

## Humanitarian ethics and international relations: Contradictions or (re)conciliations?

*Virginie Troit* • Fonds Croix-Rouge française

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Continuing the theme developed by Jean-François Mattei and Pierre Le Coz in the last two issues of our review, Virginie Troit attempts here to clear the way for ethics in humanitarian action. In doing so, the author - general delegate to the French Red Cross Fund – considers both the context of international relations and the demands of humanitarian practices. Two constraints that, quite often, prevent NGOs from giving ethics the place that undoubtedly must be theirs.

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Ethics are consubstantial with the purpose of humanitarian aid. Yet there is little mention of it in reflections on international aid. Why is it that - in a sector built on international humanitarian law (IHL) since the creation of the International Committee of the Red Cross (ICRC) in 1864, and unlike in other human-centred sectors since the Second World War (medicine, medical research, anthropology) - no specific ethical approach has emerged. In working to “preserve lives” and even to “restore people’s ability to choose”<sup>1</sup>, can humanitarian action really do with-out a structured ethical approach to safeguard its fundamental principles? Although ethics seems to have gained ground over the last few years, as evidenced by the number of recent publications<sup>2</sup> and seminars on the subject, is this new-found enthusiasm a passing phenomenon or a response to a deeper need waiting to emerge at a more propitious time? The North-South dimension of humanitarian aid, its links with the global economy and the complexity of its missions are all factors generating contradictions, dilemmas and ambiguities - factors which, paradoxically, may have prevented organizations from institutionalising an ethical approach, despite the fact that these are everyday preoccupations for the NGOs now calling for one. This article endeavours to introduce humanitarian ethics into the balance of power specific to international relations. It sets out to categorise the so-called “ethical” problems encountered by NGOs so that practical solutions can be found through an extended dialogue in which those countries most vulnerable to crises must have a stronger voice.

### So-called “ethical” humanitarian issues

There are two major challenges to address in the ethical questions raised by NGOs. The first lies in the contradictions inherent to humanitarian action which become apparent as soon as it seeks to treat wounds without being missioned to prevent the cause, to bring order to chaos and to bring down borders that are shored up by power relations. It seems to us that the main cause of these paradoxes that aid workers have to deal with every day is their presence on the international stage - which probably goes a long way towards explaining the difficulty NGOs have with ethical positioning and debate. The second challenge resides in the diversity of the problems

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<sup>1</sup> Rony Brauman, *L’Action humanitaire*, Flammarion, 2000.

<sup>2</sup> Jean-François Mattei, *L’humanitaire à l’épreuve de l’éthique*, Les Liens Qui Libèrent, 2014. Hugo Slim, *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster*, Hurst & Co Publishers Ltd, 2015. Janusz Salamon, *Solidarity Beyond Borders: Ethics in a Globalising World*, Bloomsbury Academic, 2015.

encountered by aid workers and the consequential confusion between dilemmas that are directly related to ethics, difficulties of a more managerial or deontological nature and persistent taboos.

### Humanitarian aid, a contradicting intention

Whether we take Henry Dunant's approach when negotiating with governments and businessmen to develop the mandate of the Red Cross, or the creation of Médecins Sans Frontières, born in the wake of the Biafran conflict in which a multitude of state and transnational interests converged, or even the current crisis in Syria, a product of Middle Eastern geopolitics that has led municipalities in countries that are traditionally donors to open their own refugee camps, we cannot dissociate humanitarian assistance from its profound implication in the events played out on the world stage. If humanitarian action is an attempt to put a human approach back into crisis situations, the ethical aspects of its international deployment in places where state interests prevail raise a number of questions: "At the heart of humanitarian action are contradictions. They form its very essence and make it a source of paradoxical injunctions"<sup>3</sup>. In a way, it is the duality between the principle of humanity linked to the idea of universal solidarity and the reality of international politics that re-establishes the boundaries. The complexity of the situation is heightened by the withdrawal of the State, the emergence of new nations and the rise in power of transnational actors that are increasingly difficult to control. Indeed, humanitarian action, caught between the "risks of instrumentalization by public authorities" and the "risks of controversy" in the South<sup>4</sup>, is going through a period of uneasiness.<sup>5</sup> This deadlock in which it finds itself is caused firstly by northern organizations at risk becoming little more than subcontractors of major donors, secondly by the somewhat uneasy partnerships they enter into with companies, governments or other private groups in order to ensure an increasing amount and quality of activity and finally by the "erosion of the ideological context"<sup>6</sup> and thus of its symbolic attractivity. In the South, it is reflected in the desire by states to regain control of discourse and actions concerning them<sup>7</sup>, and the desire by populations to measure the effects of real change after years and billions of dollars' worth of international aid (US\$ 2,000 billion spent by rich countries on poor countries in 50 years)<sup>8</sup>. The humanitarian adventure is therefore in an embarrassing situation as far as ethics are concerned. Although consubstantial in its intentions, the problem lies in its international implementation, with its attitudes, practices and "behind the scenes" activities. According to the political scientist Ariel Colonomos, "Ethics and the theory of international relations are worlds apart"<sup>9</sup>. A barrier to humanitarian ethics, born in the battle field? Even realism, the most "pessimistic" pillar of international relations, does not exclude an ethical approach in that it incites, not aggression, but a pragmatic approach of responsibility<sup>10</sup>: so, *a priori*, there is no theoretical incompatibility. As for liberalism - closer to the legal framework incorporating IHL and seen as forming both a "social contract" between states to protect life and human dignity<sup>11</sup> and, according to Slim, the "backbone of humanitarian ethics"<sup>12</sup>-, it is also being put to the test. For these reasons it appears necessary to gather the means required for a critical look at the construction of this international law, at its non-compliance and the fact that it is

<sup>3</sup> Christiane Vollaire, Humanitaire, le cœur de la guerre, L'Insulaire, 2007.

<sup>4</sup> Christian Troubé, L'humanitaire, un business comme les autres ?, Larousse, 2009, p. 121.

<sup>5</sup> Tara R. Gingerich et Marc J. Cohen, «Turning the Humanitarian System on Its Head», Oxfam America, juillet 2015.

<sup>6</sup> Christian Troubé, L'humanitaire..., op. cit, p. 120.

<sup>7</sup> Jean-François Mattei et Virginie Troit, « La transition humanitaire », Médecine/sciences, n° 32, 2016, p. 211-216.

<sup>8</sup> Dambisa Moyo, Dead Aid: Why Aid Is Not Working and How There Is Another Way for Africa, Penguin, 2010, p. 28.

<sup>9</sup> Ariel Colonomos. « Éthique et théories des relations internationales », in Jean-Baptiste Jeangène Vilmer et Ryo Chung (dir.), Éthique des relations internationales, PUF, 2013, p. 39.

<sup>10</sup> Ibid.

<sup>11</sup> Vincent Bernard, « Il est temps de prendre la prévention au sérieux », Revue Internationale de la Croix-Rouge, vol. 96, Sélection française 2014/3 et 4.

<sup>12</sup> Hugo Slim, Humanitarian Ethics..., op. cit.

becoming obsolete. Humanitarian contradictions also include the ambiguities created by the sector's financing structure. Its complexity exacerbates operational difficulties, obliging aid operators to adapt to the very divergent cultures of its different funding agencies, which is often a source of tension. It is encumbered by requirements for standards and figures from funding sources, emotional rhetoric and image from private donors and communication and reporting from companies. And it is becoming increasingly risky to say no to these stakeholders. Finally, donation activity, long confined to the donor countries of the Organization for Economic Cooperation and Development (OECD), is no longer so clearly sectioned off from that of beneficiaries who now use new media to express themselves more directly. Contradictions to be understood more clearly and to be shared if we are to succeed in bringing ethics into the humanitarian equation.

### The operational dilemma

Dilemmas occur in all operational contexts and describe “a concrete situation, an ethical conflict in a given case”<sup>13</sup>. Although Dunantist principles, IHL and all the normative tools developed since the Geneva Conventions of course provide a framework for the action and conduct of aid workers, do they add up to ethics? Alex de Waal<sup>14</sup> refers to the “cruelty” of having almost systematically to transgress the principles of humanitarian action which are so defining and yet so difficult to adhere to on the ground when faced with contradictory demands or crises of conscience. It was to find answers to such dilemmas that the global health sector first engaged in ethical deliberation with regard to the AIDS epidemic. Aid workers are thus faced with a number of challenges: adjusting to the time-frame of an emergency; prioritising ethical “alerts”, coping with rapid staff turnover (six weeks for French Red Cross staff on Ebola missions in Guinea, three months for MSF staff in the refugee camps in Sudan, etc.) and positioning themselves between ethics of conviction and ethics of responsibility.

Furthermore, channels of communications are less clear in INGOs than in transnational companies. In seeking to share their dilemmas, staff can lose their way between their line-management in the field, their organization's governance and their executive management at headquarters. According to Michael Schloms, a dilemma cannot be resolved in such a way as to “eradicate all moral conflict and all ambivalence”<sup>15</sup>. Many organizations, when faced with particularly difficult missions choose ethics to guide them, but as they use a wide variety of approaches, “the coherency of humanitarian action”<sup>16</sup> is undermined. Mattei suggests drafting a humanitarian ethics charter as a common foundation on which each organization could base its specific ethical approach. MSF uses the notion of compromise as a reminder that no decision can be ideal, and defines the ethical challenge for actors as the “ability to negotiate the best compromise between their interests and those of the various political and military powers they have to compromise with”<sup>17</sup>. It is clearly on this issue of coherency that organizations need to consult.

<sup>13</sup> Michael Schloms, « Le dilemme inévitable de l'action humanitaire », *Cultures & Conflits*, 60/2005, p. 85-102, para. 15.

<sup>14</sup> Alex De Waal, “The Humanitarians' tragedy: escapable and inescapable cruelties”, *Disasters*, vol. 34, avril 2010, p. 130-137.

<sup>15</sup> Michael Schloms, « Le dilemme inévitable... », art. cit., p. 85-102, para. 32.

<sup>16</sup> Idem.

<sup>17</sup> Fabrice Weissman, « L'éthique de l'action humanitaire », in Jean-Baptiste Jeangène Vilmer et Ryo Chung (dir.), *Éthique...*, op. cit., p. 222

### The taboos of growth

When discussing ethics and humanitarian action, case-studies on fundraising, partnerships and communication are always cited as examples. But are they really about ethics? We consider the issues they raise more as shocks between cultures and positioning choices. Indeed, we are currently seeing a gulf develop between logics of growth and logics of solidarity which, in the field of humanitarian assistance, are at opposite ends of the spectrum. Ethics and non-ethics are becoming a matter of opinion between field personnel working alongside the beneficiaries and headquarters staff under pressure to optimise the return on marketing investments, “far removed from the not-for-profit” ideal<sup>18</sup>. On missions, the scale of the programmes, the professionalization underway since the 1990s and the norms and standards imposed by funding agencies<sup>19</sup> can bring forward a lot of questioning. “For those unfamiliar with the topic, the co-existence of professionalization and NGOs is not necessarily self-evident and creates a curious impression when arriving in the field for the first time. One is immediately brought face-to-face with a reality that is less about the altruistic acts of one’s imagination and more about massive logistical and operational deployment”<sup>20</sup>. Ironically, this gap between the professional realities of the field and the imaginary world of aid is perpetuated by the communication of the NGOs themselves, trapped into using whatever representations work best. Queinnec talks about the “logic of institutional entrepreneurship, based on an intense production of meaning as part of a strategy of ambiguity developed for external purposes”<sup>21</sup>. Indeed it is largely as a result of the representations developed by NGOS that private donors and volunteers take part in the “adventure”. The fact of being trapped in a vicious circle of representation is rarely mentioned. Le Coz<sup>22</sup> queries this difficult mix of emotions and business with reference to organ donations, suggesting that it could be interpreted as “ethical manipulation”. States in the South claim to be saturated by representations manufactured in the North that they are unable to shake off. As for the beneficiaries, those long-standing icons of suffering featured in the mass marketing campaigns of non-profits, they are beginning to disseminate much more positive images of themselves with their smartphones and via social media and networks.

So how do we raise the veil on profession-alization while continuing to attract as many voluntary workers, field volunteers and donations? How do we distinguish between ethical issues and reflections on risks linked to the organization’s brand? These are stakes that weigh heavily on the image of northern NGOs, as well as on perceptions of independence and impartiality within the missions. Finally, growth and crisis contexts do not sit well together. Humanitarian NGOs are particularly vulnerable to the risks of bribery, corruption and infractions<sup>23</sup>. They must of course adopt a critical stance and a pragmatic approach, but are deontological codes sufficiently well-developed and widely-enough promoted to stave off these risks and address the questions raised?

### Ethics in practice

In order to address the so-called “ethical” questions of humanitarian NGOs, the first phase is to categorise the problems because, as we have seen, many of them are not in fact related to ethics and their solution must be sought elsewhere. We suggest three priorities: strengthening the

<sup>18</sup> Christian Troubé, L’humanitaire..., op. cit., p. 120.

<sup>19</sup> Sylvie Ayimpam et Jacky Bouju, « Ethnocentrisme et partenariat : la violence symbolique de l’aide humanitaire », Les papiers du Fonds, Fonds Croix-Rouge française, n° 1, décembre 2015.

<sup>20</sup> Pascal Dauvin, « Être un professionnel de l’humanitaire ou comment composer avec le cadre imposé », Revue Tiers Monde, n° 180, janvier 2012, p. 825-840, et p. 826 for this quotation.

<sup>21</sup> Erwan Queinnec, « La croissance des ONG humanitaires. Une innovation devenue institution », Revue française de gestion, 2007/8, n° 177, p. 83-94, para. 25.

<sup>22</sup> Pierre Le Coz, Le gouvernement des émotions, Albin Michel, 2014, p. 79.

<sup>23</sup> Read the article by Malika Aït-Mohamed Parent in this issue.

development and respect of deontological codes, developing collaboration between ethical, legal and scientific approaches and institutionalising ethical consultation within organizations.

### Systematisation of deontology

Deontology<sup>24</sup> involves the development of codes for addressing clearly-identified situations. In the case of humanitarian action, it is up to each organization to gain a clearer understanding of the questions raised by its different professions (medicine, research, communication, advocacy, etc.), according to its fields of intervention and the contexts in which it works, and to examine them in the light of deontological codes existing in similar sectors. NGOs are then able to free themselves from their “founding myth”<sup>25</sup> and fully assume a process of successful professionalization that takes them closer to the private sector in terms of the means and certain methods of working, while preserving the characteristics that differentiate them from this sector, i.e. engagement and non-profit-making. It is, however, essential to place a strong focus on preventing bribery and corruption. NGOs are particularly exposed to this in situations where state-run services are failing or absent. Major scandals aside, it is essential to target the kind of day-to-day corruption that affects NGOs and, most of all - in the final analysis - the most vulnerable<sup>26</sup>. Deontological measures should be aimed first and foremost at the functions in the front line of fraud and corruption: the extended supply chain, human resources in operations and mission management. As highlighted by Olivier de Sardan, “apart from declarations of intent, self-pitying or exasperated observations and moralising condemnations, unfortunately there has been little analysis of the social mechanisms of corruption”<sup>27</sup>. Let us recall that the core humanitarian standard on “quality and accountability” was only introduced in 2015. This new guideline offers a set of nine commitments that organizations and individuals involved in humanitarian action can adopt in order to improve the quality of the assistance they provide and increase their accountability towards populations. Structured as performance indicators and accompanied by quality and evaluation criteria, these commitments also raise a number of questions: are they management tools or deontological codes, keys for a more ethical approach or a new and constraint-ing legal standard? The debate is open.

### The virtuous circle of ethics, law and research

So, between deontology and all the norms, laws and standards with which the humanitarian aid sector abounds, where do ethics fit in? While deontology addresses the clearly-defined problems of the profession, ethics complements this, without interfering, in order to deal with new situations through a process of dialogue or consultation leading to a deliberation. Ethics then serves to inform law when answers or behaviours are recurrent. The fear of redundancy between an ethical approach (guided by its four principles), humanitarian principles and IHL - that some may oppose - is unfound-ed, as these three types of approach (deontological, legal and ethical) must interact in order to adapt and evolve. Research has a role to play in this inter-action. The most recent publications promote the establishment of a virtuous circle between law and research so they can interact to change behaviours and avert the causes of suffering. This is also true of ethics. Slim says the same thing when, in studying the legal frame of humanitarian ethics, he

<sup>24</sup> Defined in Dictionnaire Larousse as “all the rules and obligations governing a profession, the conduct of those who exercise it and the relationships between their clients and the public”.

<sup>25</sup> Boris Martin, L'Adieu à l'humanitaire ? Les ONG au défi de l'offensive néolibérale, Éditions Charles Léopold Mayer, novembre 2015.

<sup>26</sup> Esther Duflo, La politique de l'autonomie. Lutter contre la pauvreté, tome 2, Seuil, 2010.

<sup>27</sup> Cited in Didier Fassin et Samuel Lézé, La question morale : Une anthologie critique, PUF, Paris, 2013. The article by Malika Ait-Mohamed Parent in this issue offers a useful complement to these reflections on corruption.

affirms that legal responses are not enough on their own. Ethical deliberation is also necessary<sup>28</sup>. Together they raise the question of moral responsibility, decisive in contexts where many lives are at stake, such as the bombing of civilians, generalised sexual violence, insecurity in health centres. New research is positioned at the crossroads of law, ethics and morality, with a focus on aspects such as the analysis of “moral disengagement” from violent acts<sup>29</sup> or the place of empathy and the fact of replacing it by standards<sup>30</sup>. Another idea worth exploring is to strengthen social science research into humanitarian action and link it more systematically to the results of action research and the trends identified in prospective research, while continuing to examine the dilemmas encountered on the programmes. Closer collaboration with universities in southern countries, citizen movements, the national societies of the Red Cross and the Red Crescent and local NGOs could also be a welcome contribution.

### Ethical consultation within NGOs: from individual cases to global solutions

In order to institutionalise ethical consultation within NGOs, an internal process must be developed that is complementary to deontology, but does not attempt to produce “ready-made” answers.

Mattei suggests transposing the medical ethics approach to the humanitarian sector<sup>31</sup>, disconnecting it from medical practice as such and preserving the essential aspect: the relationship with people in distress. However, two major dissimilarities between the two sectors need to be mentioned. Firstly, on an individual level, the relationship is not always a medical one. It exists over a limited time period and is linked to a state of crisis which may be latent, chronic or urgent. To the individual case, which may already be complex, we need to add the multi-dimensionality of the crisis from which neither the person in need nor the humanitarian actor can escape. Secondly, whereas the national medical sector – at least in countries which are sufficiently stable – is structured, with laws, strict standards and clearly established responsibilities, the humanitarian action sector is more heterogeneous. It is composed of private organizations, which can shift considerably within a system where actors overlap with each other at many levels, from the local to the global, and where there are not always clearly-defined decision-making channels and responsibilities, or even the same obligations and principles of precaution.

Drawing on the model of other sectors, ethics applied to the humanitarian sector can therefore shape medical ethics to its advantage. The theoretical contribution of the four principles of autonomy, beneficence, non-maleficence and justice defined by Beauchamp and Childress, is not only still valid, playing a crucial “benchmark role”<sup>32</sup>, it is also particularly useful for analysing an international situation in which “we are no longer the only ones in the world”<sup>33</sup>. The ethical approach must also be integrated into NGO management methods. Decision-making channels and partnership modalities must be revised, taking into account both the stakeholders map to which these NGOs belong and the distribution of responsibilities. They must learn - from their dilemmas and with the consent of the people concerned (when possible) - to organize discussions (or consultations). And they must comply with certain rules<sup>34</sup> and cancel asymmetries (of

<sup>28</sup> Hugo Slim, Humanitarian Ethics..., op. cit.

<sup>29</sup> Naz K. Modirzadeh, « Période sombre pour le droit international applicable aux conflits armés : un appel à l’engagement », Revue Internationale de la Croix-Rouge, vol. 96, Sélection française 2014/3 et 4.

<sup>30</sup> Ibid.

<sup>31</sup> Jean-François Mattei, L’humanitaire à l’épreuve..., op. cit.

<sup>32</sup> Ibid.

<sup>33</sup> Bertrand Badie, Nous ne sommes plus seuls au monde. Un autre regard sur l’ordre international, *La Découverte*, 2016.

<sup>34</sup> See Pierre Le Coz, “Ethical deliberation at the service of humanitarian action”, Alternatives Humanitaires, n° 2, mai 2016, p. 94-109.

knowledge and standards of living), authorities and discourse. A recent report establishes a clear link between ethics and the future of humanitarian action, whether in emergency situations or chronic crises, asserting that in remodelling humanitarian action we must set aside ideals and be “more honest, realistic and ethical in responding to people’s needs”<sup>35</sup>.

We see two pertinent ways of engaging in this ethical approach. The introduction of ethics into global public health - brought about by the AIDS epidemic<sup>36</sup> and spurred by patients associations - brought to light the dangers of relying on good intentions alone and the weaknesses of a world system that is unequal in its care and treatment of patients. In these respects, it usefully reproduces the dilemmas of humanitarian action. Indeed “global health” was very rapidly obliged to borrow processes from national medical systems to organize consultation and lead deliberations. Global health presents transnational perspectives similar to humanitarian action, making it possible to place the affected person at the centre while not being drawn into a solely care person/victim-based relationship. This distance is necessary for broadening the spectrum of ethical debate and under-standing where the real issues lie: in the field, behind the scenes in international institutions or within the boards of major companies (see the debate on the price of medicines)? The other way-in to an ethical approach is through the International Movement of the Red Cross and the Red Crescent. With actions overseen by the ICRC in wartime and actions focused on health, precarity and first aid in peacetime, the movement could adopt an innovative position on how best to introduce ethical consultation into the transnational NGO network and validate its universal scope. Raising awareness to ethics, training staff, setting up ethical committees, establishing responsibilities and learning lessons from the cases discussed would all provide opportunities for addressing these new issues, moving organizations forward and preparing them for the future. So, are we heading towards a new form of humanitarian action? “This new human-itarianism combines two approaches for avoiding situations of dilemma and ambiguity: pragmatism and politicization”<sup>37</sup>. Ethics, centred on vulnerable people and connected to the global aid system, is becoming the guiding principle for essential reflection, reform and measures - while remembering to examine dilemmas from a local perspective.

*Translated from the French by Mandy Duret*

### Biography • Virginie Troit

After spending eight years managing international projects (biotechnology), Virginie Troit joined the world of humanitarian action in 2004 when she launched corporate partnership within the Handicap International network. In 2007, she joined Médecins Sans Frontières’ regional platform in Dubai and then Abu Dhabi, as head of partnerships and fundraising. In 2011, she resumed her studies in political science. Her research led her to carry out a mission for the “Agence française du développement” (French Development Agency). She went on to help create the French Red Cross Fund, an entity devoted to research, under the chairmanship of Jean-François Mattei and became its general delegate in 2014. Virginie holds a Masters in Management (Higher School of Business), a Masters in Political Science (Panthéon-Sorbonne) and a diploma in ethics (Faculty of Medicine, Aix-Marseille). She sits on Handicap International France’s Board of Trustees and is a member of the Council of the UFR (Unit for training and research) “Sociétés et Territoires” (Paris 8) and of the Steering Council of *Humanitarian Alternatives*.

<sup>35</sup> Christina Bennett, Matthew Folley and Sara Pantuliano (ed.), *Time to let go. Remaking humanitarian action for the modern era*, Humanitarian Policy Group, Overseas Development Institute, London, April 2016. Translated from the English by the author.

<sup>36</sup> Ruth Macklin, *Ethics in Global Health. Research, Policy and Practice*, Oxford University Press, 2012.

<sup>37</sup> Michael Schloms, « Le dilemme inévitable... », art. cit., p. 85-102, para. 8.

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