

## Humanitarian work is coming up against a barrier: how can analysis help devise corrective strategies?

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Security incidents and the growing difficulties that non-governmental organisations (NGOs) are facing to gain acceptance are problems that are both also rooted in the very structure of the international humanitarian system. The author reviews the system's architecture and challenges the current funding model and the pressures brought about by anti-terrorism legislation. He calls for a reform of the funding system and argues that a debate is needed within French NGOs.

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Every year, a number of major security incidents shine a sharp spotlight on the general acceptance of humanitarian workers by local actors in conflict zones. Intentional violence may be perpetrated by international or local groups involved in armed conflict. This was particularly the case in 2020, with humanitarian workers falling victim to serious attacks.<sup>1</sup>

None of the three major families of international organisations, with their diverse mandates and legal frameworks, were spared: specialised United Nations (UN) agencies, the International Red Cross and Red Crescent Movement, and NGOs were all affected.

The polymorphic nature of humanitarian actors may in itself be a source of confusion and violence. The strategies and positions taken by one actor may, from the perspective of the warring parties, have an impact on the image and perception of them all.

### **A humanitarian constellation with multiple stakeholder approaches**

Describing and analysing – to differentiate – the various types of organisations is essential if we are to clearly explain the concept of “humanitarian work”, whose meaning is often vague in the minds of the general public both “here” and “over there”.

NGOs are private organisations governed by the national law of the countries where they are headquartered. They are not set up by a government or as part of an agreement between governments. Due to the nature of their work, NGOs may play a role at international level but do not necessarily have an official international status or mandate that underpins their existence of the work they do.

The formula “intergovernmental organisation” (IGO) refers to an entity created by treaty involving two or more nations on issues of common interest. IGOs have their own bodies to fulfil specific functions. Apart from rules governing the organisation's structure, there are provisions covering the aims of the entity and member rights and obligations. An IGO may have a global (like the UN) or regional (e.g., the Organization of American States or the African Union) scope. Unlike NGOs, by definition IGOs have a government mandate stating their mission and work areas. Moreover, they enjoy what is referred to in diplomatic parlance as “privileges and immunities”.

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<sup>1</sup> See in particular Philippe Ryfman, “Giving ourselves the means to fight against the impunity of attackers of humanitarian workers,” *Humanitarian Alternatives*, issue 15, November 2020, p. 144-151, <http://alternatives-humanitaires.org/en/2020/11/26/giving-ourselves-the-means-to-fight-against-the-impunity-of-attackers-of-humanitarian-workers/> [Editor's note].

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The International Committee of the Red Cross (ICRC) is hybrid in nature. As a private organisation, formed in accordance with the Swiss Civil Code, its existence does not stem from a mandate given by governments. On the other hand, the ICRC's functions and activities, the aim of which are to provide protection and assistance to victims of armed conflict, are determined by the international community of States, and founded on international law, more specifically the Geneva Conventions, which are some of the most widely ratified treaties worldwide. Consequently, the ICRC is acknowledged to have "international legal personality" or special status, just like any IGO. It benefits from privileges and immunity comparable to those of the UN.

Thus three types of humanitarian actors operate in conflict zones, motivated by the same desire to avert the most tragic effects of war, reduce the damage done to the civil population, and support the recovery and reconstruction that follow all sorts of destruction and injury caused by conflict. Three dynamic missions and three expectations converge: for the ICRC, to humanise war by establishing rules and limits governing the use of violence; for the UN, to safeguard peace and security by maintaining a capacity for countries to negotiate, and, in the case of NGOs, to enable citizens to play an active role in providing assistance.

Above and beyond their different legal statuses and specific mandates, the skillsets that they harness, and their individual financial resources, all three families nevertheless have inescapably close ties due to the need for operational coordination, as well as the need to secure and manage, in a concerted fashion, the funding required for responses to international crises. The three types of actor also identify with a set of fundamental principles that they claim to share and respect, namely the principles of humanity, neutrality, independence, and impartiality, the very principles that can be undermined by political reason.

### **Humanitarian NGOs in a position of weakness**

Despite the huge diversity of international NGOs, today they all seem jointly exposed to the same risk of paralysis in their delivery of assistance in war zones. This potential or proven "barrier" to taking action stems from a variety of overlapping mechanisms; they reflect a change in how "others view" what international NGOs are and what they do. Humanitarian workers now face a different reality to that of the founding moments of the "without borders" movement that emerged in the wake of decolonialisation. The symbolic power and tacit immunity that they enjoyed in the past have become significantly weakened. In the contemporary humanitarian movement born of "civil society", there are four mechanisms, four dynamic mission, if not four "temptations". The first two are firmly rooted in the past.

The "neoliberal temptation" has been present since the advent in 1945 of the very concept of the NGO, which already covered entities that differed greatly from the single French concept of *associations*, as theorised by Alexis de Tocqueville in the 19<sup>th</sup> century. This neoliberal approach can be seen today in the international humanitarian aid global financial model. The model relies on the random generosity of private donors for 25% of its funding, and optional contributions from a small number of States for the remaining 75%. Public funding failings force humanitarian organisations into the perilous – and sometimes ethically questionable – position of using emotional marketing. The practices of some international NGOs display signs of an often refuted and at times asserted liberalism, which is a regular source of conflict between the different organisations: the cult of performance management, justification of private funding as a mark of "freedom to chart their own course", defiance over the power of States, a desire to free themselves from any form of regulation/coordination, and sometimes hostile statements about the "competition" made by one NGO about others.

The second temptation of "Western-centrism" is evident, borne out by the sources of funding and the near-monopoly of NGOs from Western Europe and North America in international aid. Admittedly, an increasing number of NGOs from the Global South are financially and technically independent. This can only be a good thing, but the phenomenon is yet to have enough of an impact on the

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aforementioned near-monopoly. There is now more diversity among field managers in Western NGOs, but this is still not the case for their line managers and their headquarters “in capital cities”. Almost five years after the World Humanitarian Summit in Istanbul, there has been a failure to implement one of its recommendations, the call for humanitarian action to be “as local as possible”, aiming to increase resources for local actors so that they are able to provide assistance. The most recent available figures show that local actors in crisis countries benefit in only a small way from the annual global budget of almost 29 billion dollars, barely receiving 2.5% of the fund, despite the 2016 Istanbul Summit recommending that this figure gradually rise to 20% by 2020. On the contrary, 2020 saw a further drop in the funds managed by local actors.

Two other phenomena are now leading the way. Combined with the first two dynamics, they constitute obstacles which, in short, reinforce the prospect and even the reality of being a barrier to action.

The Covid-19 pandemic has brought with it an additional danger – the “temptation to withdraw”. The epidemic, which began spreading in early 2020, has led to massive State intervention to prevent social and economic collapse, even in countries where unbridled capitalism is championed. The return of the welfare state can be seen in these interventions. As a knock-on effect, beyond each country’s own response and rescue package, by inference the role of governments in funding international humanitarian aid is once again being questioned. The coordinated appeals made by the UN over the past decade have consistently revealed a shortfall in government funding of around 40% compared with the organisation’s expectations. For 2018, this represented a shortfall of roughly 10 billion dollars. A seemingly trifling amount suddenly when we see the funds deployed by developed countries to protect their economies. A real concern is emerging: the spectre of a reduction in public funding for international humanitarian aid is looming with the major global economic downturn. In a pessimistic, but not unrealistic, scenario, the entire global financial structure of worldwide humanitarian aid would be dramatically affected by a simultaneous drop in public funding from Organisation for Economic Cooperation and Development (OECD) countries – turning their attention to bolstering their own economies– and a “disengagement” from private funding raised by NGOs.

The “security temptation” is the most long-standing, as it first appeared in the aftermath of the 9/11 attacks on American soil. At the instigation of the then Secretary of State, Colin Powell, who stated that American NGOs were “force multipliers” and “part of the combat team”, the US engaged in the “war on terror”. This doxa became prevalent among the leading donor governments to humanitarian aid. And two decades later, it continues to inform global pol-icy and affect humanitarian aid.

Donors have an ambiguous stance on this issue. They channel most of their donations to war-torn countries, countries where religious radicalism is often a cofactor of violence. They task international NGOs with implementing initiatives but are averse to humanitarian workers negotiating, as is necessary, with all the actors in a conflict. As a result, we are witnessing a clear transfer of risk from the donor countries to the NGOs. The NGOs have to contend with rolling out emergency assistance, contributing to funding, peace-making, and their staff being wounded, kidnapped and killed when doing their jobs. Meanwhile, donor governments reap the political and strategic benefits of the aid provided on the international stage.

However, there is a lingering suspicion that humanitarian programmes may “fuel” terrorism, even though there is no documented evidence, let alone proof shared with the NGOs. Nevertheless, this theory underpins the cumbersome system of oversight (of project service providers, partners and staff) which drips down to procedures, to the point of saturation, and means that NGOs are faced with Kafkaesque dilemmas when transferring funds on the ground and paying expenses, such as team salaries.

Participating in the war on terror is not listed in the humanitarian worker’s job description. Henry Dunant, the father of international humanitarian law, did not choose between the Austrians and the French at the Battle of Solferino in 1859. Instead, he sided with the injured soldiers who accounted for 90% of the victims of the war. Nowadays, civilians account for 90% of the victims of violence, and they are further penalised changes happening in the war on terror.

Our mandate is centred on helping survivors, displaced people and refugees from all conflicts. This mandate is inextricably linked to the cardinal principles established by Dunant and endorsed by the UN. These principles are our lightning conductor. First, the principle of neutrality, meaning that we do not side with any of the parties in a conflict. Furthermore, modern-day conflicts rarely pit the conventional armed forces of rival States against each other. Instead, rebel groups often clash with the armed forces serving those who govern their country and challenge the legitimacy and the conditions of exercising power. Impartiality is the second guiding principle for humanitarian workers. We do not choose between good and bad sick people, good and bad casualties. Finally, the principle of independence means that we are not influenced by any donors or political authorities.

### **A disappointing National Humanitarian Conference**

As regards the security issue, French humanitarian NGOs had high expectations of the National Humanitarian Conference (*Conférence nationale humanitaire* in French) held in Paris on 17 December 2020. The fifth edition of this meeting, which was launched in 2012 to bring together civil society stakeholders and the State, was unable to make any crucial political decisions that would guarantee protection for humanitarian organisations and their ability to act.

The MP who moderated the terrorism round table started with the premise that not being a funding instrument for international terrorism was one of the humanitarian community's major concerns. Consequently, the participants immediately launched into a legal-administrative debate reflecting the technocratic drift in which the humanitarian movement has been caught in for several years.

The principles are therefore blown out of the water by the role that government funders, almost all from Western Europe and North America, want us to assume in conflict zones. We are symbolically being positioned against the terrorists, because governments want to involve us in the war on terror. This means that the humanitarian community is being placed in a potentially fatal polarised position. The precautionary principle of security for our field teams has been completely abandoned.

Our request that humanitarian workers should be globally exempt from anti-terror legislation fell on deaf ears. Our practical proposals to update the French Penal Code did not make it onto the political agenda in President Macron's speech.

It is still unclear how an additional measure, seeking to force us to "screen" people on our programmes, will be applied in practice by funders such as the *Agence française de développement*. This comes despite the fact that the president of the ICRC and the representative of the European Union, who were invited to express their views, unequivocally stated that this initiative should be scrapped. The stated intention is to check that aid beneficiaries do not appear in lists of people identified as belonging to terrorist groups. This measure exposes humanitarian workers in sometimes ultra-violent situations to appear as "grasses" and informers in the eyes of the rebel groups. This is a very serious and particularly worrying measure, and therefore constitutes a red line that international solidarity organisations must not cross. The enigmatic wording used by the president, "we will fully apply the principle of non-discrimination when allocating aid", will be the basis for our vigilance in this matter.

### **An obsolete funding model**

Staff compelled to play a role in the war on terror and consequently endangered, the risk of barriers to carrying out our work due to violence perpetrated by armed groups, and the risk of aid being criminalised, which has not been fully ruled out, are all obstacles that persist to some extent and, against the backdrop of an interminable pandemic, are compounded by concerns about whether it will be possible to raise the funding required to provide aid to the 235 million people in need in 2021.

All of these factors converge into a single imperative: the need to change the funding model, because

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financial power concentrated in the hands of a small club of twenty or so donor countries is now reaching its limits, challenging the future of humanitarian aid, which is now blatantly regarded as a soft power tool for donor countries. In more practical terms, the UN General Assembly needs to vote on the principle of a financial contribution made by all high-income countries to fund the annual financial reserve for international humanitarian aid. If the UN were to ratify the abolition of the system based solely on voluntary contributions, and instead opt for a compulsory contribution of 0.03% of gross national income paid by the hundred or so high-income countries, all the funding needed to cope with international humanitarian crises would be raised.<sup>2</sup>

**Create the conditions for shared evaluation in the interests of corrective strategies**

The above developments are the starting point for an evaluation of the risk of humanitarian work being brought to a standstill. They constitute a contribution to the debate that needs to begin. They form the basis for collective work on the issue. The first phase will be a seminar to be held in France on 1 April 2021<sup>3</sup>.

The aim of this remote meeting is to bring together the representatives of different types of humanitarian organisation and academics. The participants will exchange views and debate the issues in order to find answers to the following two major questions: is there a consensus among the various organisations about the deteriorating security situation in the field? What are the main motives and mechanisms which seem to be recurring cofactors and lead to violence against humanitarian workers?

A crucial first step is to have a shared evaluation, whether evidenced and/or perceived, of violence, a symptom with multiple root causes, and an analysis of the main causes of this violence. This step will help foster the conditions and agreement needed for further discussion sessions. We want other meetings to follow on from this “inaugural session” to prompt strategies and initiatives to counter this security issue, based on a shared foundation of agreed etiological hypotheses. The humanitarian system risks grinding to a halt, with all the inevitable repercussions on vulnerable populations, if we fail to address this issue now.

*Translated from the French by Gillian Eaton*

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**Biography • Pierre Micheletti**

A doctor and graduate of the *École des Hautes Études en Santé Publique*, Pierre Micheletti first worked abroad in 1985. He joined *Médecins du Monde* as a head of mission in Guatemala in 1987. He became the programme director in 1996, and was then elected as president, holding the post from 2006 to 2009. From 2008 to 2020, he has taught at Grenoble’s *Institut d’Études politiques* where he was co-course director for the master’s degree in *Politiques et pratiques des Organisations internationales*. He is the educational manager of the University Diploma « Santé-solidarité-précarité » of which he was the initiator at Grenoble Medical School. In 2014, he joined the board of *Action Contre la Faim*, becoming president in 2019. He is the author of numerous articles published in the French national press, particularly as a contributor to *Le Monde Diplomatique*. Pierre Micheletti is also the author, co-author and director of a large number of publications. His latest book, *0,03% ! Pour une transformation du système humanitaire international*, was published by Éditions Parole in 2020.

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<sup>2</sup> See the author’s latest book: *0,03 % ! Pour une transformation du système humanitaire international*, Éditions Parole, 2020 [Editor’s note].

<sup>3</sup> *Humanitarian Alternatives* will be an event partner [Editor’s note].