. These were traumatic events that continued to exclude most foreign organisations and NGOs<sup>56</sup> from the northern jungle region known as the Vanni during the final, brutal strike against the LTTE in 2009 and the death of large numbers of civilians sheltering in designated ‘safe areas’ of the Northeastern Province (see Gaasbeek, 2009: 6-12; Hyndman, 2008: 364).

In every situation where there is a multi-national response – whether a humanitarian emergency, international political meetings or multi-national trade talks – there is an element of fear of the outsider; a cultural unease, which requires a patient process of confidence-building. Of the two case studies presented here, this was most marked in Sri Lanka, despite the fact this was the country with the greatest exposure to foreigners, through tourism and trade. In Burma, the lack of acquaintance with the military regime, and the secrecy of its political system, lent a measure of distant and wary respect. The despatch of a US Military plane with VIPs to Yangon displayed a more conscious and considerate attempt to engage, which was in marked difference to the uncontrolled and often ill-informed streams of VIPs visiting Sri Lanka in the weeks after the tsunami (see Bennett, 2006: 38). This sort of ‘disaster tourism’ was not a feature in Burma following Cyclone Nargis. The initial obstruction from the military government, led to the engagement of ASEAN as a regional interlocutor to provide a catalyst for access: shared ideals and mutual respect for sovereignty and non-interference, was a critical difference in altering the climate of mistrust engendered in the first days, with calls from Western states for enforced humanitarian intervention. My conclusion is that greater attention should be paid at the basic level of institutional inter-action that encourages mutual respect between national and international humanitarian actors and their government partners; in theoretical terms, a process of socialisation – or ‘dissemination’ (a term used by ICRC when referring to its role to promote adherence to IHL). Paul Harvey writes about the unintended (and perhaps too-often intended) consequences of an arrogant or ignorant or naïve foreign culture intervening in emergencies and displacing national authority and local agency. He

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<sup>55</sup> They were executed in their office in Muthur on the east coast, a few hours after pro-government forces recaptured the town. The international Sri Lanka Monitoring Mission held the government responsible. The government responded by creating an investigation commission whose investigations led nowhere (Weissmann, *ibid* )

<sup>56</sup> Except for the ICRC (Harvey, 2013; ICRC, 2009), and Caritas (Keen, 2013: 8).

observes that “at times, personnel employed by international agencies seem to use the principles of neutrality and independence as an excuse for keeping the state at arm’s length rather than as a framework for principled engagement with national authorities” (Harvey, 2013: S165). On both sides, therefore, there is a need to examine attitudes and perceptions, and to tackle the negative aspects of the relationship that have developed over time (ibid, S166).

Harris refers to this dynamic in his study on Sri Lanka. He remarks that the restriction of international staff visas is often perceived as a government strategy designed to force the recruitment of nationals as heads of mission, and that “this in itself is not a bad objective, since in the case of Sri Lanka there were plenty of capable local candidates available for such positions” (2010: 7. See also footnote 51, page 42). This raises the question of how much sovereignty and control is necessary and desirable. Measures currently being promoted through IFRC and the Disaster Law initiatives should lead to improvements in the relationships, as the aid agencies learn to accept and operate within the new regulatory framework and engage with a state confident that it has established the necessary controls to ensure that it no longer needs to regard the aid sector as a threat. In order to provide the best possible environment for effective and secure humanitarian action access should be brokered in advance of an involvement, and so it is crucial that confidence and mutual understanding and respect is driven and installed as early as possible. There will always be a need for advocacy, and for the presence of organisations actively dealing with issues of human rights. However, my sense is that the debate needs to move away from the concept that ‘we are all humanitarians now’, wherein all those responding inside the arena are dismissed into a common framework, some subsidiary to the others, and all confused. Discussions will continue on whether classical humanitarianism is dead, and it may be that its current framing is no longer possible in the new environment, but the need for a niche containing resources which will have access, independence and impartial authority within a least-contested place is evident. Proposals on how to enable this will draw on issues raised in the previous chapters and in these case-studies, and are presented in my final chapter.

## Chapter 4. The quest for a least-contested niche.

Polymorphic and complex, this sector is composed of different systems or ‘networks of networks’ with no central governance..... During the last twenty years, humanitarian action has ceased being a simple epiphenomenon of international relations. It has gained a real influence ... As a victim of its own growth, one of the most pernicious risks for the humanitarian sector is that, by creating large-scale administration or by copying the multinationals, it will come to identify itself through its structure rather than its humanitarian mission (Bernard, 2011: 891).

One of the common elements emerging from my examination has been the confusion arising from the expansion in the numbers and recognition of humanitarian affairs over the past twenty years, and the changing environment in which international humanitarian aid operates. In the sections that follow, I will present an overview of what I have analysed as the driving forces behind this changed environment (section 4.1), and present my interpretation of the symptoms and the causes (section 4.2), and will conclude with proposals for a remedy that stresses the need to refocus solutions towards a positive acknowledgement of the ‘muddle of humanity’<sup>57</sup> (sections 4.3 and 4.4). Drawing on social constructivist arguments presented earlier, this aims to uncouple some of the difficult links in the problem and assist thinking towards dealing boldly and courageously with real-life human suffering which acknowledges the creative agency of people caught up in disasters, and enables identification of a space which is legitimised and protected by popular support, at once more inclusive of their aspirations, yet dealing more exclusively to the relevance of their needs.

### 4.1 Overview

The studies by Barnett and Finnemore (1999), Finnemore (1999), DeMars (2005), Barnett (2010) referenced in my thesis highlight the importance of transnational NGOs and civil society in bringing about change in world culture, but also point to the importance of individuals and informal non-political groups in communities over the formulation of these rights and the dissemination of their norms and principles. Finnemore makes this clear when she writes that “Dunant was a world-cultural entrepreneur whose action was not power-seeking or utility-maximising, as most social-theoretical perspectives would expect” (1999: 163). His action does not make any sense in a consequentialist framework, and the discussions that took place at the conference in Geneva, in October 1863 – attended by 31 delegates from 16 countries – to study

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<sup>57</sup> Or ‘real-life humanity’ as David Chandler phrased the notion at a recent conference in Istanbul (World Humanitarian Conference, Istanbul, 2013).

a draft convention for the protection of medical personnel and non-combatants, were not about ‘interests’ or ‘advantage’, but were about duties, responsibility and identity (ibid). My thesis has shown that the ideational forces which grew from this cultural model of 19<sup>th</sup> century Christian charity became seen by states and non-state actors as a forceful normative platform from which to gain legitimacy and popular support. However, my case studies have indicated failures to comprehend the shifting cultural and sociological forces, set amidst an increasingly instrumentalised platform in the delivery of aid. In the case of Iraq, these led to lost opportunities emerging from what many saw as a successful model for forceful humanitarian response in order to protect victims of internal repression (Iraq 1991), towards an over-confident and ill-conceived manipulation of the normative forces of aid following the war in 2003. Situated against the back-drop of America’s ‘war on terror’ in the same period, humanitarianism became regarded by many as a cynical tool of Western power. Opportunities to correct this emerged following the Indian Ocean tsunamis in 2004, but in the case of Sri Lanka cultural signs and historical awareness were ignored which led to these opportunities being lost. In this latter case, amongst the reasons I offer in my case study is the misplaced assumption of familiarity with the environment in which the complex emergency was taking place, leading to a complacency that emasculated the positive forces of humanitarianism during the critical denouement of the protracted conflict against the LTTE, in 2009. Paradoxically, a sudden and unexpected ‘initiation’ into the social and cultural realities of the authoritarian environment in Burma following the cyclone of 2008, driven by the positive force of regional influences, themselves enabled by uncertainties of the broader international community, led to a retrieval – to a certain degree – of the normative forces of traditional, ‘Dunantist’ humanitarianism.

As Finnemore observes, the discussions over whether the classical model of humanitarianism will prevail is a matter less of ‘interest’ than ‘appropriateness’ (1999: 163-164). She illustrates this in her references to the Balkan Wars of 1875-78, which were the first to raise the question of applying the new Geneva Convention in cases of civil war (in this case, a rebellion by component states of the Ottoman Empire against the Turks), as well as being the first example of its application outside the Christian West (ibid: 160). Those opposed emphasised rational values of effectiveness and efficiency, and the legitimate provision of security: “they did not argue that humanitarian measures were undesirable, but that these concerns needed to be accommodated within and subordinated to state sovereignty” (ibid). This echoes the tensions which Kleinfeld describes in her study on the geo-political space in Sri Lanka, examined in

Chapter 3. My own conclusions in this chapter acknowledge a similar awareness of the co-existence of politics and humanitarianism; the tensions between power and ideals. The traditional theories dominant in International Relations, which see the state as the possessor of a legitimate monopoly on coercion, conflicts with concern for individual dignity and with the notion of free will and voluntary service. My study suggests that, rather than placing the core agents of elemental humane response to suffering in opposition to notions of state sovereignty, or as a subordinated sub-section of the global human rights arena, it urges the creation of a particular niche, that recognises the substantive and normative authority of both. The critical question is how to square this circle? My suggestion is to forge this expanded niche in a frame which is already familiar - and so less threatening - to state authority by promoting notions of independently resourced voluntary service as an auxiliary to states (as already exist in the statutes of national societies in the Red Cross and Red Crescent Movement) in supporting its humanitarian activities in times of emergency. Echoing the framework called by the Geneva Committee of 1863, this protected space would be staffed by professional, skilled 'volunteers', funded by private donations whose neutral status would be recognized by governments. The place will extend beyond the restricted inclusion of national RCRC societies, and will be a more robust expression of professionalism and remunerated voluntary service, but retaining the spirit of the Committee of 1863, and will continue to echo Pictet's more nuanced understandings of voluntary service and its power for humanity.

By examining the differing dynamics of the operating environment in the case studies, my thesis has explored how these have led to the changing perceptions of humanitarian action and its altered space over the past two decades, during a period which has shown major geopolitical shifts in power following the end of the Cold War, and the rise of new axes of influence in the southern hemisphere and the emerging economies of Asia and South America. Coupled with this has been the rapid growth in global communication through social media, satellite and internet – a tectonic shift which, to echo Victor Bernard, has led to a dynamic but unstructured network of different humanitarian systems, 'polymorphic and complex', with no central governance. In this concluding chapter, I will argue that the multiplicity of actors operating in increasingly diverse backgrounds has, paradoxically, led to an over-expanded melding of humanitarian space, wherein competition for resources within a broader, less-easily distinguishable pool of practitioners creates a perception of distance, and provides a service that is less connected with the populations which humanitarian action is claiming to serve.

In the case studies I have attempted to provide an idea of the complexities inherent in the expanding frame of humanitarian action, and the risks from confusion which emerge. My argument in this concluding chapter aims to energise a need for a bolder framing of humanitarianism and a creative regeneration of its primary tools: neutrality, impartiality and independence. It argues for a need to forge a frame that encompasses the apparent paradox of a protected niche which is inclusive of a broad and least-contested array of principles and ideals, yet which contains manageable and achievable expectations. Ambitious yet pragmatic, this niche requires to be realistic yet uncompromising in its core goal of bringing protection and relief of suffering to populations in need. Its bolder structure will aim at enabling the broader panoply of ‘humanitarianism’ that includes advocacy and human rights, together with the political and ideological challenges it encompasses, to function in parallel: a kind of ‘exclusive inclusivity’. This concluding chapter will piece together the key dilemmas that construct the contemporary frame of humanitarian action, and which influence perceptions of neutrality, impartiality and independence which are key to enabling adherence to its principles and provide a least-contested access for its work.

#### 4.2 Symptoms and Causes

There is evident division of opinion about the priority for approaches to humanitarian issues amongst academic and policy discourse. From an academic perspective, Fernando and Hilhorst identify that discussion normally begins with the topic of principles rather than practice (2006), whereas within a practical context Paul Harvey observes that there is a need for more analysis and guidance on what the principles of impartiality, independence, and neutrality mean in regards to how aid agencies should relate to and work with governments in different circumstances. He remarks that “it is now probably easier for a humanitarian aid worker to pinpoint training in how to perform cash-transfer programming, needs assessments, or market analysis than it is to find good training in or guidance on how to apply humanitarian principles” (Harvey, 2010: S165). This divergence of opinion on issues of policy and principle which highlights the divisions in theory and practice, is compounded by the widespread debates on whether ‘classical humanitarianism,’ protected by the traditional principles of neutrality, impartiality and independence, remain relevant in the contemporary geopolitical environment. These debates ask whether this place should be ceded to a ‘new humanitarianism’ which argues that relief aid should be more than just saving lives, and advocates a human rights perspective in the provision of humanitarian aid which should also seek ways of addressing the root causes of conflicts and disasters (Wheeler, 2002; Donini et al, 2004; Mills, 2005; Özerdem, 2010).

My conclusion does not support the argument presented by scholars and writers such as David Rieff, who see no opportunity for humanitarian organisations to be neutral and impartial in an age when the states and warlords are able to act towards their people with impunity (Rieff, 2002: 321). I do acknowledge the despair for neutral action in the current environment when aid workers are brutally murdered. I share the opinion that the traditional frame of independent humanitarianism is too divided and besieged to survive as before, and support Rieff's opinion that today humanitarianism is identified with engagement, rather than with neutrality (ibid: 331), which distances itself from the sense of abnegation; the sense of selflessness understood in concepts of voluntary service and non-partisan, neutral action.<sup>58</sup> I argue that whilst there may be no possibility of finding a prescriptive universal code beyond the aspirational guidelines offered in the Code of Conduct and Sphere, there is enough common ground within the spectrum of humanitarian action to enable the design of a new architecture that allows each actor to remain connected, but preserve the integrity of individual mandates and strengthen a sense of popularly legitimised protection towards those most in need. What is important is that humanitarian actors are not perceived as subcontractors of major donors, or of dominant political or military authorities; that they escape from the pattern of imperialist humanitarianism portrayed by Barnett. My analysis reasons that discourse needs to move away from the contradictory positions that sees humanitarianism either as 'divided' or too inclusive,<sup>59</sup> and shift towards forging an adjustment of the prism through which humanitarian action is viewed, allowing 'humanitarians' to be more easily identified and understood. This requires bold new strategies to regain the confidence and awareness of humanitarianism's neutrality, independence and impartiality, and the acceptance of two separate but complementary spaces containing the equally legitimate roles of the classical responders to a crisis, and those that perceive themselves to be more active in the frame of the 'new humanitarians'. In all cases, the highest levels of professional judgement and behaviour are essential, but to gain broad levels of popular acceptance and support these need to be supported by a creative, less uncompromising approach than those advocated by current norms and standards. As Smillie and Minear remark, "codes of conduct will not get humanitarians past

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<sup>58</sup> Jacques Moreillon, a former director of principles and law with ICRC, explains his interpretation of the Fundamental Principle of Voluntary Service as being "(t)he spontaneous and unselfish voluntary action to give help is a peacemaking reaction, for it is an act of abnegation" (Moreillon, 1980: 183).

<sup>59</sup> In an article for MSF, Hofman et al remark that "this has led to a majority of the established NGOs choosing to become multi-mandate organisations, combining emergency humanitarian aid, development aid, rights promotion and advocacy into one continuum, which has proven to be very inflexible in cases of crisis" (2014). See also Smillie and Minear, 2004: 150.

road-blocks if soldiers say no” (2004: 151). The humanitarian spectrum from the classical ‘minimalist’ to the advocacy of the ‘maximalist’ operates amongst a diverse but related continuum of ideas and elements, including independence, integration, adherence to principles and pragmatism. Along this line a confident and coherent new operating system has to be found.

*International hubris and nationalist reaction to democratise humanitarian response*

Humanitarianism prides itself on delivering principled aid that is needs-based, neutral, and independent, and these principles are meant to forge the trust that is necessary in order to get access to people in need, while protecting the safety of the aid workers (Vestergaard, 2013: 445). In practice, however, humanitarian aid comes about through an amalgam of different drivers (Hilhorst, 2002), and as the examples in my thesis illustrate, much of this drive is profoundly political, the force of which the purest of the ‘classical’ humanitarians cannot discard: as remarked earlier, even the ICRC acknowledges that there is no such thing as absolute neutrality (Krähenbühl, 2004: 511. Forsythe, 2005: 174).

Neutrality is regarded by the ICRC as being one of its key tools to secure access to all communities in need, and within this increasingly politicised frame, where the ‘universality’ of certain core values are challenged by those who perceive them as imported concepts, the essential step to enable access is to build strong, proven and popular trust with all parties to a conflict or those affected by natural disasters. Most studies indicate that the root of the challenges to stronger cooperation between national authorities and international aid agencies in responding to disasters is a lack of mutual trust and confidence in each other’s motives and capacities to respond effectively. Identifying where this trust deficit exists, why it does so, and what can be done about it is thus a necessary first step towards improving cooperation on a range of issues (Harvey, 2013). Already there are signs of a trend towards states being more assertive in exercising sovereignty and constraining the work of international humanitarian actors or evicting them altogether, and some developing country governments have promoted very negative public rhetoric about the role and the work of international aid organisations (ibid: S165). The restrictions on humanitarian space in Sri Lanka presented in Chapter 3 are examples.

Academic studies concur that humanitarian space is political, and that depoliticised humanitarian spaces cannot be created. My thesis agrees with this, but argues that there can be

created a least-contested space that will allow neutral humanitarians to operate in a non-politicised manner. This has to acknowledge the impossibility of an absolutely neutral space for its actions, but must be more confident in its ability to harness ‘humanity’ tactically, and in a manner that will serve exclusively a broad scope of popular moral concern. Key to this is a reformation of the idea of ‘humanitarian’, which discards the current and dangerously casual over-use of the term in ways which are antithetical to the essence of its principles,<sup>60</sup> and which re-crafts positive popular perceptions of its core values. In this chapter of my thesis, I offer an approach to reconstruct the damaged architecture of the humanitarian world which, whilst acknowledging the influences and unwelcome consequences of this geopolitical reality, urges a bold acceptance of the diverse drivers of humanitarian action, but seeks to frame a least-contested niche that allows a renewed, more robust revitalisation of the classical position of neutral, impartial and independent action in conflicts and complex natural disasters. In attempting to frame this niche, my arguments focus on how to build a new level of trust to bridge the unlikelihood of agreeing a universality of ideas by constructing a space that acknowledges the diversity of ideals and the difference of actors, and is attentive to the lengthy process of socialisation. As Kennedy (2004) suggests, a patient engagement with ‘uncertainty’ might help adjust those international systems associated with the strictures of institutionalised bureaucracies. Its message calls for the urge to embrace a bolder new direction in humanitarian action, which acknowledges more strongly the diversity, empathy and creative energy in the power of humanity.

*Perception and communication; socialisation and dissemination.*

Whilst studies have agreed on a need for substantive changes to the way aid agencies operate and are funded (Donini and Walker, 2010; Harvey, 2010), the remedy to address the contested issues around humanitarianism’s core principles will need to begin with addressing the perceptions around foreign organisations and national auxiliaries to the state emergency response (such as the national societies in the Red Cross and Red Crescent Movement). The goal of popular legitimacy, rather than state-sanctioned approval to operate, must be seen to be the most powerful force to drive any reform, and to achieve this communication in the modern world of social media and satellite and internet will play a critical role. In his recent study on

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<sup>60</sup> Current examples of the dangerously casual misuse include the term ‘humanitarian ceasefire’ which is often heard in reference to the conflict between Israel and Gaza, and the use of the term ‘humanitarian corridors’ to allow rebel fighters from the Ukraine to escape (Russian Foreign Minister to European Union, BBC Radio 4 30/7/14). Even the widely used ‘humanitarian intervention’ strikes the author as a discomfiting conflation of ideas.

the contemporary failure of dominant (which he sees as ‘Western’ and ‘secular’) interpretations of ‘Human Rights’ advocacy, Stephen Hopgood (2013) makes poignant reference to the sensitive and pragmatic position taken by Sergio di Mello during his tenure as United Nations High Commissioner for Human Rights, which envisioned clearly that the culture of human rights had to be a popular culture if its advocacy is to succeed (ibid: xv).<sup>61</sup> In an interview with ICRC, the Ugandan journalist Charles Onyango-Obbo iterates a similar call, when he describes a need for local communities to feel they can help, and urges the international community to re-approach the notion of what it is to be vulnerable, so people without resources can feel they can participate and contribute. To achieve this, he urges humanitarian organizations to harness local community responses, and advises humanitarian organizations to improve their communication in order to mobilize support from communities and the public (Onyango-Obbo, 2014).

In order for the population to feel able to participate in humanitarian action, then the organisations need to be relevant and perceived to be legitimate to their needs. Recent studies on the humanitarian response in Somalia and Lebanon have re-emphasised that the perception of an organisation relates to its public identity and reputation, the level of awareness and appreciation of the organisation, and the understanding and interpretation of its actions (O’Callaghan and Backhurst, 2013; O’Callaghan and Leach, 2013). “They can develop on the basis of what people see, for instance how well the organisation performs its work, the composition and conduct of volunteer and staff teams, and how the organisation identifies itself” (O’Callaghan and Leach: 17). Referring to the activities of the Red Cross and Red Crescent Movement, they observe that their long history of inter-action across all areas of the country and the associations built up with respect for the neutrality of its emblems and the impartial action of its staff and volunteers meant that perceptions were derived from association, rather than on assumptions and hearsay. In their study on the work of humanitarian agencies in Lebanon, they report one government official stating: “The fortune of the Red Cross is the confidence of the population; the Lebanese Red Cross is protected by its activities and has paid a lot to gain this reputation” (ibid). The study makes clear that the perception that

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<sup>61</sup> Hopgood’s study makes distinction between what he sees as “the era of global Human Rights norms” (capital ‘H’ and capital ‘R’) formed over the last three decades through the political and military power of the northern hemisphere, and the “original humanist social practice” of unconditional humanitarian assistance that he considers “much more human rights than Human Rights” (2013: xiv).

different stakeholders have of an organisation and its personnel has implications for the acceptance of the personnel and the work of that organisation in a particular context.

In order for an organisation to gain popular legitimacy its actions must be relevant to needs, and its means and rationales easily understood.<sup>62</sup> As my overview of the history and growth of humanitarian action over the past 150 years presented in Chapter 1 has shown, the growth and success of the sector in the opinion of many of the classical humanitarians has become overly integrated with human rights and peace agendas, and even where agencies have attempted to maintain a response based upon humanitarian principles, political associations have been imagined and implied (Fernando & Hilhorst, 2006; Harris 2010). One of the features recurring as a weakness in the contemporary humanitarian architecture is the perception of growing irrelevance to populations affected by conflict and natural disaster, which views action to be driven by an external (Western) presumption that its humanitarian architecture owns a particular and uncontestable moral high ground (Hilhorst, 2002), and that its assistance has an assumption of relevance and quality that should be unquestioned<sup>63</sup>.

Since the 1980s, and following a growing realisation of the powerlessness of international conventions on protection and human rights, organisations working in areas of humanitarian response reconsidered their missions and became more diversified in the interpretation of principles according to their strategies and perceptions of their mandate, which have, to different degrees, expanded their goals far beyond the immediate relief of suffering (Hilhorst, 2002: 196. Leader, in HPG, 2000). Whilst the emerging approaches differed from the approaches of classical humanitarians, this did not mean they were mutually excluding or incompatible. Increasing accountability and participation of affected populations became common across all in the spectrum. The differences between contemporary approaches is a difference of language and emphasis, framed by how each organisation sets its priorities. For those working at the classical (or ‘minimalist’) end of the spectrum the priority is the immediate relief of suffering and the protection of lives and livelihoods of populations affected by crisis. Their crucial goal is access. As the former Director of Operations for ICRC stated in an

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<sup>62</sup> See the recent report by Humanitarian Policy Group/ODI (HPG, 2014).

<sup>63</sup> This was the predominant sentiment until the 1990s (see Harrel-Bond, 2002) when accountability became more to the fore, but new issues related to the ‘securitisation of aid’ retained the driving force of Western perceptions on need and the construct of humanitarian architecture (see Duffield, 2007). Insightful studies on the perceptions of aid as a ‘free and unquestioning gift’ can be found in anthropological studies by Stirrat (1997; 2006).

interview, relationships with all stakeholders are fundamental to gaining access to affected populations and reducing the number of violations of international humanitarian law, and to establishing the right perception, trust and acceptance of organisations responding to urgent humanitarian demands. “Reaching victims in all sides of an armed conflict or other situations of violence and carrying out impartial operations requires delegations to engage in an enormous operational networking effort with State forces and armed groups” (Krähenbühl, 2013).<sup>64</sup> With this as a primary goal, the new architecture will need to call for broader communication and accountability, greater local participation and relevance, but challenge the incompatibilities inherent in the polymorphic frame of a common universal humanitarianism. The ideas which follow consider ways to construct this, involving a bolder, more creative engagement with the agency of affected peoples.

#### *4.3 Remedies: engaging public and institutional trust*

In their study, Fernando and Hilhorst note that there appears to be much less experimentation, implementation and documentation of local participation than would be expected on the basis of the widely proclaimed importance of this issue. One reason cited for this is the emergency character of humanitarian assistance (2006: 205). Since the failures of humanitarian action in Iraq after 2003 there has been increasing attention to this issue, but these still remain largely quantitative and based on analysis of data from donor-driven and organisational evaluations. It is my opinion that there needs to be a greater emphasis on analysis of the qualitative information coming from anecdotal research and direct interviews with the primary recipients of humanitarian aid.

Studies on local perceptions such as those by Paung Ku following cyclone Nargis in Burma in 2008, (Corbett, 2010) showed that some respondents observed that those most severely affected by the cyclone were ‘rich villagers’ (that is to say landowners, who had the most to lose), while the most vulnerable were ‘poor villagers’ (landless labourers, with few resources). Many informants stated that the cyclone had affected both rich and poor villagers indiscriminately. A separate study of local response to the cyclone by the ‘Local2Global’ consortium (South et al, 2011), remarks that such varying perceptions have profound implications for the manner in which affected communities relate to outside assistance, and engage with aid agencies, and so

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<sup>64</sup> ICRC is not freed from risk. As Krähenbühl noted (ibid), the ICRC’s sub-delegation in Jalalabad was marked by a deadly attack in May of that year, and at the time of writing three ICRC delegates were still being held captive in Syria. Equally challenging situations are being faced in Iraq, DRC, Yemen and Mali.

it is necessary to 'unpack' the variety of different (and sometimes competing) interests and identities, types and levels of resource, and opportunities for action at the local level. This requires careful analysis of the situation on the ground, to ensure that relatively powerful local voices do not obscure the perspectives of potentially marginalised sub-groups (ibid: 111). The studies also recognise that broader participation is not a panacea and can occasionally create new problems. The selection and level of local participation can reflect socio-economic differentiation, ethnic, religious and political differences and gendered patterns that occur in society which are often themselves part of the humanitarian problem. Furthermore, the pressure from local community or national power-brokers which often entails requires that security implications of participation should be monitored and evaluated. Nonetheless, the reports unanimously conclude that there may be a considerable gain by enhancing participation.

*Humanitarian Diplomacy: engaging the non-like-minded*<sup>65</sup>

The case studies in Chapters 2 and 3 show the complex interplay between institutional understandings, popular perceptions, realpolitik and manipulation by state and non-state actors. The tsunami which struck Sri Lanka in 2004 intensified an existing mistrust of international aid and development. This reached a peak in 2009, during the final battle with the LTTE, in which there was increasing polarisation between the donor community and the recipient state over how to resolve the conflict. The (Western) donors have viewed this dilemma as stemming from their inability to engage effectively with those who hold a different perspective on peace—namely the government in the south of the country, the rebel authorities in the north, the media, and the Buddhist clergy as the most influential groups in Sri Lankan society (Harris, 2010: 8). Harris remarks that international humanitarian action in Sri Lanka has been subjected to Western foreign policy priorities shaped, in part, by the influence of the Sri Lankan diaspora communities. It has become overly integrated with human rights and peace agendas and, “even where agencies have attempted to maintain a response based upon humanitarian principles, political associations have been imagined and implied” (2010: 10). His study observes that it is a humanitarian presence that is at once rejected and embraced at arm’s length by the state and local communities, “feared for its potential for grass roots-level scrutiny and awareness, manipulated by the dynamics of domestic political rivalries”, but needed to respond to the

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<sup>65</sup> A term borrowed from the studies by The Feinstein Center (Harris, 2010).

limitations of the national emergency response capacities (ibid).<sup>66</sup> This clear indication of the normative power of humanitarianism urges greater attention to its place and its structure.

As already noted above, humanitarian action is powered by a number of different drivers which combine ideological politics, humanitarian principles, and everyday organisational rivalry. The essential question relates to how they interrelate in practice, and how people's perceptions of these politics colour their interpretation of what happens around them (Fernando and Hilhorst, 2006: 297). One initiative that has been promoted since the weaknesses made starkly evident by the confusion of the humanitarian response in Sri Lanka and Indonesia following the tsunamis of 2004 is the project stewarded by the IFRC looking into the development of international disaster response law (IDRL, now referred as Disaster Law, see Chapter 3, page 42, footnote 51. Refer also Foley and Haver, 2011), which attempts to form an inclusive and least-contested framework of agreements that will enable aid organisations to work constructively with governments in disaster and conflict-affected countries, and which combines the basis of core principles with development of fair humanitarian regulatory and employment systems.

Whilst the disaster law initiative aims primarily at framing a common agreement between donors and states, there is need for a parallel initiative that ensures early engagement with local stakeholders outside of the state, especially those defined as 'spoilers, gate-keepers or non-like-minded' (Harris, 2010: 10), and which is often framed under the title of 'humanitarian diplomacy' (Regnier, 2011. See also Harroff-Tavel, 2006; Forsythe, 2013). Approaches under this rubric vary considerably according to the different drivers and priorities of each actor in the humanitarian spectrum. The ICRC's humanitarian diplomacy consists mainly of ensuring respect for international humanitarian law by acting as a neutral intermediary between victims of armed conflict and state and non-state actors.<sup>67</sup> In all events, whatever form an organisation's

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<sup>66</sup> This precarious balance is most acutely felt by organisations such as the national Red Cross or Red Crescent societies, who have the position as being auxiliary to the state in its emergency response, but have a statutory obligation to work in a voluntary and independent manner. International partners in the Movement confront a similar stark choice between staying and continuing to operate with the consent of government, and the consequences if they decide (or are ordered) to leave, including lengthy procedures to renegotiate a return (private discussions, ICRC, Geneva, 2014). See also Forsythe's observations on ICRC's decision to withdraw from Ethiopia in 1988 (1996a: 242).

<sup>67</sup> It consists of maintaining a network of contacts with a broad range of actors, including non-state actors and opposition groups. ICRC makes it clear that its diplomacy is limited to the humanitarian sphere and is independent of international diplomacy and it often takes the form of a series of representations which, depending on events, may remain confidential. (Harroff-Tavel, 2006: 5).

‘diplomacy’ takes, its legitimacy in the eyes of the community will be judged on the relevance to promoting an impartial, needs-based response and this requires a close and first-hand engagement with all parties to a conflict or populations affected by natural disaster. Surveys have ranked the values of respect and accountability towards humanitarian aid beneficiaries, and the independence and impartiality of action, amongst the highest considerations amongst crisis-affected communities (Walker and Russ, 2011: 1197). The understanding of historical and political contexts of the environments in which humanitarian action is taking place, and the application of its core principles is seen to be a primary element to enable this to occur (ibid. See also Forsythe and Rieffer Flanagan, 2011).<sup>68</sup>

The experiences during the humanitarian response to Cyclone Nargis in Burma provide evidence of the essential need to understand and respect the historical and political contexts of countries in which any international response to a crisis is to be performed. The preconceptions about the military regime led to ill-judged invocations for aggressive intervention from some Western states, which reinforced initial restrictions over access for humanitarian workers. Once ASEAN and the authority of regional actors was properly recognized, and their efforts facilitated by all concerned, then suspicion and mistrust decreased. To many commentators this led to ‘unforeseen’ cooperation, but much analysis and policy recommendations had stressed the need to recognize that political change comes from the bottom-up, not just the top-down, and was vital to understanding this process fully (Mac Ginty, 2009; Kovach, 2013; Harvey, 2013). Most in the humanitarian and development spectrum assess their work as most effective when building relationship with authorities and appealing for assistance non-confrontationally, rather than talking prescriptively about rights and duties. Even the rights-based agencies at the ‘maximalist’ end of the humanitarian spectrum have acknowledged a lack of understanding of government processes and decision making as a cause for failures in their approaches (Ware, 2010: 62). Scholars have argued that trust and mutual responsibility arise less from accountability for performance against pre-established objectives, but more from the comprehension and acknowledgement of the messy complexity of relationship and process

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<sup>68</sup> The Consortium of British Humanitarian Agencies have identified six competencies that they believe are essential to all professionals working in the humanitarian field. The first listed is: *1. understanding humanitarian contexts and application of humanitarian principles*. The remaining are: *2. achieving results effectively, considering the need for speed, scale, and quality*, *3. developing and maintaining collaborative relationships*, *4. operating safely and securely in high risk environments*, *5. self-management in a pressured and changing environment*, and *6. leadership in humanitarian response* (Walker, ibid: 1199). There has been much debate over the tools, competencies and authorities to identify, certify, monitor and assess ‘professionals’ in the sector (see Leader, 2000; Hilhorst, 2002, Harvey, 2010).

(Ware, *ibid*, citing Eyben, 2008). These findings might be counter-intuitive within the context of the strongly authoritarian environment of Burma, but reports from the field, as well as my own experiences at the time, give evidence to the strength of respectful engagement and the consequent (beneficial) effects of ‘unforeseen circumstances’.<sup>69</sup>

### *Engaging with the unexpected*

My thesis has acknowledged the diversity within the humanitarian architecture, and its mutual interdependence. Scholarship has examined options to provide space for all approaches, and attempted to table these in forms which guarantee some consistency, coherence and quality (Sandoz, 1993; Leader, 2000; Hilhorst 2002; Harvey, 2010) as well as to compile codes of conduct and guidelines to chart and navigate this (Walker and Purdin, 2004). My study has supported the observation that there is no such thing as a humanitarian system, in the sense of an assembly of parts with clear complementary roles and responsibilities; humanitarian aid comes about through diverse and geographically dispersed actors. Key players are the implementing agencies, their recipients, and the local institutional environment. Other relevant actors are foreign-policy makers, donors, UN agencies, peace-keeping forces, the media, and a range of local institutions. Together they form a humanitarian complex consisting of shifting actors, diffuse boundaries, partly conflicting interests and values, a high diversity of organisations and work styles, and unpredictable outcomes (Hilhorst 2002: 296). I have also made it clear that there is no sign of a universally accepted code or practice, and that certain actors and their actions will be highly contested amongst the broad range of communities, ideologies and political structures in which crises may call them to intervene. So what solutions can be offered to design a least-contested environment in which humanitarian workers can operate safest and gain the greatest access?

Much of the debate and controversy arises over questions as to whether the existing standards are ‘absolute’, and lay down people’s rights, or whether they are ‘aspirational’ objectives which one should try and achieve. If standards such as *Sphere*,<sup>70</sup> which were published in 1998 as a technical elaboration of the Code of Conduct, are seen to epitomise a rights-based approach

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<sup>69</sup> During my time as head of operations for IFRC in Burma, our staff and volunteers reported good cooperation along all levels of the municipal authorities in cyclone affected communities, once proposals and plans of action had been shared and explained to the relevant authorities. This allowed creative adjustments to projects as needs changed (IFRC report, 2011. See also Ware, 2010: 66). The fact that the Myanmar Red Cross was seen to be the only voluntary organisation working throughout the whole country (under the RC Fundamental Principle of ‘Unity’) encouraged confident engagement with municipal authorities.

<sup>70</sup> Sphere Project <http://www.sphereproject.org/>

which sets minimum, universal standards to which disaster-affected people are entitled (Hilhorst, *ibid*: 199. See also Walker and Purdin, 2004), then this must inevitably lead to contestation even amongst the codes of conduct from which they derive. In order to render actions framed by such codes and standards least-contested, then there needs to be movement towards acknowledgement that such guidelines merely provide aspirations towards a common language in which humanitarian action can be discussed and “a benchmark against which objectives and performance can be explained” (*ibid*: 202). This does not require a ‘certified’ set of least-contested principles (which by nature of its certification will inevitably be contested: certified by whom?), but demands that a particular niche be acknowledged which is distanced as far as possible from the associations of global politics and power, and which is legitimised by popular acceptance and its relevance to human needs. This model has to encompass an understanding of culture and history of the particular contexts in which it will be operating, and have a proven record of consistency, continuity and relevance to excluded and marginalised groups. Rather than viewing society and its systems as a structure of rigid organisational charts, which can be formed by absolute codes and standards, this will require a vision of society as interconnected synapses, where the effects on one will have corresponding influences on others, and that acknowledges the ‘messy complexities’ this will inevitably bring, and a dynamic adjustment to expectations that will arise.<sup>71</sup>

#### 4.4. A protected niche

I argue that had there been a more conscious effort to acknowledge the wider context of disaster and war and an awareness of what locals were doing and where they needed support, particularly in terms of how space was perceived and used, a different trajectory for Sri Lanka may have opened up. In doing so, I offer a perspective that considers local spaces and actors and frames the role of humanitarian organizations in terms of responsibility towards rather than responsibility for local people (Walker, 2013: 72).

In this final section of my thesis, I will present the case for a bolder conception of how to frame a space in humanitarian response which aims to provide it with more legitimacy in the eyes of popular support, and so can revitalise positive perceptions of neutrality within a protected niche which includes the widest possible range of stakeholders and primary clients, but which is limited in its ambition and realistic about its expectations. This will require contemporary

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<sup>71</sup> With reference to the keynote speech by David Alexander, University of Birmingham, conference 04/07/14 (author’s notes). For reflections on the calculus of human suffering, and the differing responses along an ‘aid continuum’ and on the historical influences of imperialism see Calhoun, 2010.

patterns in humanitarian affairs to move away from a discourse of paternalism and *responsibility for* which frames the current architecture and to look instead at *responsibility towards* which, as Hilhorst and others referenced in my study suggest, moves closer to a mutual relationship of respect. As my review of historical and contemporary developments of humanitarianism has shown (Chapter 1), the growth in number and perceived responsibilities of international agencies and NGOs has led not only to a divided debate on appropriate roles and responsibilities, but also contrasting discourses on the notions of ‘space’.

According to Rebecca Walker, the institutionalisation of the humanitarian sector, with its competition for resources and pressures for accountability to donors, combined with increasing influences of issues related to human security which meld the political and independent spheres, has meant that international NGOs are simply working with existing places rather than challenging or unsettling them and looking for new and opportune spaces (2013: 76). As indicated above, recognizing that a number of NGOs have embraced rights-based approaches, there have been attempts at a collective level to translate human rights and humanitarian principles into operational standards for disaster response (Barnett and Weiss 2008). However, as Walker observes, on a practical level working with “operational standards” while also locating these “opportune spaces” within a situation of everyday violence and fear, such as those described in my case studies, is extremely complex (ibid: 76). Nevertheless, it is precisely this courageous revision of the complex messiness of the environment in which humanity tries to survive which will enable the providers of humanitarian assistance to understand the nuances that provide affected populations with the existing spaces for survival and recovery. Studies of the early life-saving and recovery successes of local communities in the aftermath of natural disaster and man-made conflict are unanimous in acknowledging the creative agency of unregulated responses (IFRC, 2004; Macek, 2011; Donini and Walker, 2008; Hilhorst, 2002; Walker R, 2013; Gaasbeek, 2010), and which bely the dominant international framing of order in emergency response through institutional regulation and absolute standards.<sup>72</sup>

In the studies of responses to the Indian Ocean tsunami in Sri Lanka, observers and commentators who were already on the ground before the disaster struck were able to understand a more positive view of capacities and the opportunities available to affected populations than critics of the responses suggest. Several studies, as well as press reports at the

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<sup>72</sup> See footnote 52, page 44.

time,<sup>73</sup> saw opportunities for order from the chaos that ensued. This sentiment is corroborated by my own experiences on the field, during which I have remarked on the creative energy which comes from a situation of chaos in which there are no clear lines any more. As one of the interviewees in Rebecca Walker's study remarks: "It's like there was a loss of consciousness of differences. There are the army who had to pull Tamil children from the waves, some who died themselves and the LTTE who at that point immediately rushed to help with the army. It's funny, it's like, in that crisis everyone becomes human... but then that was lost" (2013: 77, quoting a personal interview).

Walker and others have questioned why this loss of space occurred, and amongst the reasons offered are those indicated in Chapter 3, where geopolitical concerns from national and international perspectives closed down the opportune spaces that emerged. As to how far the international response to the crisis was responsible for this, Harris contends that by failing to understand those local spaces and by competing for control, the international NGOs who arrived in Sri Lanka after the tsunami missed a chance to help keep those opportune spaces open, arguing that the humanitarian response enabled both parties to detract attention from their plans for war while also allowing the international humanitarian "merry-go-round" (Walker, *ibid*: citing Harris, 2006: 19). My own conclusions support these findings and adds the argument that in the case of Sri Lanka, these were reinforced by an assumption of familiarity amongst the Western 'like-minded' countries who were drivers of much of the initial response, influenced by a superficial level of acquaintance and comfort with the political environment of the country through tourism and commercial engagement, lending a careless and arrogant engagement to the crisis which was absent in the more cautious and measured responses which prevailed in Burma.

#### *Framing the niche for inclusive exception. Unity and Voluntary Service*

The arguments presented in the preceding pages call for a broader, more inclusive place which gives greater acknowledgement and legitimacy to affected communities, and looks at bolder ways to rationalise the spaces which open up in the wake of a disaster, and which benefit from the sense of universal empathy and the power of 'humanity' which is a prevalent feature in the early stages of an emergency. They suggest a review of the dominant practice which is too

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<sup>73</sup> Iyengar, 2005. Also interviews in Walker, 2013.

often trumped by rules, preconceptions and notions of ‘we know best’ and which inevitably present negative perceptions amongst authorities and members of the public at large.

However, this ‘democratisation of aid’ sits uneasily with concerns already highlighted in my thesis which apportion the confusion in the humanitarian environment to the blurring of lines and a melding of operational and ethical space. Barnett assigns some of the blame for this to the imperialist humanitarian legacy associated with his ‘first age’ of humanitarianism, whilst Calhoun (2010) and others see these problems stemming from issues related to proximity to those most in need. Critics have argued that a broader delegation of responsibility will not only serve to enhance existing power imbalances amongst vulnerable populations, but will compound a pattern of risk-aversion which is seen to be emerging as a dangerous trend amongst the international aid community (see the recent report by MSF, July 2014, and studies by Gaasbeek, 2009, Hyndman, 2001). If this is the case, then it means putting increasing pressure on national staff to perform delivery and monitoring, and will weaken the opportunities for the international drivers of a response to keep the proximity and contact with affected populations which is seen to have been so important in studies such as those in Somalia and Lebanon cited above.

So, the conundrum is how to protect space by providing greater inclusivity and promote popular legitimacy, but which avoids increased exposure to pressure and manipulation, and the avoidance of risk? I suggest that the answer lies in reviewing the notions of unity and voluntary service – two of the Fundamental Principles of the Red Cross and Red Crescent Movement which are not often considered core to principled action in other organisations – which together bring about a redefinition of understanding of humanity,<sup>74</sup> and which in some way insulates itself from the negative perceptions often associated with contemporary humanitarian action.

The Fundamental Principle of ‘Unity’ states that “(T)here can be only one Red Cross or one Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory”. Whilst this principally relates to the institutional structure of the national societies, the conditions include their position as sole representative in a country whose activities must show non-discrimination and must cover the whole national

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<sup>74</sup> Pictet described ‘humanity’ as the most important principle within the Red Cross doctrine, determining the Movement’s ideals, motivation and objectives (Thürer, 2007: 56).

territory (ICRC, 1996). In consideration of the broader panoply of humanitarian action outside of the particularities of the RCRC Movement, this can be understood as unity of purpose, rather than a universal agreement of principles, thereby leading to shared expectations and less risk of confused perceptions. As such, it is distinguishable from ‘universality’ and this latter’s association with integration, the mixing of competencies and the melding of humanitarian space. Instead, a sense of unity of purpose, rather than universality of values and goals, seeks to frame a common understanding of what is meant by humanitarian action which would provide clarity and facilitate cooperation between agencies and stakeholders. One of the mechanisms to support this might include the Disaster Law project (IDRL) being steered by the RCRC Movement, mentioned earlier. This adjusted focus is particularly urgent in the current climate of religious radicalism, where the universality of core humanitarian values is put ever more starkly into question. Key to vitalising this fresh identity and gaining popular recognition of its legitimacy will be through robust association with the non-coercive and voluntary nature of the assistance provided.

The Fundamental Principle of ‘Voluntary Service’ states that “(T)he International Red Cross and Red Crescent Movement is a voluntary relief movement not prompted in any manner by desire for gain”. This relates easily to the notions of altruism and a voluntary desire to relieve suffering which is core to principled action in all of the humanitarian spectrum. However, its high moral pedestal has left it exposed to instrumentalisation by a variety of differing interests as indicated in my study, and has thereby become associated with the world of power-politics in the perceptions of many stakeholders. Furthermore, naïve assumptions that its moral ethos distances itself from the ‘professional’ world of realpolitik and that only those with purity of heart and soul are merited to join is a misconception. “Volunteering is much more than simply the giving of time for some particular purpose. In fact, as a cultural and economic phenomenon, volunteering is part of the way societies are organized, how they allocate social responsibilities, and how much engagement and participation they expect from citizens (Anheier and Salamon, 1999: 43).<sup>75</sup> Outside the realm of volunteers for the state and social services (for example,

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<sup>75</sup> The authors remark that in European countries, such as Sweden and Germany, volunteers were regarded as amateurish ‘do-gooders’: “relics of the past to be replaced by paid professional staff capable of performing tasks more effectively and efficiently”. They note that in the former socialist countries of Central and Eastern Europe, the very concept of volunteering became almost obsolete following the collapse of communism during which period there were involuntary state and party requirements to contribute time and efforts freely for some common social, cultural, or political cause. The study finds that in developing countries a great diversity of indigenous forms of volunteering coexists with Western ways, citing examples in Nigeria and Ghana where village associations of volunteers can be found in nearly every rural and urban community, “(r)ooted in the local culture, they provide communal services and assistance in times of need” (1999: 44)

volunteer armies, work corps and mutual caring work), or for the church (for example, voluntary laypersons) this study places the birth of the modern volunteer movement to be closely associated with the creation of the Red Cross in 1863. For more than 150 years, the ICRC and Red Cross and Red Crescent societies have pioneered volunteering and organized volunteers for humanitarian assistance, to alleviate suffering and poverty. Worldwide, the Red Cross and Red Crescent Movement has more than 17 million volunteers. Fifty three per cent of its volunteers are female and approximately fifty per cent are under the age of thirty (IFRC, 2014).<sup>76</sup> The Movement is a volunteer-based organisation, but, as the study by Anheier and Salamon observes, volunteering is much more than simply the giving of time for some particular purpose.

In his commentary on the Fundamental Principles of the Movement, Pictet makes it clear that he prefers the English title ‘voluntary service’ rather than the French title ‘caractère bénévole’ (‘benevolent character’) which was adopted at the Vienna Conference. The interpretation of the latter term in French refers to persons who donate their services and work without payment. The English word ‘volunteer’ (‘volontaire’ in French) refers to someone who works of his own free will, without external compulsion – and not necessarily one who is not paid. He illustrates the important nuances of this distinction, and pointedly refers to the sense of personal responsibility which volunteering takes in the form of a commitment which carries with it obligations from which the volunteer feels committed to in principle and action once he has signed up – that is to say, “he is obliged to keep his word” (Pictet, 1979: 46).

The study by Anheier and Salamon defines volunteers as "individuals who reach out beyond the confines of paid employment and normal responsibilities to contribute in different ways without expectation of profit or reward in the belief that their activities are beneficial to the community as well as satisfying to themselves." (1999: 49). They note the confusion within nations as well as the cultural and political differences in their cross-national surveys. They observe that one source of confusion is tied to personal motivations and dispositions, especially when volunteers are paid to perform or present advocacy functions. Pictet defends the payment for the performance of voluntary work, acknowledging that “since most people cannot work for nothing and since the Red Cross needs professional and specialized workers, sometimes

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<sup>76</sup> The four National Societies with the most amount of volunteers are India, Iran, Japan and China. The work of the Red Cross and Red Crescent is also supported by 80 Million members and 430,000 staff globally (IFRC, 2014).

with very high qualifications, part of the personnel, generally speaking, has to consist of paid employees...the work may preserve its voluntary character even though it is paid for ..(t)he important thing is that the work carried out for the Red Cross shall be voluntary. Whether it is paid for or not is a secondary consideration” (1979: 48-49).<sup>77</sup>

These observations and confused understandings are confirmed through my own discussions with volunteers on the field, and with national and international personnel working with the RCRC Movement, NGOs and the UN, many of whom have expressed varying understandings of the notion of volunteering. Many have seen this as an exclusive ‘club’ for those who can afford to be a member. Others are discouraged by the belief that work is unremunerated, as well as by variations in the status of volunteers in their respective communities. My arguments in this concluding section of my thesis call for an adjustment which clarifies the distinctions between voluntary service and the voluntary obligations this entails, and which re-positions the voluntary ethos to the forefront of principled humanitarianism. A popular, robust engagement with the notion of principled voluntary service aims to distance politics and power as the perceived catalyst for humanitarian action. This will position volunteers as the common denominators in the provision of impartial assistance, and strengthen a platform that distances humanitarian assistance from perceptions as a sub-contractor to dominant power-bases, UN agencies, NGOs and indeed to the state itself.<sup>78</sup>

*Membership of the niche. The need for a broader framing of humanity and acceptance of ‘the human muddle’*

My case studies illustrate the variation and complex social and political dynamics which render the impossibility of an uncontested, universal ethic in humanitarian action, a situation all too poignantly emphasised by the present conflicts in Iraq and Syria pitting religious extremism to

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<sup>77</sup> Until the 1970s, field staff for ICRC were selected from a core of volunteers, most from the Swiss business and civil service sectors. The selection and training process consisted of one-day’s interview in Geneva before being sent to the field, for a period normally no more than three months. The Nigerian civil war (1967-69) exposed the need to professionalise the ICRC’s workforce, to improve recruitment and to rethink the length of their assignments. In 1970, a more rigorous recruitment process was introduced, and field delegates were hired for renewable assignments lasting around six months. Starting in 1974, thirty permanent delegates were hired for a period of five years, and this pattern became the norm in the late 1970s (Desgrandschamps, 2012: 1424-1426). In his commentary Pictet clearly acknowledges the risks inherent in unremunerated or uncompensated voluntary service, when ‘amateurism’ can lead to a tolerance of indiscipline, poorly defined authority and a damaging dispersion of responsibilities (1979: 48).

<sup>78</sup> The ICRC puts great emphasis on emphasising that its work should not devolve the legitimate authorities in a country from their responsibility towards its own populations. The legal personality of the national societies as *auxiliaries* to the state in disaster response gives emphasis to this position.

levels which are disputed even by those who were thought most radical and uncompromising in this regard.<sup>79</sup> The studies by Ghandour (2003) and Donini and Walker (2008) re-emphasise the difficulties in bridging differences with the secular ideologies in much of the prevailing humanitarian architecture, and observe that the very concept of a secular NGO exceeds the understanding of some Islamic humanitarian actors who find it hard to distinguish between secularism and atheism: “they do not understand that a humanitarian gesture, whatever its origin, could be made outside the scope of religious values” and that consequently secular organisations and NGOs are rejected and opposed precisely because of their neutrality (Ghandour, *ibid*: 16-17. See also Wigger, 2005).

The question posed by Harris in his study is, what do these dynamic and volatile elements in the contemporary environment communicate to the future of humanitarianism? He suggests that nationalism and sovereignty are going to become much more important variables in defining the trajectories of humanitarian assistance than they have been in the past (2010: 10). This is a conclusion echoed by Hugo Slim and panellists at a symposium hosted by the British Red Cross in London in June 2014 during discussion of the future of humanitarian action in the 150<sup>th</sup> anniversary since the founding of the RCRC Movement.<sup>80</sup> They stressed that humanitarian agencies need to be aware of the ways in which nationalist agendas can shape perspectives in humanitarianism, and how popular perceptions can be coloured accordingly. Amongst the safeguards are transparent engagement, open and inclusive communication and broad participation to define how best a least-contested niche can be formed. There was unanimous recognition that the role played by the Movement’s volunteers in this was paramount in providing the least-contested access and the broadest level of popular support. Furthermore, mood-swings can be quick,<sup>81</sup> so there must be awareness of the need for an energy which is consistent and dynamic, and constantly attentive to the aspirations of the population. A positive embrace of humanitarian action and the perception of its actors will vary depending on whether the assistance received corresponds to expectations, as well as on the quality and transparency of the information available.

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<sup>79</sup> Rifts between rebel groups formerly linked to al Qaeda and the new Islamic State have been reported during the ongoing conflicts in Iraq and Syria: <http://www.bbc.co.uk/news/world-europe-29163361>. See also: <http://www.dw.de/recent-success-sparks-rivalry-between-islamic-state-al-qaeda/a-17905262>.

<sup>80</sup> A symposium for discussion with a high-level panel of experts held at the Millbank Centre in London, 12 June 2014, exploring current and future humanitarian challenges and the role of the Red Cross and Red Crescent Movement over the next 150 years.

<sup>81</sup> Surveys on public opinion taken during the tsunami response in Sri Lanka, 2005 showed a rapid change in positive public support of international assistance once the emergency relief phase shifted to recovery (Bennett, 2006).

These findings support a need to democratise the humanitarian mission, but one which is attentive to the form and process of this evolution, and I share the opinion that it is time for a fresh locus of authority, which draws upon the legitimate aspirations of national and regional stakeholders as well as the international community. The development of a robust niche with trust and confidence takes time, and a conscious responsibility to learn historical and contemporary contexts of the operational environment. Organisations with an extensive and enduring experience on the field such as those in the Red Cross and Red Crescent Movement, and NGOs such as MSF are already well-placed to be influential in this process. This will require the patience to enable a measured process which will help enhance the profile and credibility of local partnerships that emerge in order to avoid the disappointment and confusion that unmet expectations inevitably bring in hasty attempts to construct these platforms.

Identifying the need for a platform which improves a more inclusive arena for communication, coordination and comprehension is nothing new, and has been a primary debate since the formation of the UN Department of Humanitarian Affairs in 1991 and discussions on the role and responsibilities of its successor OCHA as well as in other UN-led formations such as the Inter-Agency Steering Committee (IASC)<sup>82</sup>. However, divisions of opinion over the authority of the United Nations and growing disillusionment amongst many of its members as to the efficacy and autonomy of its decision-making processes, questions whether this global institution has the ability and profile to fashion such a change. Its processes remain vested in the loci of power that emerged at the end of the Second World War and which are perceived as increasingly unrepresentative of the changing bases of global authority and influence. There is evidence of an increasing call for an inversion of the current power-debate, which raises the questions of consent and acceptability by asking ‘Who are you? What is your legitimacy to do something for us?’ (Fast, 2010; 2011; author’s notes from WHC, 2013).

As I have indicated in my thesis, there are initiatives such as the IDRL which engage the participation of a broad range of national and international stakeholders but which remain

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<sup>82</sup> These are issues which aim to be brought to the fore at the forthcoming World Humanitarian Summit, an initiative by UN Secretary-General Ban Ki-moon to improve humanitarian action. Through the two-year consultation process, the aim is to build a more inclusive and diverse humanitarian system by bringing all key stakeholders together to share best practices and find innovative ways to make humanitarian action more effective. The process is being managed by the UN Office for the Coordination of Humanitarian Affairs (OCHA) and will culminate in a global summit in 2016 <http://www.worldhumanitariansummit.org>

outside of a UN framework (though studies in the IDRL initiative are closely engaged with the United Nations Office for Disaster Risk Reduction in Geneva), and which is supported by a different process of international legal recognition. For example, every four years the RCRC Movement convenes an International Conference with all its members that includes state signatories to the Geneva Conventions to review and discuss issues related to IHL and other topics of common interest in humanitarian affairs.<sup>83</sup> It may be an opportunity to consider whether this locus of authority might have the depth of popular support which will offer less-contested legitimacy to supporting a particular, protected niche in which the lengthy process of defining and approving the new humanitarian language and roles might be framed.<sup>84</sup> This will be a bold step which will require a courageous devolution of global authority, and will provide a clear definition that places an unquestioned distance between ‘humanity’ and ‘politics’, but which embraces both in a better functioning humanitarian system. Steps suggested in my thesis may be bold but they are not unprecedented. In his introduction to the commentaries on principled humanitarian action, Pictet (1979) acknowledges the need for a broad, but principled partnership. Henry Dunant passionately writes of the shared humanity in his ‘Memory of Solferino’, when he cries *Tutti Fratelli!* (edition 1986: 72; see also Pictet, 1979: 46), calling on the need for a united purpose in pursuit of voluntary service to relieve the suffering of wounded on the battlefield. Some have called for the RCRC Movement and the ICRC in particular to be given the role of coordinator of such a process (Ingram, 1993), though it remains questionable whether the Movement will want to risk further compromise to the neutrality of its profile, and expose its volunteers to increased pressure, by assuming responsibilities for this.<sup>85</sup>

Whilst the opportunities for a broad, locally legitimised and popularly supported structure are evident, the challenges cannot be underestimated, and the divisively nationalist or ideological

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<sup>83</sup> The International Conference meets every four years and brings together all the recognized national Red Cross and Red Crescent Societies, states party to the Geneva Conventions (convened as a Diplomatic Conference by the Swiss Federal Council), the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies. The International Conference is the supreme deliberative body for the Movement which provides a non-political forum for dialogue on humanitarian matters of common interest and is an important humanitarian forum bringing states into dialogue with the components of the Movement <http://www.rcrcconference.org/en/what-is-the-rcrc-conference.html> The ICRC and IFRC both hold official observer status at the UN General Assembly.

<sup>84</sup> Smillie and Minear made proposals for a UN Conceptual Humanitarian Centre, where definitions and norms for humanitarian action would be vetted, set and maintained (Smillie and Minear, 2004: 230). Their study questions the appropriate locus for this, fearing the duplication and bureaucratisation criticised by opponents of existing UN structures, but unanimous agreement on the need (ibid: 233).

<sup>85</sup> Author’s notes taken at the Humanitarian Symposium, London, 2014.

agendas seen to be pursued in the ‘democratic’ responses to the current conflicts in the Middle East are no models. Several studies have cautioned about the risks of manipulation by power-bases and targeting by spoilers which a successful new challenge to authority always brings (Stoddard, 2004; Hammond, 2008; Kleinfeld, 2007). Nevertheless, my conclusions support those which urge a refocus on a responsibility towards populations affected by disaster which is linked to working with a creative mandate that is sensitive to political and social risks and would allow for support, but without taking control. It differs from the contemporary calls for closer integration, since it acknowledges the benefits and creative energies which a less structured, ‘messier’ process of trust in humanity can bring. This will require a continuous process of communication and close engagement, which is vigilant to preserving mutual perceptions of confidence and trust in the organisations and individuals on all sides.

#### *4.5 Conclusion*

The Tansley report (1975), which was tasked by members of the Movement to re-appraise the role of the Red Cross in its contemporary environment and examine how it should gear itself up for its role beyond, found in the Red Cross a great deal of confusion as to its fundamental role and the absence of a sense of common purpose. The author saw the cause for this in the extremely diversified development of its activities in the course of its first century. This is a tendency which manifests itself in many more manifold ways across the humanitarian spectrum, and is seen to have contributed to the perceptions and insecurities surrounding humanitarian work today. Just as Pictet acknowledged that all suffering cannot be alleviated by the Red Cross alone, my thesis acknowledges the need for a broad and diverse sector of actors, influenced by variety of principled mandates and drivers. One of the remedies to limit the confusion such diversity entails is to reframe a least-contested and popularly legitimised place within this spectrum which is broadly inclusive of the differences, but realistic and reflective as to its expectations and achievements. The bold and novel approach to this oft-worked vision of a remedy is to inspire a rethinking of the notion and practice of voluntary service, and critical examination of its membership and driving moral authority: an acknowledgement of the emerging national democratisation of aid and self-reliance, which retains the responsibilities of the state, but which reduces tension and opposition by a popular and legitimated re-engagement of its population as auxiliary to, and not beneficiary of, its services. This calls for consideration of identifying a global moral authority to oversee and guide principled humanitarian practice, which has broad popular and state support, and which is distanced as far as possible from perceptions of a politicized international body. My thesis

suggests that the International Conference convened by the Red Cross and Red Crescent Movement could be looked at as the moral arbiter and platform for this.

There is renewed vigour amongst the humanitarian agencies, academics and policy-makers to confront the emerging threats in current conflict and international political relations which is evidenced by recent scholarship examining the complexities and insecurities of the contemporary environment (studies from the Feinstein Center and recent publications by Rengger, 2013; Fast, 2014, amongst others) and recent studies on a policy and practical focus from frontline agencies such as MSF (Healy and Tiller, 2014) and ICRC, as well as research forums supported by the Overseas Development Institute, such as the Humanitarian Policy Group, and independent researchers such as Humanitarian Outcomes. Supporting these is a growing opportunity for popular engagement with the important moral issues, in online discussion forums such as the initiative leading towards the World Humanitarian Summit in 2016, and the widening use of social media such as *YouTube* to broadcast talks and conferences that engage broader popular participation. Many of these focus on the need for a rethinking of architecture of aid, and urge a creative and courageous shift in approach towards attention on ‘softer’ skills, such as communication, trust, and the role of volunteers (Humanitarian Symposium, 2014: ref footnote 101, page 82; See also Fast et al, 2014: online discussion). All stress the importance of sound contextual and cultural analysis of the environment in which humanitarian assistance is delivered, with careful interpretation of the messages received and responsible construction of the messages and images transmitted. Several recent studies have identified developments and trends in contemporary humanitarian architecture which prevent the close, personal engagement and proximity to populations affected which is essential for any confident analysis to emerge, and for public trust in the providers of aid to be confirmed (Healy and Tiller, 2014; Fast, 2014). These include increasing professionalisation, bureaucratisation and aversion to risk that sterilises dynamic action and creates boundaries between states and affected communities which undermine the central ethos of humanitarianism – the compassionate human response to suffering. My study has urged for a better balance between professional responsibility and the creative, dynamic messiness of real-life humanity that couples responsibility both to ourselves and towards affected populations. There is no universally applicable blue-print. There is a place for both centralised and decentralised approaches to policy and security, and for action at the minimalist and maximalist ends of the humanitarian spectrum. However, humanitarianism must aspire to gain the broadest possible popular legitimisation of its action that provides a least-contested and most protected

place for agencies sharing the common goal of providing compassionate relief from suffering. This might mean taking risks with human nature, but from my experience on the field and my analysis of scholarship and policy, it often strikes me that a reflective, responsible and informed form of ‘muddling through’ can be a useful way of redefining concepts, and to build up confident and respectful dialogue with local partners. To quote a participant at the World Humanitarian Conference in Istanbul in October last year, we need to “drink more tea.”<sup>86</sup> That is to say, we need to give ourselves a process that will allow time (in some cases, generations) and opportunity for certain practices and concepts to be understood and accepted by all stakeholders, and so enable positive changes in perceptions which will serve the interests of all.

A big question remains as to whether these steps towards a more popular, publicly legitimated environment for the delivery of humanitarian assistance will serve to be more inclusive, less controversial and so less contested. Evidence from recent statistics showing that national staff and volunteers experience seventy percent of the casualties is not encouraging in this regard (Fast, 2014). However, nothing will ever be uncontested: choosing to volunteer on behalf of humanity is itself a choice which challenges the authority of the non-humane. However, I hope that my study can help spur further research and contemplation on these critical issues.

## **Concluding Summary**

In examining how the realities and perceptions of humanitarian action have evolved over the last twenty years, my thesis has considered how different approaches, interpretations and activities in the operational environment of humanitarian aid form broad variations in the patterns of response. It has shown these variations at the conceptual level within institutional, organisational and political planning and preparation, as well as at the practical level of operations on the field. The case studies have shown that at both levels there is evidence of divergent understandings of the space in which humanitarian assistance is able to operate, and that this has led to a breakdown of trust, confidence and an increasing sense of distance from the actual needs of the populations affected. It has explored some of the reasons, looking at macro-level issues around geopolitical space and its manipulation by stakeholders, as well as the diverging mandates and activities within those working in the humanitarian arena. It has considered contended values at a more personal level, including perceptions on behaviour,

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<sup>86</sup> Antonio Donini, World Humanitarian Conference, Istanbul, 24-28 October, 2013.

attitude and intention. These are issues which have been well examined and fully documented in academic scholarship and in organisational policy. My thesis suggests a fresh approach to considering how best to engage people affected by conflict and disaster that places them as guardians of a popularly legitimated humanitarian response. The solution proposed is to locate this power of humanity within a space which is at once inclusive of the broadest representation of public needs after a crisis, but realistic and definitive in its expectations. It proposes that the moral force of ‘voluntary service’ be the driver towards framing this least-contested niche, and calls for a bold, new conception of the global locus for its authority.

My study recognizes the risks which such a transformation inside the humanitarian arena could pose. Current tensions arising from integration and institutionalisation within the international framework described in my thesis could be replicated at a national level in the new architecture. Humanitarian activism risks being adopted and co-opted by forces removed from the spirit of voluntary service. At essence, it urges a courageous acknowledgement by all stakeholders to recognize the authority which lies in the ‘modesty’ of the traditional humanitarian idea – a recognition of the fundamental dignity and value of common humanity.

My thesis has explored Barnett’s argument that humanitarianism is not to be treated as a coherent whole but “as a concept in motion that has several enduring tensions”, consisting of multiple humanitarianisms which combine ethics that are simultaneously universal and circumstantial (2011: 21). It considered the tensions framed by the forces of destruction, production and compassion which he identifies as having combined to generate three discernible ages of humanitarianism, and attempted to analyse how accurately these arguments continue to be reflected in the contemporary humanitarian environment. Of particular interest in my thesis is the appearance of a shift in the notion of traditional state authority amongst modern struggles for power, most notably as evidenced in the ongoing conflicts in Iraq, Syria, and parts of Africa, and how this will position humanitarian work in support of affected peoples. My analysis considered arguments related to globalisation about growing world interconnectedness and its social and political implications, and whether we are entering a ‘fourth age’ of humanitarianism that requires some radical re-organisation in the way it inter-acts. The crises in capitalism and statism, and the impact of cultural social movements which Hayden and el-Ojeili (2009) see as characterising the emerging new world endorse arguments of the messy complexity of human order, which, as their study suggests, requires consideration of justice and order across state borders, as well as within (ibid: 5). Amongst the solutions I offer

is the need for a positive recognition of this ‘messiness of humanity’ in our globalised world. A revised framing of the humanitarian arena, incorporating an authoritative niche to provide an essential clarity of least-politicised actors in this (presently) disordered new structure, might be a critical step in this direction. Whilst iterating the risks of complacency and indifference emerging from institutional certainty of the ‘enchanted tools’ belonging to the modern humanitarian world, highlighted in Kennedy’s book on the ‘dark sides of virtue’ (2004: xviii; 21-35 and 352), my study supports the caution that “we cannot simply be satisfied with the supposed morality or the good faith claimed by actors. We need to grasp the new geography of conflicts and, with it, the new international political order” (Fassin and Pandolfi, 2010: 12-13). Marked by the cynicism of stakeholders in the current world order, and the consequent growth of radical movements such as Islamic State who announce a distorted echoing of acts of morality and good faith, a new, less enchanted, less innocent, but still optimistic niche is required to protect ‘humanity’ whilst these battles in the new age of humanitarianism are fought out.

My case studies have indicated the interplay between the tensions of destruction, production and compassion which Barnett sees as defining his three ages of humanitarianism. As he observes, these ages do not operate in isolation (2011: 22), but combine forces which close down certain opportunities and open up others, so shaping the way humanitarianism evolves. The forces of violence and destruction in Iraq, Sri Lanka and Burma were influenced by differing patterns of production – the processes of rebuilding and rehabilitation – and the (sometimes overwhelming) forces of compassion. However, as Barnett also observes, suffering and compassion cannot break down cultural divides; the rules of power and politics will always have a place, even in spaces of least-contested humanitarian action. But if, as my thesis suggests, we are entering a ‘fourth age’ then we await to discover the new tensions emerging from the cauldron of current conflict in our globalised world. My analysis suggests that popular forces in a ‘democratisation of aid’ will be one of the dominant drivers in this humanitarian arena.

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