Humanitarian Action in the Twenty-First Century: The Danger of a Setback

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Humanitarian action as envisaged by Henry Dunant, the founder of the Red Cross Movement, is both simple—it is based on the natural human tendency to respect a fellow human—and original—Dunant wished to apply that common sense principle in systematic fashion, even in war.

A fleeting glance at the past will help us appreciate what was original about humanitarian action as conceived by Dunant, why it goes beyond good intentions or mere charity. Until September 11, 2001, there was no reason to believe that the international community would be tempted by a simplistic view of the world to roll back the concept of humanitarian action that was born with the Red Cross. I do not wish to indulge in facile anachronisms, but will retrace the development of humanitarian idea and action and highlight the challenges as well as the risks of the twenty-first century for humanitarian action.

Ancient Greece (Fifth Century BCE)

War had limits for only some members of humanity. The extent to which the Greeks humanized war can only be understood in the light of their society's division into city-states, competition between which was natural and gave rise to regular conflicts in an attempt to establish which was the best. Fighting between cities of the same culture and the same religion was governed by unwritten rules (*agraphoi nomoi*). The city that lost was always at a disadvantage, but the victor had to respect limits to its conduct with regard to captives. Those rules were not a form of international law, however, as they applied only between Greek city-states, whereas there was no limit to the acts of violence that could be carried out against the enemy in wars between Greeks and barbarians (non-Greeks).

Ancient Greece therefore witnessed the first, very partial endeavor to use rules of law to regulate certain conflicts between Greek city-states. Whether or not those unwritten rules applied depended not on one's condition as a human being, but on one's membership in Greek civilization.

Religion and Respect for Human Beings

On the one hand, all the world's great religions (primitive religions, Judaism, Christianity,[1] Islam, the religions of the Far East) recommend that their followers treat other human beings with respect; on the other hand, each religion is linked to a people, to a culture (or is imposed on others as a

culture), and the notion of universality is therefore absent. In addition, violence is often a part of religious behavior, carried out to defend a god or a truth. In any event, it makes sense for every religion to consider itself the best, otherwise why believe? In most past and present conflicts, religious communities have identified with one of the parties to the conflict. The conflicts in the Balkans have provided ample proof of this, but the same thing has happened in the eastern Democratic Republic of the Congo, in Sri Lanka, and in many other countries in conflict. It was therefore not religions that originated and promoted the founding ideas of humanitarian law, neither in the distant past nor in modern times.

Christianity since the Middle Ages: Love, Compassion, Charity

Since the Middle Ages and until the twenty-first century, the notions of love, compassion, and charity, and the activities based on them, evolved principally along two lines:

1. One tradition used love, compassion and charity to fight the established powers. In the face of the self-assigned privileges of the rich and powerful, men such as Francis of Assisi (twelfth century), Joachim de Flore (fourteenth century), and, later, Giordano Bruno (sixteenth century) branded those notions as weapons in defense of the poor and the underprivileged. In some cases, their struggles ended in social and political revolt.
2. In another tradition, represented chiefly by the institutional church, those notions were applied only in respect of the faithful who followed the right path. In that case, nothing took precedence over the established order; charity toward the poor was a means of maintaining that order and a requirement for salvation, but had no intrinsic value. It can even be said that this tradition substituted charity for justice. Charity was the pretext for not dispensing the justice that could undermine the power of the rich and mighty. This tradition's purpose was to maintain and uphold a political and social order that was unconcerned by equal rights and used charity to contain any hint of rebellion on the part of the lower classes. In that context, the idea of universal humanitarianism had no scope to develop.

The dichotomy between the two traditions prevailed throughout Western Christian culture until the nineteenth century and constituted the political leitmotif of that period.

The Premises of the Modern Humanitarian Idea

A Christian Exception: St. Vincent de Paul

In the seventeenth century, St. Vincent de Paul adopted a systematic approach to poverty in France, with a view to its eradication. To that end, he established two structures, or religious orders: the Daughters of Charity and the Lazarists. St. Vincent de Paul's approach was original in that it tackled poverty as a social phenomenon and established structures to remedy it.

Unfortunately, the system was appropriated by Louis XIV, or more specifically his wife, Maria Teresa of Austria. St. Vincent de Paul's humanitarian endeavor was turned into "internment houses" run by the police, spelling a sad end to a pioneering humanitarian effort and protecting the hierarchical order of the time.

The Concept of "Humanity"

During that period—between the seventeenth and nineteenth centuries—Europe awakened to the revolutionary idea of a human being as an individual (Descartes, Spinoza, Kant, Marx, etc.). Whereas Christian charity as it had evolved in Western societies was compatible with social inequality, the modern concept of "humanity" considered every man and woman as equally "human." Without a doubt, the philosophical development of the concept of humans as individuals fostered the sociological advent of the demand that all men and women be treated equal, and hence the idea that any person, no matter what his social status, was entitled to respect without discrimination.

The First "Humanitarian" Operations (Late Eighteenth to Early Nineteenth Centuries)

1793: relief operation for French aristocrats forced to flee Santo Domingo during a slave uprising;

1812: earthquake in Caracas: the United States organized assistance by boat;

1821: aid for the Greeks (only) during their war against the Turks

Humanitarian action in time of war initially took the form of medical services provided by the armed forces for their troops. Those who pioneered such services were Ambroise Pare (sixteenth century) and Baron Larrey (1766–1842).

The eighteenth century saw the conclusion of the first agreements between combatants for the reciprocal use of hospitals.

1743: Battle of Bethingen—agreement between the Marshall of Noailles (France) and Lord Sain (England)

1759: Seven Years War—agreement between General de Barail and Henry Seymour Conway

Henry Dunant and Solferino

The Battle of Solferino in the Italian War of Unification (1859) marked a decisive moment in the modern concept of humanitarianism, thanks first to Henry Dunant and, subsequently, to the Red Cross in general and the International Committee of the Red Cross (ICRC) in particular. Dunant and the Committee of Five "invented" the principles that underpin humanitarian action to this day. They are based on three fundamental ideas:

The basic idea: A universal space, that of the victim, that respects the neutrality of the victims of war. Henceforth, aid would not be limited to one's own wounded but would be extended to all the victims. As Henry Dunant wrote in *A Memory of Solferino:* "The women of Castiglione, seeing that I made no distinction between nationalities, followed my example, showing the same kindness to all these men whose origins were so different, and all of whom were foreigners to them. '*Tutti fratelli*,' they repeated feelingly" (ICRC, 1986).

The second original idea: Those helping the victims must be part of the same space, the space of humanity. Humanitarian agents help all the victims as members of one humanity. To give effect to this idea, an independent organization, untainted by any military or political commitment, was founded; it was the voice of humanity in the midst of armed conflict. It soon came to be called the Red Cross.

The third original idea: At a time when all man's laws apparently ceased to exist when fighting broke out, Henry Dunant created a space for a contract. Certain laws could be applied universally even in the heat of battle. International humanitarian law was born. In 1865, the States signed the Geneva Convention for the protection of the war wounded, an international treaty that defined a legal space for humanitarian aid.

Thus, Henry Dunant and the Red Cross laid the foundations of contemporary humanitarian action, which seeks to treat enemies hors de combat as equals in humanity.

Contemporary Periods of Humanitarian Action

World War I

Previously a legal and moral authority, the ICRC—and the entire Red Cross—had now to start taking action. The First World War was different from wars of the nineteenth century in that it was total. It involved countries, economies, and populations on an unprecedented scale. The Red Cross was obliged to demonstrate that the principles and rules laid down in the law of war were applicable.

The ICRC went from being a moral and legal authority to an operational organization. Its main fields of action were prisoners of war, repatriations, and tracing activities. Forty-one delegates visited fifty-four prisoner-of-war camps. They repatriated a total of 700,000 prisoners; 1,200 volunteers worked at the International Prisoners-of-War Agency in Basel, restoring ties between prisoners and their families. Two million parcels were sent to prisoners.

In 1917, the ICRC was awarded the Nobel Peace Prize.

The Period between the Two World Wars

The first problem was *practical in nature*: What was to be done with the enormous infrastructure set up during the First World War? The fight against tuberculosis was one of the operations undertaken during this period. A Red Cross poster proclaimed: “Beat the Germans, beat tuberculosis.”

There then arose a *political problem*, for after the First World War, pacifism became a force to be reckoned with (President Wilson, Treaty of Versailles, the League of Nations, the Kellogg-Briand Pact). War was to be outlawed.

In order to deal with these two problems, the Red Cross organized itself into two international institutions. At the instigation of the President of the American Red Cross, the League of Red Cross Societies was established; it would be responsible for peacetime activities. The ICRC would specialize in wartime operations, and in humanitarian law and its dissemination.

During the same period, the Save the Children Fund (1919) and the precursor of a High Commission for Refugees (1921) were also established. Both organizations would deal with peacetime issues arising from war.

World War II

For the Red Cross, and in particular the ICRC, this war was marked by the questions and issues posed by totalitarian regimes (Bolshevism, Nazism).

Those regimes manipulated humanitarian aid for their own purposes. In 1921, for example, the USSR had demanded total control of the humanitarian assistance provided to the famine-stricken population of the Ukraine. Under the pressure of public opinion, the Western countries had caved in to its demands.

The Second World War also brought to light shortcomings in international humanitarian law. Specifically, it became apparent during the war in Spain (1936) that humanitarian law did not cover non-international conflicts. Nor did it afford protection to civilians in time of war.

Moreover, the totalitarian regimes, which rejected the international system of the League of Nations, also ignored humanitarian law.

The ICRC, for its part, strengthened by its success during the First World War, approached the humanitarian issues of World War II as though they were a repetition of the first. It focused almost exclusively on prisoners of war. Blinded by its operational approach, concerned to safeguard its activities, the ICRC made the tragic decision not to deal with civilians or the Holocaust. There were several heroic exceptions, the result of initiatives taken by certain delegates in the field. The most spectacular example was Friedrich Born, who saved an estimated 15,000 Jews in Hungary from the death camps.

The Postwar Period

After the Second World War and the horrors committed by the Nazis, the world felt the need to do all in its power to make sure such crimes were never again committed. In that atmosphere of widespread remorse, numerous associations were founded to help the populations of Europe, especially in the United States and among the religions communities (Catholic, Protestant, Jewish): the International Rescue Committee (IRC), Catholic Relief Services (CRS), Church World Services (CWS), the Joint Distribution Committee (JDC), CARE, Oxfam, to name but a few.

It was also during this period that most of the United Nations specialized agencies were founded; that the Geneva Conventions were renegotiated to include common Articles 1 and 3, and that the Fourth Convention, on the protection of civilians, was adopted. These new international instruments explicitly recognized that the ICRC was an “impartial humanitarian organization.”

Finally, the Refugee Convention was adopted in 1951.

This was a heady period for humanitarianism, for society and public opinion were eager to correct the serious mistakes of the Second World War.

The Cold War and Humanitarian Action: The Limits Set by Ideology

The universal, independent, neutral, and impartial approach was severely tested by the growing ideological tension and deepening cold war between the East and West blocs. On the one hand, the Soviet Union did not agree to apply humanitarian law and its principles in the countries and regions within its sphere of influence;[2] on the other, the West included the law in its arsenal of weapons against the East bloc. All this took place against a backdrop of public will to do good.

During the same period, the widespread struggle for decolonization brought humanitarian organizations face-to-face with liberation movements and the peoples under their control. Generally speaking, the organizations belonged to one of two schools:

Those influenced by the analyses on inequality and anti-imperialism (F. Fanon, S. Amin),[3]

Those guided by the position of American economist W. Rostow: that poverty fostered the spread of communism.

In the face of these global developments, of the rise and proliferation of liberation movements (the PLO, UNITA, the Sandinistas, RENAMO, etc.), how was the ICRC, the guardian of humanitarian law, to react? How should the law and practice be adapted to encompass these "new conflicts?" How could the basic principles and rules be recognized as applying to the victims of those conflicts? How could the ICRC contact all the parties? Obtain access to all the victims? These questions were the subject of protracted debate, and, in the end, the ICRC decided to adapt the law to the changed situation. That adaptation in no way signified that Henry Dunant's humanitarian principles were to be abandoned, but rather that their field of application was to be enlarged. The ICRC's decision resulted, in 1977, in the adoption of the Protocols additional to the Geneva Conventions.

At the same time, the "borderless" movement was launched as a different approach to the same issues. Doctors seconded to the ICRC by France during the Biafra war, deemed the organization's methods poorly adapted, too rigid and legalistic, to bound up with the authorities, and founded *Médecins Sans Frontières* (MSF, Doctors Without Borders) in 1968.

This new kind of humanitarian organization was set up to counter the ICRC, to circumvent the constraints of humanitarian law, which were seen as an obstacle to humanitarian action. Unfettered by diplomatic and legal considerations, MSF found it easy to be ironical about the timid approach of the Red Cross and the cowardice of the Untied Nations. It has covered interesting ground since then, for today MSF is one of the most fervent defenders of humanitarian law and has published a highly accessible handbook, the most complete manual for humanitarian practitioners in existence.

MSF and the organizations founded on the same model have a number of strengths and limitations. One of MSF's strengths is that it is a private association conducting private operations, which are therefore very independent and free. Its staff tends to go on brief but intense missions, and its operational policy is characterized by enormous flexibility.

In terms of limitations, MSF's political choices, especially during the early years of its existence, prevented it from being impartial (for example, in Afghanistan during the Soviet period, when MSF

doctors sided with the mujaheddin). The covert nature of certain activities precluded the development of systematic, large-scale operations.

Things have changed now. MSF's methods are much closer to those of the ICRC, and the ICRC has followed in MSF's footsteps and adopted a more informal style. What remains particularly different is the duty to bear witness, by which MSF staff members are bound, whereas ICRC delegates must follow a policy of discretion, chiefly in order to obtain access to places of detention and prisoner-of-war camps.

The 1980s: The Proliferation of Conflicts on the Periphery: "Le Tout-urgence"

The wars of liberation were followed by what Jean-Christophe Rufin called conflicts on the periphery. These were waged within the context of a return to the Roman *limes* policy, in which "imperial" interests did not extend beyond the limits of a concentric circle outside which war and chaos were allowed to rage. This new form of conflict was contemporaneous with the "dissolution of the bipolar order."[4] The proliferation of bloody and spectacular periphery conflicts, involving little activity on the part of the superpowers (Sri Lanka, Ethiopia, Cambodia) signaled a return to urgency. Humanitarian agents played on the emotions and troubled conscience of people in the West. This period of absolute urgency had its downside, as well. Were we feeding the victims or feeding war? Certain leaders, such as Mengistu in Ethiopia in 1995, considered it judicious, for reasons of internal politics, to foment disaster.

After the Cold War: Humanitarian Action in Spite of Everything

The fall of the Berlin Wall sparked somewhat rash predictions that conflicts on the periphery would end and humanitarians would be out of a job. In fact, the number of regional and local conflicts rose (Afghanistan, Angola, Sierra Leone, Liberia, the Balkans). The anarchic and chaotic nature of those conflicts made them extremely dangerous and rendered humanitarian work hugely complex, as it became more and more difficult to have access to the victims for security reasons. This period was marked by the almost total withdrawal of external political support for local wars. As a result, armed movements replaced their political partners with economic partners and embarked on business activities, at times forming alliances with private commercial firms. They also started to exploit territory or to plunder the population. They became incredibly diverse in nature.

In those circumstances, the plight of the civilian population became increasingly perilous (witness the famines in southern Sudan and Somalia). The ICRC, UNHCR, and the nongovernmental organizations (NGOs) all mobilized to provide emergency aid on an unprecedented scale.

Enter the States: The Politicization of Humanitarian Action

That situation—the proliferation of local conflicts and the growing number of victims who suffered as a result—was compounded in 1990 when the states burst on the humanitarian scene. During the Cold War, direct state intervention had been justified by the fight against "the other side." That justification wore thin after the fall of the Berlin Wall, and when the international community decided, at the behest of the Americans, to intervene in Kuwait, it invoked defense of the law. Those grounds soon proved insufficient. The concept of "peacekeeping," with its humanitarian veneer, was then advanced. Most "peacekeeping" operations had no clear political or military objective and in fact, troops were deployed for no purpose other than to facilitate the arrival of relief supplies for civilians or to bring in those supplies themselves. That is what happened in 1991 in Kurdistan (United Nations General Assembly resolution 688, 1991), and subsequently in Somalia, the former Yugoslavia, and Rwanda.

Those interventions were the tangible expression of the right to intervene. They were generally not well received by those concerned, who saw in them the risk of a new form of legal domination by the north over the south, by the rich over the poor. In practice, those so-called humanitarian interventions were not without political ulterior motives, and were thus selective.

Those interventions also served to heighten the confusion between humanitarian endeavor and military operations. In Somalia, the ambiguous mandate of the allied forces led them to become just another belligerent and resulted in their precipitate withdrawal. In Yugoslavia, international troops undertook humanitarian action while the population was decimated by a siege. In Rwanda, United Nations Assistance Mission in Rwanda (UNA-MIR) was not allowed to bring in more troops and the genocide could not be stopped. Confining the blue helmets to a humanitarian role gave rise to confusion. "How long will our governments persist in their hypocrisy?" Claude Malhuret wrote in *Le Monde* on August 20, 1992. "Incapable of deciding on a course of action, which they know public opinion demands, they instead get involved, to show that they are 'doing something,' in humanitarian assistance that does nothing to remedy the basic problem. How much longer will they try to make us believe that humanitarian action can take the place of political action?"

In reality, there is a wide gap between military humanitarian action and the principles promoted by Henry Dunant. In particular, confusion between what is military and what is humanitarian voids the principle that the victim and the humanitarian agent are neutral, which remains the *sine qua non* condition for the existence of a humanitarian space. The principle of neutrality cannot be implemented by soldiers, only by independent humanitarian organizations.

Post-9/11: The Risk of a Further Drift

The attacks of September 11, 2001, against the twin towers of New York's World Trade Center and the Pentagon in Washington, D.C., naturally represent a paradigm shift in international relations. They open a new phase in humanitarian action and present a major challenge to international humanitarian law.

Following the attacks, the United States decided to launch a "war against terrorism" that, to date, has taken the form of a war against Afghanistan and a pitiless international fight against terrorism and terrorists.

We are therefore faced with two different phenomena, even though they occasionally overlap. On one hand, we have an international war in Afghanistan in which the Geneva Conventions, in particular the Third Convention, apply. On the other hand, another struggle of another kind is being carried out against an international network (Al Qaeda); the American administration calls this a "war against terrorism." It in no way resembles traditional warfare and raises entirely new issues for humanitarian law.

It goes without saying that we must first affirm that humanitarian law is applicable in the international, American-Afghan conflict, and that it must be implemented as closely as possible to the terms of the Geneva Conventions. Strictly speaking, however, humanitarian law is not applicable in the "war against terrorism." We are nevertheless entirely justified in wondering how to classify the situation. In principle, it is a kind of police operation, but President Bush did call it a "war," and the means employed to wage it are indeed reminiscent of war. In addition, the parties represent a break with tradition in that one of them is transnational and transstate. But it is that sufficient reason to remove this new kind of war from the purview of humanitarian law, whose specific aim is to help and protect the victims of war?

In any event, the first step is to demand compliance with the existing provisions of humanitarian law where they are applicable and to do everything possible to ensure that the law does not crumble under political pressure. At the same time, the possibility to act must be ensured. Last, humanitarians must ponder the new challenges and deal with them.

Today, as during the bleakest period of the Cold War, there is a real and present danger that humanitarian law will suffer a setback, its principles subordinated to political interests. We must not allow that to happen, we must hark back to the origins of the law and ensure that the interests of the victims reign supreme.

Conclusion

The definition of humanitarianism and its history reveal an original notion dating from the Enlightenment and Henry Dunant: that humanity takes precedence over war, over politics, race, and religion. The concept of humanitarianism, moreover, has been incorporated into an international corpus of law. The principles must at all costs be preserved so that the victims can continue to be protected and assisted.

The twenty-first century has started with doubts about the law and the Geneva Conventions. Giving in to those doubts would be an unforgivable setback for humanity. Yes, we can become more professional; certainly, the different stages of humanitarian endeavor, from prevention to development, can be more fully integrated with one another. But the first requirement of humanitarianism is and will remain independence and freedom. All else is a matter of method, logistics, and the management of security constraints.

It would be disgraceful indeed if the twenty-first century laid open to question the principles laid down in the nineteenth, notably that humanitarian action aims first and foremost to restore man’s lost dignity, with no economic or strategic ulterior motives.