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Towards a renewed humanitarian approach to peace negotiations

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The involvement of humanitarians in political processes is a subject almost as old as the existence of non-governmental organisations itself. The author proposes to draw a renewed path, between ethics of responsibility and ethics of conviction.

Humanitarian action has been used on several occasions to justify political and military interventions, such as in Kosovo (1999) and Afghanistan (2001), and has been gradually integrated into State policies.[1] Since the creation of inter-State humanitarian agencies such as the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), humanitarian and political domains are overlapping, in what can be described as a dual process of the "humanitarianisation of public policy"[2] and the "politicisation of humanitarian agencies".[3]

This trend is opposed by a number of Dunantist[4] non-governmental organisations (NGOs) which advocate neutral, independent and impartial humanitarian action (namely the International Committee of the Red Cross – ICRC and Doctors Without Borders – MSF). On their side, Wilsonian[5] NGOs perceive their action as a peacebuilding instrument and are inclined to collaborate with States' political agendas.

Through an analysis of a series of interviews conducted with humanitarian actors, researchers and political mediators, we will highlight the tensions and synergies that exist between, on the one hand, humanitarian actors and their prerogatives and, on the other hand, peace negotiation actors and goals. Firstly, we will discuss how the mandates of different organisations shape a humanitarian field in which opposing perspectives on humanitarian participation in peace processes coexist. Secondly, we will explore how and by whom humanitarian issues are brought to the peace negotiation table. Finally, we will look at the "humanitarian-development-peace nexus" [6] as a source of tensions among humanitarians as well as between humanitarians and peacebuilding and development actors.

[1] Didier Fassin, *La Raison humanitaire. Une histoire morale du présent*, Seuil, 2010, p. 353.
[2] *Ibid*., p. 355.
[3] *Idem*.
[4] From Henry Dunant, the founder of the International Committee of the Red Cross.
[5] From Woodrow Wilson, former President of the United States.
[6] According to the "triple nexus" approach, humanitarians should not prevent themselves from working on development where this opportunity exists, especially in absence of development agencies. This approach is seen as endangering humanitarian action based on the fundamental principles of the ICRC.

Humanitarian action in a "shrinking"[7] humanitarian space: a matter of mandate

Access is considered granted to humanitarian actors in respect of international norms.[8] However, humanitarian access is often a matter of negotiation.[9] According to a researcher working for the Centre of Competence on Humanitarian Negotiation, each organisation has its own approach to humanitarian access negotiations.

It is true that some organisations and NGOs such as the ICRC, MSF, the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme share an overreaching mandate, which is "to provide assistance and protection to victims of armed conflicts in a strictly impartial, neutral and independent manner".[10] Nevertheless, they often work separately as they do not always read situations in the same way.

Humanitarian access negotiations can play a central role in political negotiations. In the framework of the Astana talks on Syria, negotiations on demining and humanitarian deconfliction were carried out by OCHA despite the scepticism of the United Nations (UN) towards a peace process perceived as questioning UN's own legitimacy in dealing with the so-called Syrian "political transition".[11] In this setting, the office of the UN Special Envoy for Syria tried to put humanitarian issues at the core of the political process. While OCHA took part in the political negotiations for Syria,[12] many Dunantist humanitarian NGOs such as MSF were reluctant: "MSF felt that it could jeopardise their neutrality. They said that humanitarian access should be granted without negotiations. […] They thought that the process was not working in the interest of civilians."[13] For its part, the ICRC participated in the Astana process "as a measure of last resort"[14]: "When the humanitarian space shrinks and when the space for advocacy and for promoting the rights of people affected by armed conflict shrinks, then the political space is what you need, if there is a potential for influence."[15]

A former head of delegation at the ICRC[16] recalls that the work of the organisation is grounded in the principle of neutrality.[17] However, the ICRC's mandate allows the organisation to play a mediation role when it is necessary for humanitarian reasons. At the time he was the head of delegation, his unit was called on by the governments of Rwanda and Burundi to solve a critical situation: a group of Rwandan

[7] Cynthia Brassard-Boudreau and Don Hubert, "Shrinking humanitarian space? Trends and prospects on security and access", *The Journal of Humanitarian Assistance*, 24 November 2010, https://www.jha.ac/shrinking-humanitarian-space-trends-and-prospects-on-security-and-access

[8] The Geneva Conventions regulate the provision of aid in armed conflicts (Art. 59 to 62 and 108 to 111; common Article 3), along with the Additional Protocol I (Art. 70).

[9] Emmanuel Tronc, "The humanitarian imperative: compromises and prospects in protracted conflicts", *Passways to Peace and Security*, 2018, no. 1(54), p. 59, https://www.imemo.ru/files/File/magazines/puty_miru/2018/01/03_Tronc.pdf

[10] Interview (Geneva, 21 November 2018) with an analyst at the Centre for Competence on Humanitarian Negotiation.

[11] Mohammed Cherkaoui, "From Geneva to Sotchi: the revolving-door diplomacy of the Syrian crisis", *Al Jazeera Centre for Studies*, 25 March 2018, https://studies.aljazeera.net/en/reports/2018/03/geneva-sochi-revolving-door-diplomacy-syrian-crisis-180325121148376.html

[12] On 22 February 2018, OCHA pleaded with the UN Security Council to end the killing of civilians in Eastern Ghouta. This was followed by the approval of Resolution 2401 by the Security Council, which established a temporary cessation of hostilities (Alice Debarre, "Humanitarian action and sustaining peace", *International Peace Institute*, March 2018).

[13] Interview, note 10 *supra*.

[14] Interview with André Picot (Geneva, 27 November 2018), Course Director on Humanitarian Negotiation, Geneva Centre of Humanitarian Studies, former ICRC Head of Delegation.

[15] *Idem*.

[16] Interview, note 14 *supra*.

[17] According to Common Art. 3 to the Geneva Conventions, the ICRC, as an independent body, can offer services to the parties to a conflict, particularly in relation to the securing of human conditions for "individuals taking no active part in hostilities (i.e., civilians) or that are hors de combat (prisoners, the sick or wounded)": Johanna Grombach Wagner, "An IHL/ICRC perspective on humanitarian space", Humanitarian Practice Network, January 2006.

citizens in Burundi sought refuge in their embassy to escape from Burundian armed forces. Here, the ICRC managed to avoid an escalation of tensions between the two countries and monitored the Rwandan citizens' screening and interrogation by the Burundian armed forces.

Humanitarian issues brought to the peace negotiation table

Benjamin Smith, a former mediator at the Mediation Support Unit within the UN Department of Political Affairs, argues that humanitarian issues can be used by mediators as "entry points" into negotiations to start a dialogue between the parties: "From a political point of view, it is a tempting tool to use, although humanitarians may not use it like that. It is a good entry point because it is something that almost everyone can understand and, to same extent, it can unite positions." [18] For instance, during the negotiations for Syria, he argues, humanitarians and political mediators shared a common interest – the ceasefire – which was also the first issue to be negotiated by the parties and the primary interest of humanitarian actors operating in the field.

However, oppositional dynamics persisted between political and humanitarian actors: while the UN Special Envoy used the ceasefire as a springboard for obtaining substantial political gains, humanitarians, despite a certain tolerance towards this strategic use of humanitarian issues, did not publicly show their support for the political process.

Referring to his experience in ceasefire negotiations in South Sudan (2014), Benjamin Smith considers that humanitarian concerns represented a "useful and strategic tool to move the process forward […], trying to create a temporary ceasefire". Thus, they can be an advocacy tool used by UN-led mediators to put pressure on the parties: "So, typically what you have will be to put pressure on the parties and to say, 'look, this number of people have died, this number of people are suffering, we have a potential famine, this is all your people, you [the government] have a responsibility as the leader of your people'."

Some argue that "mediation is most fruitful when failure to reach an agreement is precipitating an emergency".[19] In this sense, shedding light on a humanitarian crisis is a useful tool to highlight the urgency of a peace agreement in which the parties should address the root causes of the conflict.[20]

As a practical tool, humanitarian information can be used to realise a particular goal, such as a ceasefire facilitating the work of humanitarian relief agencies: "You might say, 'we may have an outbreak of polio in this particular city, therefore we are going to open humanitarian corridors to vaccinate the population, so we need two or three days.' And this is technical humanitarian information, which is not so much used for political purposes but to concretise a particular goal."[21]

In Yemen, humanitarian organisations adopted different approaches to peace negotiations. The United Nations Children's Fund engaged in localised negotiation and mediation with community leaders. Given that international and regional parties to the conflict hold significant power in terms of providing humanitarian aid, the UN agency put pressure on the political parties and on the UN Envoy to sensitise them to the needs of the civilians. For its part, the UNHCR considered that political negotiators should raise the flag on the humanitarian consequences of a conflict in peace negotiations,

[18] Interview with Benjamin Smith (Geneva, 23 November 2018), a former mediator in the Mediation Support Unit within the United Nations Department of Political Affairs.
[19] Marieke Kleiboer, "Understanding success and failure of international mediation", *The Journal of Conflict Resolution*, vol. 40, no. 2, pp. 360–389 (p. 362).
[20] *Ibid.*, p. 382.
[21] *Idem.*

while humanitarians cannot be expected to operationalise this discourse. According to MSF in Yemen, humanitarians should not take part in political processes, especially because humanitarian aid is almost entirely financed by the conflicting parties. Otherwise, the perception of MSF's neutrality and independency would be at stake.

The humanitarian-development-peace nexus: a matter of perception

The humanitarian-development-peace nexus is a concept that generates debate among humanitarians who are not all convinced by the idea that the three fields should cooperate – especially in situations of protracted conflicts – in developing common actions such as joint assessments of "peacebuilding capacities".[22]

The ICRC warns against the difficulties stemming from this approach with regard to the need to maintain a clear humanitarian position of neutrality and independency. According to André Picot, even though local Red Cross chapters are frequently involved in joint missions with the UN, the ICRC is sceptical about the UN-driven integrated approach, which is seen as weakening the work of Dunantist humanitarian organisations by "shifting their focus away from norms".[23]

In situations of low-intensity protracted conflicts, the long-lasting presence of humanitarians means they are exposed and forced to deal with deeply rooted political matters. This has significant implications in terms of humanitarian actors' perception. Indeed, since humanitarian action requires constant negotiation with local authorities, humanitarians can be seen as accommodating the interests of the political parties.[24] Therefore, in protracted conflicts, humanitarians frequently engage in "development programming".[25] For instance, in Colombia, a situation of both protracted conflict and political transition, humanitarian action has been strongly linked to development and peacebuilding. Here, the government has considered humanitarian action as an instrument that "supports"[26] the political transition. As far as UN humanitarian agencies are concerned, Benjamin Smith believes that the humanitarian space, traditionally conceived as independent, is no longer a reality on the ground: "When you come across conflicting parties, if you are the UN, it does not matter whether you are UN humanitarian or UN peacekeeping or human rights, they see you as the same thing." Thus, he adds, despite the usual "clashes behind the scenes" between humanitarians and peacekeeping actors, the former increasingly cooperate with peacekeepers. "These days, humanitarians are not so militant. I mean, they understand the need for coordination and the overarching political imperative to try and stop the fighting. So, they talk to political people, but they do not want to advertise outside the fact that they are involved in any political aspect."

Instead, from the Dunantist NGOs' side, Jean-Marc Biquet explains that local perception is a crucial issue for MSF since it has an impact on the working conditions of humanitarians and the population they are

[22] Masayo Kondo Rossier, "A review of practices and expert opinions: linking humanitarian action and peacebuilding", The Centre on Conflict, Development and Peacebuilding, no. 7, 2011, pp. 1–87 (p. 43).
[23] Interview, note 10, *supra*.
[24] For instance, as a consequence of the protracted conflict, the mandate of the ICRC, as far as the monitoring of Palestinian detainees' conditions in Israeli detention facilities is concerned, was highly politicised by both Israeli and Palestinian authorities.
[25] Emmanuel Tronc, "The humanitarian imperative…", *art. cit.*, p. 55.
[26] Rob Grace and Julia Brooks, "Humanitarian action and the politics of transition: the context of Colombia", Harvard Humanitarian Initiative, *ATHA White Paper Series*, September 2015, p. 2, https://hhi.harvard.edu/files/humanitarianinitiative/files/atha_wp-colombia_final.pdf?m=1610651308

there to help.[27] Bringing up MSF's experience in Angola, where the UN asked the NGO to stop delivering aid to the families of the rebels because it undermined the peace process, Jean-Marc Biquet considers that humanitarians cannot accept peace at any price and that MSF needs to preserve its neutrality and independence with regard to the conflicting parties. In this sense, humanitarian action should not be treated as a tool for leveraging political compromise. In this sense, peace and humanitarian action are necessary but separate domains.

As such, the nexus framework promoted by the UN's Integrated Approach comes against resistance from the Dunantist organisations since, as far as they are concerned, peace and humanitarian agendas should take two different paths. According to Benjamin Smith, although it is understandable that MSF does not take part in a peace process (it is not their "role"), humanitarians "will always appreciate political negotiations that lead to a solid humanitarian outcome".[28]

Between ethics of responsibility and ethics of conviction

Traditionally, humanitarian actors see their action as independent from peace negotiations. However, depending on their mandates and contexts of operation, they may consider these processes as a matter of interest, especially when they struggle to seek access to a conflict zone and call for a ceasefire.

In political mediation, humanitarian information can be used strategically. At the same time, humanitarian actors – especially Dunantist NGOs – are reticent (if not totally opposed) to publicly showing support for peace processes.

It seems that humanitarians respond to political actors by claiming not to share the same "politics of life".[29] For instance, MSF invokes its responsibility to save lives and rejects any political pressure calling for the provision of aid exclusively to the "good" parties to the conflict. Consequently, the NGO opposes a specific "politics of life" at the demands of political actors by defending the core aim of its action: to save lives.

Regarding the oppositional dynamics between distinct ethics, namely Weberian ethics of responsibility and ethics of conviction, humanitarian issues can either be used in a strategic way, by political mediators, with the aim of reaching a political accord on a "more crucial" political topic or treated as central issues, as they are by humanitarians.

In this sense, by bargaining humanitarian access for political stability and asking humanitarian NGOs to stop their activities in order to facilitate a peace process, actors engaged in mediation seem to act according to ethics of responsibility. Meanwhile, humanitarians, who consider that humanitarian matters hold primacy over political considerations, pursue ethics of conviction.

Although it is necessary and vital that actors keep on working according to their own organisational ethics, it is also possible to shape peace negotiations in a way that allows for a systematic prioritisation

[27] Interview with Jean-Marc Biquet (Geneva, 19 November 2018), PhD in Global Health, MSF Head of Mission, former teacher and researcher at the Geneva Centre of Humanitarian Studies.
[28] Interview, note 18, *supra*.
[29] Didier Fassin uses this terminology in relation to humanitarian agencies whose "politics of life" establish differences – in terms of value – between the lives of the victims (the "rescued" lives) and the ones of humanitarians (the "exposed" lives). The author reflects upon the fact that humanitarians need to balance these two lives when assessing the pros and cons of operating in a given context (Didier Fassin, *La Raison humanitaire…*, *op. cit.,* p. 359).

of the considerations of humanitarian interest. Since the latter can unite actors engaged in conflict resolution, mediation or humanitarian action, it should be put at the core of negotiations as an issue to be treated as urgent and fundamental in its own right.

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Irène Lizzola is a PhD candidate in Political Science at SciencesPo Bordeaux (France), within the *Les Afriques dans le Monde* research unit. Her PhD research focuses on the transnational circulation of advocacy practices and normative standards in the domain of human rights. In her thesis, she studies human rights NGOs' advocacy practices oriented towards security governance and criminal law reforms in Morocco. Irène holds a Master of Advanced Studies in Transitional Justice, Human Rights and the Rule of Law (The Geneva Academy) and an MA in Ethnology and Social Anthropology (EHESS). She conducts her research in the fields of the anthropology and sociology of law as well as international political sociology.

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